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Territories with a Special Regime in BRICS Countries

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Abstract. This research presents a comparative analysis of territories with special legal regimes in the BRICS member countries. It examines both the theoretical foundations and the practical aspects of the functioning of territories with special status. The study examines such features as the legal status, purposes, and ways behind their creation, as well as their impact on the socio-economic development of the country. Based on legal analysis and regulatory practices, the authors propose a classification of these territories into five categories: administrative, unrecognized (or with limited recognition), economic (special economic zones), ecological (specially protected natural areas), and ethnic. The findings of this study aim to contribute to a deeper understanding of the effectiveness and developmental prospects of such territories within the context of the legal framework of the Russian Federation.

Keywords: union territories; special administrative regions; special economic zones; protected areas.

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Introduction

The strategy for an economic partnership among the member countries until 2025 was formulated at the XI BRICS Summit.¹ This strategy defines the vector for sustainable development in three key areas: the economy, the social sphere, and ecology. Among the various instruments facilitating such development, the institution of territories with a special regime plays a crucial role, serving as mechanisms to address the satisfaction of specific priorities outlined in the strategy.

The special legal regime (status) of a territory is determined by special legislation, which applies to a specific geographic area and has a targeted orientation. In most cases, special regimes are typically established to stimulate economic growth, ensure security, protect the environment, or address other strategic objectives of the country.

¹ Strategy for BRICS Economic Partnership 2025 was adopted on the 11th BRICS Summit Brasilia Declaration, 2019. Ministry of Economic Development of the Russian Federation. <https://www.economy.gov.ru>

For the Russian Federation, as a multinational, developing country with the world's largest territory, studying the experiences of foreign countries in using their lands for the aforementioned purposes is of great importance.

1. Territories with Special Administrative Status

Modern models of state-territorial organization are characterized by trends of localization, regionalization, and globalization. In the course of their implementation, these dynamics often give rise to issues concerning groups of individuals residing in specific territories who seek to preserve a degree of autonomy for their region. To address these issues, many countries establish special administrative districts with varying levels of autonomy ranging from strong to weak, which are intended to serve as a compromise between local and central authorities.²

A notable example of this approach is the Indian territory of Jammu and Kashmir. Until recently, this region was the only state in India with its own constitution.³ However, it currently functions as a union territory with the lowest level of autonomy in the country.⁴

In some cases, regions are economically or politically weak and cannot function as independent administrative entities, necessitating central management. The institution of union territories in India provides a unique example of an agreement between states with a weak local self-governance and a strong central authority.

India currently has eight union territories,⁵ all of which are directly governed by the central government. These regions have central administration, which is overseen by governors who act as representatives of the President of India.

China, by contrast, has pursued a different path. While the Indian government has established control over union territories due to the impossibility of their functioning without central leadership, the People's Republic of China (hereinafter the PRC or China) has adopted a policy of non-intervention to preserve their capitalist structure of enclaves, positively influencing the overall economic development of the state and serving as an example of the strong autonomy.⁶

² Irkhin, I. V. (2019). *Territories with special status within federal states: A constitutional and legal study* (p. 217). INFRA-M. (In Russian).

³ Constitution of Jammu and Kashmir (1957). Jammu.com. <https://www.kashmir.jammu.com/political-constitution>

⁴ Baiguzheikova, Z. K. (2019). Evolution of the constitutional and legal status of the state of Jammu and Kashmir. In *Current issues of public law: Proceedings of the 18th all-Russian scientific conference of young scientists and students* (pp. 18–22). Ural State Law University. (In Russian).

⁵ Constitution of India (1949). National Portal of India. <https://www.india.gov.in/my-government/constitution-india>

⁶ Petrykina, N. I. (2019). An unconventional model of administrative autonomy of China–Hong Kong: The view of Russian researchers. *Administrative Law and Process*, 3, 50–55. (In Russian).

As a unitary country, China has developed a unique program of political, economic, and financial decentralization, complemented by autonomous administrative management, known as the One Country, Two Systems. According to this program, within the framework of the unitary state, there are two capitalist centers, currently designated as Special Administrative Regions (SARs)—Hong Kong and Macao—which operate with a high degree of autonomy and are not subordinate to central authorities.⁷

The necessity of establishing such a regime is justified by the high economic development of the regions, whose economic strength significantly contributes to the country's economic growth.

The SARs effectively represent “the states within the state.” They have their own constitutions (referred to as Basic Laws), governments, multi-party legislative bodies, legal systems, law enforcement agencies, immigration departments, and even the ability to participate in international relations.

Assessing China's current situation, it can be concluded that this practice has thus far demonstrated positive results, serving as an example of finding the right balance that maintains political stability, economic prosperity, and territorial integrity for the common good.⁸

On the other hand, it is important to note the temporary character of strong autonomies, as any state aims to have a symmetric territorial structure in order to ensure an equal distribution of central authority across its regions. For instance, in 2019, the Indian government revoked the special status of the state of Jammu and Kashmir, thereby integrating it more tightly into the territorial-administrative structure of the country as a union territory.⁹ Similarly, in China, the concept of Special Administrative Regions was formulated from the outset with the hope of returning Hong Kong and Macao under Beijing's sovereignty. According to Joint Declarations between the PRC, the United Kingdom, and Portugal, special autonomous regimes are in effect in Hong Kong until 2047¹⁰ and in Macao until 2049.¹¹

In the context of this section, it is also worth mentioning the institution of federal cities. The most structured example of such cities is found in Russia, where

⁷ Troshchinsky, P. V. (2015). The legal system of the People's Republic of China: Formation, development, and specific features. *Bulletin of the MSAL*, 5(9), 99–117. (In Russian).

