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The Terminology of Cultural Diversity in Iran: Between UN Documents and the Iranian Legal System

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Abstract

The terminology surrounding minority issues in national and international law significantly influences the management of cultural diversity in nation-states. Ambiguities in terms such as ethnicity, people, nation, and indigenous, as well as conflicting legal interpretations, create challenges for defining and promoting minority rights. This paper examines how these terminological ambiguities affect minority issues in Iran, a context further complicated by securitized minority–state relations. Through careful examination of international law documents, national documents, and experts' views on the issue, we argue that there is no consensus on the nature of cultural diversity in Iran, much less on the categorization of Iran's minorities. In this light, Drawing on Kymlicka and Fearon, we argue that the insight offered by academic classifications of minorities can significantly improve the recognition of minorities and their rights in Iran and in the region.

Keywords: ethnicity; minority rights; international law; minority–state relations; cultural diversity; groupness

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Introduction

The international community has paid particular attention to human rights issues (including minority rights) since World War II. Difficult questions, however, remain about how ‘minorities’ are defined. How should international human rights norms distinguish different types of minorities? For instance, should ‘indigenous peoples’ have different rights from ‘national minorities’, or should ‘ethnic’ groups have statuses distinct from those of ‘linguistic’ or ‘religious’ groups? The international norms of minority rights have not adequately addressed the question of how to define minorities and how to develop general principles about their rights, while still recognizing the significant differences within and amongst linguistic, ethnic, or religious groups around the world. Such conceptual complexity can be observed in a range of international law contexts, including the definition of genocide and the right to self-determination. It is also an important topic of debate within academic multiculturalist circles and the practices of international organizations (see Kymlicka (2007) for an overview of the debate).

In this paper, we distinguish clearly among three key concepts that are often used interchangeably in public and academic discourses:

- *Ethnicity* refers to cultural groups identified primarily through shared language, traditions, and historical narratives, regardless of political recognition.
- *Minority* denotes a group in a non-dominant position within the state structure, whose distinct ethnic, linguistic, or religious characteristics set it apart from the majority population. This definition aligns with Capotorti’s classical formulation and emphasizes both demographic and political dimensions.
- *Indigenous peoples* are communities that claim historical continuity with pre-modern polities or territories and often invoke international frameworks such as UNDRIP for recognition.

The main reason for this complexity is that international law provides no clear answers to questions such as who qualifies as a ‘people’ or how concepts like ethnicity, nation, and people relate to each other. As José Bengoa argues, the “definition of ‘people’ is politically ambiguous and has referred to different realities at different times and in different situations” (Bengoa, 2004). One of the main factors that contribute to the lack of clear answers to the above questions is that there are no binding documents in international human rights that define vocabulary such as ‘people’, ‘ethnicity’, ‘minority’, or ‘nation’. The serious discord among states about the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) signifies that there is no universal legal-political consensus on the interpretation and application of such terminologies (Åhrem, 2016). This also suggests that, due to the differences between and within societies in terms of socio-political structures, perceptions of such concepts as groupness and ethnicity vary from one country to another. Furthermore, demarcating dynamic and fluid sociological concepts within the framework of rigid legal-political mechanisms is highly problematic.¹ Sinisa Malesevic

(2004) notes that ethnicity has many meanings, which makes it prone to misunderstanding and political misuse. He argues that both popular and legal definitions are flawed because they treat cultural differences as fixed and unchanging.

Due to the ambiguity surrounding cultural-diversity terminologies in international law, some scholars have attempted different approaches to address this issue. The categorization offered by Will Kymlicka in this regard is one of the most important of these efforts, and has greatly contributed to the current discourse on cultural diversity. Under the general category of ‘minorities’, Kymlicka (2007, p. 251) has established three subcategories, namely national minorities, indigenous people, and immigrants. However, despite Kymlicka’s emphasis on the inclusivity of his categorization, he stresses the differences between Western societies and other non-Western nations. From a different perspective, James D. Fearon (2003, p. 195) and colleagues in the AMAR Project (following the MAR Project), have contributed to the debate on cultural diversity terminologies by identifying 822 ethnic groups in 160 countries. The concept of ‘socially relevant’, which has been employed in this project as the basis of minority identification, makes AMAR distinctive in comparison with other similar lists. Although Fearon et al.’s list recognizes the social characteristics of minorities and the differences between societies (much more than politically motivated categorizations of minorities), it ignores the dynamics and mutability of the minority groups identified (Fearon, 2006).

Both Kymlicka and Fearon – as well as their critics – show us why international law mechanisms should adopt or develop a progressive method to introduce, define, and categorize minorities. Regardless of this fact that one general categorization – such as Kymlicka’s – would not apply to all societies, labelling 822 groups just as “ethnicity” might lead to serious problems. Drawing on these two approaches, we will attempt to illustrate shortcomings of the mechanisms of international law in dealing with minority issues in Iran.

As such, this article examines the historical experience of Iran. For this purpose, it: (1) shows the cultural diversity in the Iranian society; (2) reviews the internal documents of Iran (including the Iranian Constitution) about cultural diversity; (3) explores the negative consequences of this ambiguity in the terms and concepts of cultural diversity in Iran; and (4) based on Iran’s experience, suggests ways to resolve this ambiguity.

This study is based on a qualitative content analysis of three categories of sources. First, we reviewed primary UN documents, including the reports of the Special Rapporteur on the situation of human rights in Iran (2011–2018), the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD), and related Human Rights Council resolutions. These were selected because they constitute the main UN mechanisms addressing minority rights in Iran. Second, we analysed Iranian legal texts, notably the Constitution of the Islamic Republic of Iran, the Citizens’ Rights Charter of 2016, and official periodic reports submitted by Iran to the UN. These documents were chosen as they represent the state’s formal legal and political stance on cultural diversity. Third, we conducted semi-structured interviews with ten Iranian experts and community

representatives from different ethnic and religious backgrounds. Participants were recruited through purposive sampling based on their expertise or affiliation with minority communities. For security reasons, all identifying details are anonymized. Data from these three sources were examined thematically to identify recurring patterns, inconsistencies, and points of tension regarding the terminology of cultural diversity.

