

Research Article**The Relation between the Right to Self-determination of People and Exercise of Democracy in a Democratic Society****Mahin Javanmard**¹The Scientific Mission Member of Islamic Azad University,
Varamin Branch, Iran.**ABSTRACT**

The right to self-determination of people is a comprehensive right, that is, it includes all nations so that they are obliged to observe and exercise it. It also covers all political, economical, social and cultural dimensions. Democratic approach could meet different requirements relating to this kind of right in the framework of international human rights and the right to self-determination of people. Democracy and effective, free, fair, active and comprehensive participation are considered as necessary democratic essence in order to use democratic approach in the right to self-determination of people. Realization of participation of all social groups such as national, linguistic, ethnic, religious and native minorities and people especially woman in multi-national and multi-cultural societies will be occurred in the light of democratic development and reinforcement, democratic governorship, democratic movements and realization of the right to self-determination of people. In this regard, only the admission of multi-cultural and multi-national citizenship will be led to this realization.

Keywords: The Right to Self-Determination of People, Human Rights, democracy, Participation, Multi-nationality, Multi-culture

INTRODUCTION

Since the application for the enforcement of "the right to self-determination of people" is often occurred in multi-national and multi-cultural countries, we try to study the importance of liberty, existence of democracy and necessity of revision in its liberal meaning and finally, the comprehensive, active, fair, effective and free participation. It is worth noting that existence of liberal movements, realization of democracy and providing necessary preparations for the realization of intended participation are considered as important elements to realize the democratic approach towards the right to self-determination of people in the framework of international human rights.

The meaning which is offered in most international instruments and sources is that all people and nations have the right to self-determination by which they could follow their political status and the way towards

Exercising democratic approach towards the right to self-determination of people of the framework of international human rights is depended on the materialization of democracy which not only considers individual rights but also collective rights. In other words, democracy will be effective and beneficial for the proposed approach because it considers all cultural, social, economical, civil and political rights. Only such a democracy is able to provide necessary grounds for active, fair, effective and free participation of all minorities (national, ethnic, religious and linguistic) and people.

In order to realize the executive scope, content and meaning of the right to self-determination of people, it is better to take a precise look at the history of emergence and development of the meaning and concept of determination and then to analyze the meaning, features and dimensions of the right to self-determination.

2. Democracy, participation and the right to self-determination of people

A) Democracy and the right to self-determination of people

International Peace and Security, their development and their close relationship with human rights and the right to self-determination of people are mentioned in the introduction of Article 1 and Article 55 of the character of the United Nations. In practice, it had been enacted objectively before 1990 and was considered as one of the aspects of human rights, while international lawyers had been rarely dealt with democracy before 1990 (Fox & R. Roth, 2000: 1). But termination of Cold War, termination of ideological and doctrinal attitudes and onset of liberalism and democratization wave led to inclusion of democracy in new dimensions of human rights (Simonids, 2004: 1-3). It also provided the possibility of a consensus between countries about democratic though existence of relationship between human rights and democracy and the right to self-determination.

The Universal Vienna Conference about human rights (1993) studied the relationship between development, democracy and global enjoying all human rights and so, "Declaration of Vienna and Action Plan" approved by this conference encompassed following desires of all people and nations: "establishment of an international order based on promoting and respecting human rights and fundamental freedoms for all people; respecting principles of equal rights and right of self-determination of people; respecting peace, democracy, justice, equality, rule of law, pluralism, development and better standards of life and correlation (Simonids, 2004: 3). There is no doubt that only democracy is really able to guarantee the human rights (Beetham, 2004: 39-41), because there is an inherent relationship between democracy and human rights and in fact, human rights is considered as an integral part of democracy while democracy in turn requires to be enclosed to human rights".

B) Importance of participation and exercising the right to self-determination of people

economical, social and cultural development (Seifi, 1995: 252). It is clear in this definition that the right to self-determination of people is determined in a general form and no limits are known for it.

1. Features, Content and dimensions of the right to self-determination of people

A) Features and Content of the right to self-determination of people

In order to deal with the features of the right to self-determination of people, not only it is necessary to consider international instruments and resolutions but also the process of right formation and the effects of right. Article 1 of International Covenant on Civil and Political Rights and International Covenant on economic, social and cultural rights and different resolutions on General Assembly say that the mentioned right is a comprehensive one. In other words, it covers all people and nations; therefore, all countries are obliged to enforce it. It also encompasses all political, economical, social and cultural aspects. As mentioned earlier, the right to self-determination of people means the realization of all rights of people and nations in political, economical, social and cultural aspects. This can be inferred from Article 1 of Joint Covenants and Clause 2 of Article 1 and Article 55 of Charter of United Nations.