Cultural diversity in Iran: From society to constitution.

The regional structure of Iran, which is less than 150 years old, consists of 31 provinces (*Ostan*). At least 9 of them are named after existing cultural groups or ethnicities (*Qom*).² Only Khuzestan (the province inhabited by the Arabs of Iran) is named after an ethnicity that no longer exists. The dispersion of cultural groups is not limited to these provinces and the internal border system is not solely based on differences between cultural groups. However, some provinces are home to a single cultural group which constitutes the majority of the inhabitants. For instance, in Farsi, the names of the provinces of Lorestan, Kurdistan, and Baluchestan mean the homes of Lores, Kurds, and Baluchis, respectively.

There are no accurate official statistics on the ethnic population in Iran, perhaps partly due to some security concerns and also its highly mixed population (Ghanea-Hercock, 2003). The Statistical Centre of Iran has only published accurate statistics in the case of the nomadic population (*Ashayer*), based on a 2009 census. The three major factors which defined the nomadic groups in this census were: tribal social structures; moving twice per year; and animal husbandry as the main means of subsistence. Although the statistics provided are not directly related to ethnic groups, the core definition of the Iranian social subunit is significant. *Eel*³ and *tayefeh* are originally Arabic and Turkish words which could be translated as ‘clan’ or ‘tribe’. The term tribe can be translated into Farsi as both *ghabile* and *eel*. In contemporary Iranian social literature, there is no distinct difference between these two words and their meanings tend to overlap (Rahman Zadeh Heravi, 2013, pp. 52-59). However, these translations are less than accurate: *Tayefeh* is a kin-based community with common ancestors, while *eel* includes several *tayefeh* that are united due to blood or political/social relations. These two social subunits are not solely used to describe nomadic populations; in many parts of the country, people introduce themselves through their affiliation with such subunits.⁴

Also, a report to the UN Committee on the Elimination of Racial Discrimination (CERD) offers a version of the ethnic composition of Iran that emphasises its current provinces:

Province	Ethnic groups
Ardabil	Azeri
Chahar Mahal and Bakhtiari	Lor
East Azerbaijan	Azeri
Eelam	Lor and Kurds
Golestan	Turkmen
Kermanshah	Kurds

Province	Ethnic groups
Khuzestan	Arab and Lor
Kohkiluyeh and Boyer-Ahmad	Lor
Kurdistan	Kurds and Azeri
Lorestan	Lor
North Khorasan	Kurds and Turkmen
Sistan and Baluchistan	Baluch
West Azerbaijan	Azeri and Kurds
Zanjan	Azeri

Table: Current provinces and ethnic groups in Iran (UN Committee on the Elimination of Racial Discrimination, 2008).

It is not entirely clear why the above groups have been identified as ethnic groups, as well as how the government distinguishes between tribes and ethnic groups. One possibility is that, when the term ‘tribe’ is used in this document, the Iranian government means nomadic groups, as we mentioned previously.⁵

Iran’s modern nation-state is less than a century old, and its former structure included several autonomous regions. This helps explain why many Iranians still emphasize clan or *tayefeh* identities. With the existence of several quasi-independent governments in the recent history of the country, it is little surprise that tribal and clan identity still remain as important as ethnic identity in Iran. Thus, scholars of ethno-nationalism would argue that ethnic identity issues are relatively new in Iran and that the country is only composed of tribal structures (Maghsodi, 2002, p. 15). Other discussions focus on emphasizing the necessity of the detaching the ethnic system from the tribal system in Iran (Shirazi, 2016, p. 18). Besides, some sociologists, like Nafise Vaez, suggest that the absence of a strict boundary between terms like ethnicity, tribe, nomad, and clan leads to further confusion. She also states that “tribe, clan, nomad, and tribal confederation terms are used to address identical facts” (Vaez, 2009, p. 11).

Therefore, in order to understand the issue of cultural identity in Iran, it is necessary to evaluate the history of Iran’s modern nation-state and to emphasize the fact that Iran is one of those nations with “a navel”, as Ernest Gellner and Anthony Smith have stated (Gellner & Smith, 1996, pp. 367-368). Furthermore, when Kymlicka (2007, pp. 60-62) discusses why and how minority issues relate to understanding nation-states in general⁶, it becomes clear that in order to realize the question of identity and the minority structure in a country, we should address the character of the nation-state and the history of its emergence.

Constitution of the Islamic Republic of Iran

Even though it is written in the chapter on the “rights of the people” in the Constitution (Article 19: “The people of Iran enjoy equal rights, regardless of the tribe or ethnic group to which they belong. Colour, race, language, and other such considerations shall not be grounds for special privileges”), the Constitution does not recognize ethnic groups as minorities.

According to Article 13, three religious groups (Zoroastrian, Jewish, and Christian) are recognized as minorities. But there is no national structural recognition of ethnic diversity in Iran's Constitution. Even though the term minority is not used for ethnic groups in the Constitution, linguistic diversity has been recognized. What can be observed in public and official discourse whenever the government wants to address different cultural-social subunits is an emphasis on language as a distinguishing indicator. For example, cultural groups have been called Iranian "speakers of Arabic", "speakers of Azeri", "speakers of Kurdish", or "speakers of Baluchi" (*Arab, Azeri, Kurd, or Baluch Zaban*). Hence, in the formal vocabulary of the Iranian government there are different languages but no different peoples or nations: there is no Arab people, no Kurdish nation, and no other ethnic minorities.

It is therefore crucial to emphasize that the Iranian Constitution draws a sharp line between *religious* and *ethnic* groups. Articles 13 and 14 explicitly recognize Zoroastrians, Jews, and Christians as religious minorities with specific legal rights, including representation in parliament. By contrast, *ethnic or linguistic groups* such as Kurds, Azeris, Arabs, Baluchis, and Turkmens are not recognized as minorities in the constitutional framework. Instead, their existence is only indirectly acknowledged through references to "language" in Article 19 and Article 15, which allows for the use of local languages in education and media. This constitutional distinction between religious minorities (explicitly recognized) and ethnic minorities (implicitly ignored) is central to understanding the terminological and political challenges surrounding cultural diversity in Iran.

After the 1979 revolution, one of the most significant developments was the appointment by President Rouhani in 2013 of a special advisor on ethnicities and religious minorities. This was and remains the first official governmental position that manages cultural diversity and ethnic issues in Iran. However, when in December 2016 President Rouhani launched the Iranian citizens' rights charter, consisting of 120 articles, no chapters were dedicated to minorities. In Article 96, this non-binding declaration recognizes cultural diversity as "the right of access to and participation in cultural life": "Diversity in the general and cultural diversity of the people of Iran shall be respected as part of cultural heritage, within the framework of national identity". In Article 97, the charter addresses the question of ethnicity: "Citizens have the right to intercultural communication, irrespective of their ethnicity or religion".⁷ It is therefore evident that in official documents and formal discourses, the term ethnic minority is not found. By merely observing the non-use of the term "minorities", it is not possible to accurately portray the situation of minorities in Iran. Rather, a broad survey – and particular attention to vocabulary and the terms with which people describe their identities – are needed.

The government's reluctance to formally recognize ethnic minorities cannot be understood solely as a legal omission; it is also shaped by Iran's historical and geopolitical experience. Throughout the twentieth century, several separatist movements – such as the Kurdish Republic of Mahabad (1946) and the short-lived Azerbaijan People's Government (1945–46) – posed existential threats to the newly-consolidated Iranian state. More recently, armed insurgencies in Baluchestan and Khuzestan have reinforced official fears that recognition

of ethnic groups as ‘minorities’ could legitimize secessionist claims. From a geopolitical perspective, Iran’s diverse border regions overlap with transnational ethnic populations (Kurds across Turkey and Iraq; Baluch across Pakistan and Afghanistan; Arabs across Iraq and the Gulf states), making the state highly sensitive to external influence and territorial fragmentation. In this light, the avoidance of the term ‘ethnic minorities’ in constitutional and policy discourse is not merely semantic but a deliberate strategy aimed at preserving national unity and preventing separatist mobilization.

Terminology for societal identity in Iran

As Kymlicka (2007, p. 267) states, some African and Asian countries claim that some terms and categorizations do not apply to them. It is necessary to distinguish between the social facts of societies and what States have been arguing about the significance of these facts. Furthermore, societies may have different terms, based on the group of people who identify themselves and mention their societal belongings. The question, therefore, is whether it is possible to consider societal belonging within the legal terminology for ethnicities or minorities. In this regard, besides societal identity terms, as Kymlicka (2007, p. 267) has argued, the contemporary characteristic⁸ of groupness could help us understand identity issues in different societies. Hence, we need to examine discourse and context together to figure out how ethnicity and minority are defined in different countries.

Societal identity, like any social construct, is shaped by space, time, and language. This paper has no intention of becoming involved in the linguistic and sociological inquiry into this matter, but rather attempts to show some social and political challenges around these issues which have created problems in the legal study of minority and ethnicity issues. Therefore, as Cornelius Castoriadis (1997, p. 397) has written: “when we speak of social-historical and of the social imaginary, the difficulty is not to invent new words of what is at issue here, but instead to understand that what these words are aiming at is not categorizable through grammatical categories.”

Debates over societal-identity terminology in Iran are as contentious among scholars, politicians, and ethnic actors as they are elsewhere. Pro-nationalist and ethnic-elite hardliners know that, by manipulating these terms, they can play the identity cards more efficiently. On the one hand, ethnic-elite extremists use vocabulary like “people”, “indigenous people”, or “nation”, or exploit the term “colonization” to describe the relationship between the central government and their group. On the other hand, some nationalist intellectuals use the term “Iranian ethnic groups”. In doing so, these intellectuals deny that there are any cultural and racial differences in Iran, stressing instead that they (Azeris, Arabs, etc.) are all Iranians who speak Persian and their “local languages”.

In addition to these intellectual/political struggles (which are not limited to terminology but also extend to the substance of ethnic groups in Iran), the confusion over terminology has been addressed in Iranian academic spaces. For instance, Hamid Ahmadi, an ethnicity expert and the author of *Ethnic Identity and Ethnic Inclinations in Iran: Myth and Truth* (Ahmadi,

2004), holds that there is no sign of the concept of ethnicity in the history of Iran; instead, there are only tribes (*ghabileh*) and clans (*tayefeha*). Tribes and clans also have their hierarchy (*eel and tireh*) (Ahmadi, 2009). Also, Ahmadi and some other scholars prefer to use words other than *Qom* or ethnicity (Ahmadi, 2009). Richard Cottam, in his book *Nationalism in Iran*, speaks about nationalism and tribes, which refer to the societal structure of the country. He even considers Kurds a tribe (*eel*), who have distinctive features and, compared to other tribes of Iran, stronger nationalistic tendencies (Cottam, 1964, p. 65).

Mojtaba Maghsodi (2002) acknowledges the usefulness of the term *ethnicity* in describing Iran's cultural diversity, but emphasizes that it should be understood in relation to the politically conscious ethnic groups and identities that developed alongside the emergence of modern nation-states (Maghsodi, 2002). He asserts that all ethnicities in Iran are originally from the Iranian race and that, before the formation of modern nation-states, there were only *ashayer* and *eelat*. He prefers to use ethnicities (*Qhomiyat*) instead of ethnic groups (Maghsodi, 2002, p. 45).⁹ Besides, although the constitution of the Islamic Republic of Iran (intentionally or unintentionally) acknowledges in Article 19 the existence of "different races", ethnic experts agree (unusually) about the use of this term. There is one race, which is Iranian, and all cultural groups spring from this race.