B) Aspects of the right to self-determination of people

Basically, this right is divided in two aspects: external self-determination and internal self-determination. It is difficult to make separation between these two aspects. In this case, the Security Council defines internal self-determination as follows: "the right of populations in determining the status of their lands and whether they could act in a federal structure as a result of a democratic approach (Kamlelman, 1993: 6). In the case of external self-determination, it provides following definition: "The right of population to separate their relating lands from Indonesia Republic (Ibid)". Therefore, these aspects will be discussed separately.

should be recognized for all groups of national, ethnic, linguistic and religious minorities because enjoying full individual and citizenship right doesn't mean that national and cultural right of minorities is completely recognized and observed. In other words, in many cases, the right of individuals and citizens may be observed and respected while no equal respecting is considered for all minority groups and their rights (Mc Gary, 1998: 215-220). As mentioned in Article 21 of Universal Declaration of Human Rights and Article 25 of International Pact of civil and political law on popular participation, the right of participation should be interpreted as a topic which includes significations beyond sovereignty of majority irrespective of voting method (Hannum, 1990: 113) since democracy not only implies the process of majority election but also is considered as a way for settlement of disputes through legal and peaceful solutions (Feline, 2005: 86-87).

Notice that all citizens have equal rights and this idea is challenged by social movements and cultural policy of citizenship has shown that only some citizens have full individual rights (Nash, 2003: 190). That's why social movements (by using explicit application for enjoyment of full individual rights for different groups) social group (Ibid). Of course, as mentioned earlier, this is applied for the rights of minority groups in multi-national and multi-cultural countries concerning the women rights which are in precarious position due to unstable legal status. With regard to these considerations, we should say that citizenship is one of the sophisticated issues we encounter in creating a democratic society. Therefore, we should note that citizenship is not like nationalism because anyone can be considered as citizen, irrespective of having the nationality of the country he lives in. In many multi-cultural countries, especially non-European countries, national policies try to integrate minorities in order to reach a national league.

CONCLUSION

Existence of democracy and its essence (participation) are considered as basic

Right of participation is declared in Article 21 of International Declaration of human rights, Article 25 of International Covenant on civil and political rights, Article 5 of Convention on prohibition of racial discrimination, Article 9 of Convention on elimination of racial discrimination against women. Declaration of national, ethnic, linguistic and religious minorities in the United Nations General Assembly (1992) has emphasized on the importance of the right of these minorities on effective participation in Clauses 2 to 5, Clauses 5 of Article 4 and Article 5. Second Appendix of booklet 9 of Human Rights Higher Commissioner has studied the rights of local people and importance of participation of related organizations in administration of affairs. In addition, the United Nations General Assembly approved a resolution about "enhancing the effectiveness of the principle of periodic and genuine elections" for the first time in order to give more attention to participation and democracy. Note that, these discussions in the United Nations General Assembly are influenced by activities of International Conference such as "World Conference on Human Rights" and "International Conference of New or Restored Democracies" (Shayegan and et. Al, 2004: 60).

In this regard, we should pay attention to participation as essence of democracy. It must be remembered that liberalism is important in this process too. It is worth noting that democracy is basically requires participation. Interestingly, if we consider democracy as a word used for political systems (for example in a manner described in constitutional law), so using the word participation in its definition is strange. As specific decision could be democratic or non-democratic based on the number of individuals participated in decision-making process. At the same time, we can say that being democratic for a governmental system could be depended on voting system (Nelson, 2005: 61). In spite of the importance of participation, we should never ignore that only participation of all individuals and citizens is not sufficient but also right of participation

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prerequisites to accomplish democratic approach to the right to self-determination of people. Of course, democracy will be occurred only by providing and practicing free, active, equal and just participation of all groups, minorities (national, ethnic, linguistic, religious or native) and individuals. This issue plays an influential and decisive role in making, reinforcing and developing a civil society.

In addition, in multi-national and multi-cultural societies which have many different national, linguistic, ethnic, native or religious minorities, it is so important to pay attention to the level of participation by these minorities. In these societies, not only subjects and demands of minorities are necessary but also it is so important to provide grounds of participation for them to promote peace, to reduce the crisis and finally to provide, reinforce and develop democracy and democratic movements. Thus, admission of multi-cultural citizenship is considered as the best strategy to exercise democratic sovereignty, to obtain democratic legality and to exercise the right to self-determination of people.

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