Javad Karandish has used the term 'nomadic tribes' as an equivalent for *eel*. He states that: "In general, tribal organization at the lower level is based on kinship and at higher levels on the administrative and political alliance. In many tribes the structure is of a more or less uniform type of segmentary lineage organization" (Karandish, 2011, p. 51). Karandish emphasizes some specific characteristics which define tribal nomads like common pride, pastoral lifestyle, common ancestors, and territory. Based on this definition, he holds that: "The Arab, Baluch and Turkmen nomad and semi-nomad tribes in Persia were less than a quarter of the tribal population" (Karandish, 2011, p. 54). However, the relationship between ethnicity and his definition of nomad tribes is not completely clear.

As the foregoing discussions indicate, both 'ethnicity' and 'minority', as Rasmus Christian Elling proposes, are problematic concepts and "there is a widespread tendency among Iranian scholars and political actors to reject the concept[s] [al]together" (Elling, 2013, p. 13). It is obvious that there is no consensus on using societal identity-related terms among Iranian experts, as some do not recognize the terms minority or ethnic minority as describing Iranian cultural subunits. Others do not even agree with the term ethnicity, which indicates that the controversy surrounding the substance of these groups among Iranian ethnic scholars is long-standing and deep-rooted.

Putting aside these two parameters, the Constitution of Iran and the opinions of ethnicity experts, how people identify themselves is significant. In this regard, Elling (2013, p. 17) argues that:

"As late as 1988, Tapper wrote that *Qom* may be used for a major linguistic group, but more often in a strict family/descent-group sense" and that Iranians would rather identify each other "from the characteristic of speaking, appearance, and answers to the standard

question, *ahle kojayi?* (Where are you from?). Yet, gradually, *Qom* has come to describe people and minority communities specifically”.

Elling’s analysis overlooks how location shapes identity in Iran. Therefore, the relationship between identity, place, and ethnicity should be taken into account. When Iranian people are asked to identify themselves, they give different answers depending on whether they are outside their homeland or inside it. For example, if an Arab-Iranian is asked “Where are you from?” and they are in the capital, Tehran, they might identify themselves based on their city or even province (“I am from Khuzestan”). If they are in their own region or province, they might respond with “I am Arab”. Furthermore, how people identify themselves is profoundly affected by place. As such, we should distinguish between place and identity or cultural identity, although it is not easy to separate the two, when we consider the difference between the pre-modern and modern governmental structures of Iran. The fluid nature of identity is not unique to Iran, but it illustrates how place-based and ethnic identities intersect and shape societal culture.

The sensitivity of ethnic terminology among Arab communities illustrates the broader controversy surrounding identity labels. In interviews, some Arab participants objected to being called a “minority,” arguing that such a label reflects the central government’s perspective rather than local realities. They emphasized that in their own region they constitute the majority and view themselves not merely as an ethnicity or tribal group, but as a distinct people (Kardooni, 2008).

In light of the different meanings, concepts, and terms for ethnicity and minority used by experts, the legal system, and the general public, it is not surprising that there is no uniform categorisation and coding of ethnic groups in Iran. Although the constitution recognizes three major religious minorities, there is no distinction among them when it comes to cultural groups. In a few scientific research studies about the names of ethnic groups in Iran, one can see a sort of arbitrariness in how names are chosen, based on whether a cultural group has a significant population, or whether a group has created political crises in Iran. For instance, Ahmadi does not mention Arabs and Turkmen alongside other groups like Azeris, Baluchis, or Kurds in his early work. In response to critics, he has stated that the “Arab secessionist movement before and after the revolution was not an ethnic one. We call it a tribal secessionist movement” (Ahmadi, 2004, p. 492). However, Ahmadi does not explain the difference between tribal struggles and ethnic struggles. He might have adopted this approach as a way to facilitate his research, since it is hard to use one term to describe all groups, as we see in the work of Elling (2013), who chooses four original groups. Nevertheless, sometimes researchers use different terms only because they do not have any basic definition or criteria to identify cultural groups. Therefore, we face two sorts of problems: first, there is no consensus on the existence of ethnicity (in the same way that the term is used in western contexts) in Iran or on the existence of minorities as well. Second, there are no defined categories for cultural groups. In other words, if officials, experts, or even ordinary people accept the fact

that Iran has a culturally diverse society, it does not necessarily mean that they believe in the existence of ethnicities or, more precisely, ethnic minorities. Also, even if some cultural groups are accepted as a minority or ethnicity, others are not. Therefore, it is not surprising that we see the same situation of confusion regarding Iranian minority issues that we also see internationally.

In general, there are fundamental disagreements about the relationship between Iranian nationality (citizenship) and ethnic groups in Iran. The essentialist view is that the Iranian nation is formed around the Aryan race, the Persian language, and the Persian people. Other ethnic, racial, and linguistic groups living in Iran – such as the Kurds, Azeris, Arabs, Baluchis, Turkmen, and Lurs – are considered ethnic minorities. (Hajiani, 1387, pp. 144-145). But there are several criticisms of this view. First, Hajiani is talking about the Pars (Persian) people, whose identity boundaries are not very clear. Second, this view ignores the role of religions and historical events in the formation of the Iranian nation. On the other hand, another point of view has been proposed, which considers the Iranian nationality as a historical construct consisting of different ethnicities, languages, and religions that have lived on the territory of Iran. According to this point of view, Iranian nationality is at least made up of different ethnic and tribal languages, religions and customs. That is, from the combination of three Aryan languages (Old Persian, Avestan, and Pahlavi), Semitic (including Arabic, Hebrew, and Assyrian) and Altaic (Turkish and Mongolian); four religions (Zoroastrianism, Christianity, Judaism, and Islam); and the customs of different tribes (including the Bakhtiaris, Shahsons, Qashqais, Boyar Ahmadi, Naseris, etc.), the Iranian nation has been formed (Akbari and Zolfegari, 2009, p. 46; Salehi Amiri, 2008, pp. 1-16). And each of the languages, religions, and tribes have added traits and characteristics to this Iranian nation throughout history. At the same time, they themselves have been influenced by the Iranian identity as well (Hajiani, 1387, p. 143). Based on this, it might be better to talk about the cultural groups that make up the Iranian identity, instead of emphasizing the ethnic groups in Iran which might then be placed in a marginal position.

Iran's cultural diversity from the perspective of the international system

This section is divided into three parts: (1) how UN bodies encounter cultural diversity in Iran; (2) how some international non-governmental organizations (INGOs) observe cultural diversity in Iran; and (3) how some large databases code ethnicities in Iran.

One of the common concerns of different United Nations bodies about human rights in Iran is minority issues. UN documents usually address Iranian minorities under two distinct headings, namely, religious minorities and ethnic minorities. Only Ahmad Shahid, the former special rapporteur¹⁰ on the situation of human rights in Iran, refers to the protection of “vulnerable groups” in Iran in one of his reports, including religious, ethnic, and sexual minorities.¹¹ In another report to the UN Human Rights Council, he addresses faith groups and groups with spiritual practices as distinct from religious and ethnic minorities.¹² In some of his reports, there is no particular mention of ethnic minorities or cultural rights;¹³ in others, under

the category of ethnic minorities, only see some ethnicities (like Ahwazi Arabs and Baluchis) are listed.¹⁴ Despite religious minority references in UN documents which address the recognition or non-recognition of religious minorities, ‘ethnic minority’ is considered a general category. Under the right to education, Ahmad Shahid’s reports emphasise only a few items discussing ethnic minority rights.¹⁵ However, in doing so he refers to minority rights and not to minorities per se.

Therefore, the only term that the reports use to address ethnic diversity in Iran is the ethnic ‘community’. When reports address the impacts of the environmental crisis on the population, they use phrases such as “individuals in surrounding communities”. The term “indigenous people” is not used to refer to diversity in Iran. In one exception (the *Concluding Observations on the Second Periodic Report*,¹⁶ paragraph 26 addressing children and education rights), the term “indigenous” is used for Arab children. Paragraph 23 of the document refers to “regions traditionally inhabited by ethnic minorities like Khuzestan and Sistan and Baluchestan.” This kind of expression creates some confusion about how ethnic groups are defined and also how the relationship between ethnic groups and the central government is shaped.

Documents from the UN treaty bodies describe cultural diversity in Iran in more precise terms. The *Concluding Observations of the Committee on the Elimination of all Forms of Racial Discrimination* is one such document (Iran has ratified the CERD). On 20 September 2010, the committee argued that:

“The Committee takes note of the state party’s views on the difficulties involved in determining the ethnic composition of the population beyond indicating the concentration of ethnic groups in different provinces of the Islamic Republic of Iran, but also felt that the State party’s difficulties on this matter were not sui generis. While taking note of the recent population census in 2007, the Committee regrets that this opportunity was apparently not taken advantage of to acquire detailed information on the ethnic composition of the population by means of a self-identification question on ethnicity”.¹⁷

Two points should be considered in this statement. Firstly, the Committee stresses that the problem of the diffusion of cultural diversity is not found solely in Iran (but it did not offer any solutions). Secondly, self-identification of individuals was proposed as a means to identify ethnicities in a single country (Iran).

Also, the Committee states (in another document) that there is a need for “clarification of the concept of ‘ethnic regions’ utilized in the report of the State party and ‘Estimate of the ethnic composition of the population, including the Arabs in Khuzestan’. ”Disaggregated information on social and economic indicators, pertaining to the various ethnic groups, on the progress made in eliminating discrimination and the methodology of collecting such information through censuses and social surveys, and data on languages, mother tongues, etc.”¹⁸ Hence, for the Committee, it is evident that the identification of ethnicities in Iran faces difficulties. However, it is not clear to what extent such problems are confined to states like Iran or are found in all UN member states.

Undoubtedly, besides state actors in international law, INGOs – as representatives of the global civil society – today play an important role in shaping and implementing

international legal rules. Like other human rights spheres, there are INGOs working exclusively on protecting and promoting minority rights. Minority Rights Group, one of the pioneers, identifies Arabs, Azeris, Bahá'í, Baluchis, Kurds, and Turkmen as minority communities at risk in Iran.¹⁹ Four of these communities (Arabs, Baluchis, Kurds, and Turkmen) are involved in armed conflicts to achieve self-determination.²⁰ But in its briefing "Seeking justice and an end to neglect",²¹ Minority Rights Group (2011, p. 2) argues that:

"Representation of the country's ethnic composition detailed in the table above [in one of the Iranian government's reports] can be considered incomplete. For instance, many ethnic groups have been left out altogether, and if we assume that these delineations were made on the basis of a province's majority (or near majority), then the Lurs should not be included in Khuzestan (where they constitute a very small minority), and, by the same token, neither should Azeris be cited as a group in Kurdistan. Now, if the intention was to be inclusive, i.e. to list the ethnicities of a given province, then one may ask what was the basis of Iran's other ethnic groups: Gilakis and Mazandarani, Armenians, Assyrians, Georgians, Qashqais, Afghans, and Talysh amongst others."

Although this citation could be criticized, nevertheless the argument is significant as: they refer to several distinct groups by the label of "ethnic groups". But it is not clear what criteria were used to identify Iranian minorities or minorities at risk or why Armenians (who constitute a religious group) are put beside Afghans (who are immigrants).

In its annual report for 2016/2017, Amnesty International described minority groups in Iran as "Iran's disadvantaged ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds, and Turkmen" (Amnesty International, 2017, p. 194). Unlike the risk map of Minority Rights Group, Amnesty International distinguishes between religious and ethnic minorities, but it is still not clear how and based on what indicators these groups are defined. For that reason, Turkmen are listed as an ethnic minority in some INGOs reports, while other reports do not.

Two major academic databases on ethnic coding are MAR and AMAR.²² With two different approaches, they have codified various groups in Iran as minorities. According to MAR, Arabs, Azerbaijanis, Bahais, Bakhtiari, Baluchis, Christians, Kurds, and Turkmen are minorities at risk in Iran.²³ According to AMAR, Arabs, Azerbaijanis, Bahais, Bakhtiari, Baluchis, Christians, Gilaki/Mazandarani, Gypsies, Kurds, Lurs, Persians, Qashqai, Talysh, and Turkmen are considered minorities.²⁴ We will explain later why, in our opinion, the AMAR coding is much more useful in identifying minorities based on human rights norms, as well as why it is not yet sufficient, and also why, besides this coding, internal categorization like Kymlicka's is still needed. However, different coding between these two databases show how crucial the identification of minorities in Iran is.

To conclude this section, it can be argued that in the international system, there is no accurate mechanism for identifying different types of cultural groups in Iran, or distinguishing between national, linguistic, ethnic, or racial groups or between indigenous people and ethnic groups in the country, perhaps similarly to elsewhere. Furthermore, there is no consensus on

ethnic groups in Iran. For instance, UN documents have never mentioned Turkmens, while INGOs like Minority Rights Group and Amnesty International address and consider them to be an ethnic minority in Iran. Moreover, in the absence of accurate and reliable data as well as lack of access to direct observation or research in the country, both UN bodies and INGOs rely on just two databases provided by the Iranian government, or on NGOs that are usually located outside Iran. This information from both sides could be highly politicized. For instance, it is not clear why some UN documents and INGO reports consider Arabs in Iran to be Ahwazi Arabs. Even if the self-identification method has been used to identify ethnicities, Ahwaz is the capital of the Khuzestan province (where only some groups of Arabs are located); we rarely observe Arabs introducing themselves as Ahwazi Arabs to address the whole Arab community in Iran. They might present themselves as Khuzestani Arabs because, in the current Iranian public discourse, Ahwazi Arab means only the part of the Arab community that is living in the city of Ahwaz. Some Arab elites and activists choose this terminology (Khuzestani Arab) as a label that describes the historical name of the region. It is only Iranian NGOs that use this label to name their movements or organizations.

Ethnic categorization in Iran: General and particular challenges

Identifying which groups are considered a minority in international law is related to understanding why and for what purpose minority rights have been shaped and constructed. Despite demographic differences, protecting minority rights requires identifying which groups in each society qualify as minorities under international law. In spite of scholarship in political science and sociology regarding the meaning and interpretation of “minority” and “ethnic minority”, there is no completely reliable method of identifying minorities so that human rights groups can try to protect them.

The controversy around labelling cultural groups that should be considered an ethnicity, or a religious, national, or racial minority, and how we should identify minorities and using what criteria, is a major issue in international law. This is because the political right to self-determination has been given a legal basis in binding international documents and conventions. Therefore, it does not seem to be a *sui generis* feature of Iranian society that cultural groups try to identify themselves as peoples, indigenous peoples, or national minorities. But it also does not mean that we can apply the same criteria to different societies.

There are two challenges in the way of categorization and identification of minorities in Iran. One general issue that all societies have faced in managing cultural diversity, based on international law systems, is the weaknesses of international mechanisms in defining minorities and their rights. Another challenge is not global, but rather found in particular countries. Part of this challenge, as Kymlicka (2007, p. 78) suggests, has to do with securitized minority-state relations. This securitization impacts the identification and categorization of cultural minorities, as can be seen in the case of Iran. In such countries, on the one hand, without de-securitizing ethnic-state relations, it would not be possible to identify minorities completely. On the other hand, the identification of minorities themselves could

be a considerable step toward de-securitizing minority-state relations. Undoubtedly, this process is a mutual one.

Furthermore, securitized minority-state relations is not the only problem with identifying or labelling minorities in countries like Iran. There are two other essential elements: the political views of international mechanisms regarding minorities and securitized minority-state relations; and the weaknesses of these views from the viewpoint of minority activists and elites. As Kymlicka has discussed, “political actors make a choice about whether or when to highlight or exaggerate these factors in public debates” (Kymlicka, 2007, p. 190). Amartya Sen also emphasizes that we cannot trust political elites to protect the core rules of society (Kymlicka, 2007, pp. 47-78). As such, we need a non-arbitrary approach to labelling minorities. In the absence of a comprehensive legal definition of minorities in international human rights law, it seems necessary to rely on theories that explain the aims of minority rights.

Two approaches regarding multiculturalism and social relevance might help. By highlighting societal culture, Kymlicka attempts to distinguish between different groups and also offers a response to the question as to why minority rights are needed. Kymlicka stresses that “societal culture covers a full range of human activities” and involves shared memory or values, besides common institutions and practices (Kymlicka, 1995, p. 75). At this stage, the social relevance that Fearon chooses to define and categorize ethnic groups (as we can see in the AMAR project) could be considered a complementary idea. Socially relevant groups that are not selected on any politically-defined criteria, such as being at risk, or being politically relevant, could be “socially relevant without any necessary political activation” (Birbir, 2015, 111). Fearon defines “socially relevant” as what “we mean when people notice and condition their actions on ethnic distinctions in everyday life” (2006, p. 852). While Fearon and his collaborators consider only whether a group of people identify as a minority in one country (Fearon, 2006 p. 852), Kymlicka does not base the identification of minorities solely on self-identification. For him, this term is the outlook of a historian and social scientist which impacts the labelling of minorities, although he accepts that sometimes, despite self-identification, the international community has not recognized a distinctive group as a minority (Kymlicka, 2007, p. 206). He also explains that a combination of specific and generic rights would be helpful to the international minority system (Kymlicka, 2007, p. 105).

The categorization of minorities is more problematic for countries that have a long history and a different background in liberal thinking. In a country such as Iran with a lengthy history, figuring out what kind of state-minority relations have been shaped seems difficult to determine in the first place. The same is true of understanding which group of people arrived first in the country. This old struggle can be observed in the demands of ethnic groups in Iran. For instance, the situation of the Arab minority in the south of the country is noteworthy. Arab elites claim that Arabs came to Iran before Islam, but nationalist groups reject this claim and argue that Arabs came to the country with the arrival of Islam in Iran.

Based on these historical claims, both groups argue that they are indigenous, and that the other group is of immigrant origin. Therefore, applying Kymlicka’s theory to the context of

Iran is problematic. Kymlicka states that we can only identify minorities if we first have some workable account of the state. As such, it should be critically discussed how any particular state asserts its rule over certain people and territories, as well as how a minority group becomes a minority in the first place (Kymlicka, 2018).

Applying Kymlicka's theory to Iran requires thorough historical research and reliable sociological sources. But the much more important question is, considering that in public and even academic discourses the identification of the first settlers in any given country is one of the most important questions when it comes to justice in international law: would raising and answering the aforementioned question have any benefit for minorities? This is especially if the majority and minority groups have been living together in one land for at least 1500 years. If the answer is that there would be no benefit, the next question should be: based on what criteria can we distinguish among different cultural groups in Iran? Do we want to use international law terminology or Kymlicka's categorization to introduce multicultural discourses?

Apart from Kymlicka's categorization, by what criteria can it be recognized that a group is in a minority position? In 1979, Francesco Capotorti, the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities of the United Nations, provided a definition of minority that can help us. Capotorti considers that a minority is a group that is smaller than the rest of the population of a country, that is placed in a non-ruling position, and that has different ethnic, religious and linguistic characteristics from the rest of the population (while holding citizenship of the state), and that has a sense of solidarity to preserve and protect their own culture, tradition and religion (Capotorti, 1979, p. 96). He emphasized two factors: the small population of a group compared to the population of the majority; and the non-dominant status of that group. We think that size is not necessarily the right criterion to define minorities. Perhaps it is better to raise the question whether a group is recognized by popular culture (or not)? Is a group persecuted by other groups (or not)? Meanwhile, we can ask whether all groups have the right to equal participation in political, cultural, social, and economic structures. Based on this, due to belonging to a nation, language, religion and culture, or that is humiliated and rejected by other groups, any group that does not have the right to political, social, cultural, and economic participation equal to other groups is a minority. So, along with other factors including self-declaration, or official national and international reports, two key factors can be emphasized: one is the social position of a group compared with other groups; the other is the position of that group within the official laws of a country. That is, any group that is humiliated by popular culture or by the government, and which – due to cultural differences – the law does not allow to participate in the political, cultural, social, and economic structures of that society, must be recognized as a minority.

Ethnocultural groups in Iran have a long and complex history. Together, they have created an ancient culture; they are neither indigenous peoples nor national minorities dominated by a particular ethnic group or nation. Although, in the Constitution of the Islamic Republic of Iran, Shiism and Islam are considered the central core of the political and cultural

order and Persian is considered the official language, no particular ethnicity dominates. This entails a situation where indigenous peoples and national minorities coexist. Therefore, it is suggested that international documents on Iran, instead of using terms such as ‘minority’ or ‘ethnicity’, use the general term “diverse cultural groups”, which indicates that they have different languages, customs, traditions, and rituals. The recognition of the existence of these groups in the domestic and international legal systems requires these groups to insist on their advantages for society; that is, on their distinct culture and the historical contribution of these cultures to Iranian civilization. Of course, in the next stage, the recognition of the rights of these groups should be considered, whether in the form of cultural equality or self-government.

It is important to acknowledge that some Iranian policymakers and scholars defend the existing constitutional framework as sufficiently inclusive. They argue that Article 19 of the Constitution, which guarantees equal rights for all Iranians regardless of “colour, race, language, or ethnicity,” already provides a broad guarantee of equality that renders further recognition of ethnic minorities unnecessary. From this perspective, emphasizing *language* rather than *ethnicity* helps to foster a unified national identity while still allowing space for cultural expression through Article 15, which permits the teaching of local languages in schools and their use in the media. Advocates of this view maintain that such an approach avoids the divisive potential of ethnic categorization, reduces the risk of separatist mobilization, and promotes social cohesion in a geopolitically fragile environment. In their reading, Iran’s framework does not deny diversity but rather integrates it under the umbrella of a single national identity.

Conclusion

Since the general attitude of international law changed by distinguishing indigenous people from other minorities, the question of minority rights has become more complicated. As Kymlicka has argued, for instance, in the past Iranian Arabs introduced themselves as a national minority. However, since the UN Declaration regarding indigenous people and indigenous peoples’ rights in the international system, they have preferred to identify themselves as indigenous people (Kymlicka, 2011). At the international level, this issue has two main consequences, both of which are problematic. By focusing on the self-identification method, emphasized by different parts of the UN system as a subjective mean to identify minorities and ethnicities, on the one hand we have witnessed refusals by states to recognize minorities and, in some cases, even the term ‘ethnicity’. On the other hand, ethnic elites and activists could manipulate and change the labels “minority” and “ethnicity” arbitrarily. This discord has deep roots in the subjective or objective aspects of the meaning of nation and, in this context, the interpretation of ethnicity or cultural/social identity. Nonetheless, international law does not follow a single argument to define societal terminology clearly, as a legal system should.

Because the identification and recognition of a group as an ethnicity entitles them to some rights, including self-determination, and which is interpreted by some experts as including the

right to secession, the labels attached to cultural groups become politically much more important. As a result, the manipulation of these labels by both states and ethnic elites has increased.

Allen Buchanan, one of the pioneering experts who extended secession rights to cultural groups, stresses the concept of “injustice” to explain the rights of minorities, including the right to secession (Mueller, 2012). After examining different theories regarding secession rights, Fernando Tesón (1998, p. 78) has also selected “injustice” as a basis for justifying the right to secession. Josep Costa (2003, p. 64) distinguishes between remedial rights, primary rights, and the right to a state: remedial rights are rooted in the Just Cause theory and not in the choice theory. Kymlicka (1995) describes his approach as a justice theory.

Focusing on the substance of minority rights might help us to identify the holder of those rights. When we encounter the existing systems and mechanisms of minority rights in international law, it could sometimes be useful to consider the argument behind the rights to assist with identifying the holders of the rights. We could observe a phenomenon where only the rights-holders choose the sorts of rights from which they benefit, and even the legal label used to describe their group. Thus, neither the self-identification method alone, nor a political actor or social subject approach, works as a method of identifying minorities as right-holders.

Therefore, to answer whether or not the categories proposed by Kymlicka (2005, p. 36) make sense outside Western democracies, it is necessary to recognize that the problem is not about different governmental models or democratic systems alone; nor is it solely about the particular characteristics of societies. Instead, it is related to the variety of elements that impact on the legal categorization of minorities. As such, it should be critically discussed how to make sense of the legal mechanism to address politicized identities. Evidently, in the case of Iran, states, INGOs, ethnic elites, and even scholars describe cultural diversity based on their own approaches and sometimes on their interests. Meanwhile, instead of offering a solution to these challenges, international law has become, in some respects, part of the problem itself. Hence, one main step in de-securitizing minority-state relations could be properly defining the categories and the concepts of minorities in international law.

Moving beyond terminological debates, both Iran and the UN can take practical steps to address these ambiguities. For Iran, one option is to expand the constitutional recognition of diversity by introducing a category such as ‘cultural groups’, which would acknowledge ethnic and linguistic communities without framing them as ‘minorities’ in a politically-sensitive sense. This could be complemented by stronger implementation of Article 15 through the development of bilingual education programmes and local language media, thereby promoting inclusivity without threatening national unity. For the UN, reports and recommendations on Iran could adopt clearer and more consistent terminology, distinguishing between *ethnic*, *religious*, and *linguistic* groups, and encouraging the state to provide disaggregated data on these categories. Additionally, both international bodies and domestic policymakers could support dialogue forums where community representatives participate in shaping policies on cultural rights. Such measures would reduce confusion, build trust, and gradually de-securitize state–minority relations in Iran.

Endnotes

- 1 Some sociologists, like Malesevic (2004, p. 2), have stated that “ethnicity contains a multiplicity of meanings. Such a plasticity and ambiguity of the concept allows for deep misunderstanding as well as political misuse.... Popular and legislative understanding of ethnicity is severely erroneous. This error comes from a profoundly sociological view of cultural differences as something immobile and definite”. For an overview, see Malesevic (2004).
- 2 These are Azerbaijan (East), Azerbaijan (West), Sistan and Baluchestan, Chahar Mahaal and Bakhtiari, Fars, Gilan, Kurdistan, and Lorestan.
- 3 Some Iranian writers have used “tribal confederation” as the English equivalent of *eel*. See Shirazi Irani (2016, p. 18).
- 4 By the beginning of the twentieth century, Reza Shah (the first king of the Pahlavi Dynasty between 1925 and 1941) broke the power of the tribes, which in his view were an impediment in the process of nation building, disarming them and settling them. This policy, which is called “Takhte Qapu” in Farsi, addresses the forcible settlement of nomads in Iran. In light of this fact, it is difficult to separate ethnicity issues from nomadic ones in Iran. Most nomadic groups have ethnic roots, and vice versa. For more information see (Beck, 1990, p. 206).
- 5 In the latest report, the use of the term ‘sectarian groups’ by the Islamic Republic of Iran about sect groups is notable.
- 6 A more helpful approach to understanding the logic of liberal multiculturalism is to understand what is a response to it, or what it is a reaction against it. See Kymlicka (2007, pp. 60-62).
- 7 The full charter is accessible at: <http://dolat.ir/detail/286714>
- 8 “If we focus on the sorts of contemporary characteristics that typify these two types of groups, we can find analogous types of groups in other contexts” (Kymlicka, 2007, p. 267).
- 9 Maghsodi, supra note 16, at 45.
- 10 On 6 July 2018, Mr. Javaid Rehman was appointed as the third Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran since the re-establishment of the mandate.
- 11 Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Ahmed Shaheed, A/HRC/28/70, 28 May 2015, Human Rights Council, 28th session.
- 12 Situation of human rights in the Islamic Republic of Iran, A/HRC/22/L.22, 18/03/2013
- 13 Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Ahmed Shaheed, A/HRC/28/70, 28 May 2015, Human Rights Council, 28th Session.
- 14 Situation of human rights in the Islamic Republic of Iran, A/HRC/22/L.22, 18/03/2013.
- 15 Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Ahmed Shaheed, A/HRC/28/70.28/5/2015.
- 16 Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran , A/HRC/25/61 18/03/2014.
- 17 Consideration of reports submitted by States parties under Article 9 of the Convention: <https://iranhrdc.org/concluding-observations-of-the-committee-on-the-elimination-of-racial-discrimination/>
- 18 Committee on the Elimination of Racial Discrimination, *List of themes to be taken up in connection with the consideration of the 18th and 19th periodic reports of the Islamic Republic of Iran (CERD/C/IRN/18-19)*, 20 July 2010, Geneva.
- 19 However, some groups may experience higher levels of discrimination and be at greater risk than others in any given state. Minority Rights Group International has identified those groups in each state which we rate as being most at risk of genocide, mass killing or other systematic violent repression.
- 20 See <https://minorityrights.org/country/iran/>
- 21 See *Seeking justice and an end to neglect: Iran’s minorities today* (February 2011), <http://minorityrights.org/publications/seeking-justice-and-an-end-to-neglect-irans-minorities-today-february-2011/>.
- 22 For more information about these databases, see: <http://www.mar.umd.edu/>.

- 23** For Minority Group Assessments for Middle East and North Africa, see:
- 24** For the AMAR Project, see: http://www.mar.umd.edu/amar_project.asp.

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