⁸ Balgabaeva, G. B., & Novakova, O. V. (2018). Constitutional and legal status of Hong Kong and Macao after joining the PRC. *Asia and Africa Today*, 10(735), 26–31. (In Russian).

⁹ Khan, I. M. (2019, Dec. 23). *Kashmir crisis 2019: Between a rock and a hard place*. BBC. <https://www.bbc.co.uk/news/world-asia-50826419>

¹⁰ Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong (1984). Constitutional and Mainland Affairs Bureau. <https://www.cmab.gov.hk/en/issues/joint3.htm>

¹¹ Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macao (1987). Printing Bureau. <https://bo.io.gov.mo/bo/i/88/23/out01.asp>

there are three federal cities—Moscow, St. Petersburg, and Sevastopol. Each of these cities possesses a unique status, whether it be as the capital,¹² as a cultural center, or as a strategic military hub.¹³ A distinctive feature of federal cities in Russia lies in their legislative powers,¹⁴ significant autonomy in matters of local governance,¹⁵ and distinctive fiscal policies.¹⁶

Conversely, federal districts such as Brasília in Brazil and Addis Ababa and Dire Dawa in Ethiopia differ in that they are more directly subordinated to the central authorities.

The similarity among the special statuses of these institutions in the BRICS countries lies in the fact that in nearly all cases, the city is not dependent on decisions made by the surrounding administrative entities.

Thus, when discussing territories with a special administrative status, one can distinguish between weak autonomies (such as the union territories in India) and strong autonomies (such as the special administrative regions in China). Weak autonomies primarily serve as instruments to facilitate governance, while strong autonomies represent functioning models of effective decentralization for economic and coordination purposes.

2. Territories with Unrecognized Status

Today, the struggle over territories persists through various legal and political methods,¹⁷ resulting in regions with a disputed status that are not recognized by all states. The existence of the majority of conflict zones in the considered countries can be primarily linked to the history of statehood, as well as the consequences of colonization and decolonization.¹⁸

¹² Law of the Russian Federation of April 15, 1993 No. 4802-I "On the status of the capital of the Russian Federation." *Vedomosti of the Congress of People's Deputies of the Russian Federation and the Supreme Council of the Russian Federation*, 1993, No. 19, Art. 683. (In Russian).

¹³ Federal Constitutional Law of March 21, 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new subjects within the Russian Federation—the Republic of Crimea and the federal city of Sevastopol." *Collection of Legislation of the Russian Federation*, 2014, No. 12, Art. 1201. (In Russian).

¹⁴ Znamenshchikov, A. O. (2019). Sevastopol: Features of local self-government within the framework of a federal city. *Management Consulting*, 5(125), 131–139. (In Russian).

¹⁵ Federal Law of October 6, 2003 No. 131-FZ "On the General Principles of the Organization of Local Self-Government in the Russian Federation 2003." *Collection of Legislation of the Russian Federation*, 2003, No. 40, Art. 3822. (In Russian).

¹⁶ Gurinovich, A. G., & Komarova, T. L. (2016). On some features of the legal regulation of the budget process in the Russian Federation in the current period. *Legal Thought*, 2(94), 94–101. (In Russian).

¹⁷ Cashman, G., & Robinson, L. C. (2021). *An introduction to the causes of war: Patterns of interstate conflict from World War I to Iraq* (p. 458). Rowman & Littlefield.

¹⁸ Andreev, K. Y. (2006). *Legal status of indigenous minorities in foreign countries: Reference book* (pp. 1–140). Institute of Scientific Information on Social Sciences, Russian Academy of Sciences. (In Russian).

An analysis of territories with disputed status in the BRICS countries has allowed for the identification of the following classification.

2.1. De Facto States¹⁹

Following the civil war in China in 1949, the government of the Republic of China relocated to Taiwan, retaining control over this territory. However, the PRC continues to consider Taiwan as part of its territory and does not recognize its independence.²⁰ As a result, Taiwan finds itself in a complex international position: it is not officially acknowledged as a sovereign state by many other countries yet it actively participates in global political and economic processes. Given the practical benefits of cooperation with the enclave, many states have adopted a model of “engagement without formal recognition,” which is gradually emerging as an institution in international law.²¹

The reverse situation is observed in the Russian territories of Abkhazia and South Ossetia. On August 26, 2008, the president of the Russian Federation signed a decree recognizing the independence of South Ossetia²² and Abkhazia.²³ These territories operate under their own constitutions and governance structures, yet Georgia continues to claim them as part of its territory. As a result, the official status of Abkhazia is formally enshrined as an autonomous republic in the Constitution of Georgia.²⁴

2.2. Territories within a Country that are Subjects to Territorial Claims by Neighboring Nations

The Hala'ib Triangle in Egypt is under Egyptian control and sovereignty; however, Sudan has territorial claims on it. The reason for this is the legal ambiguities left by the colonial power. In 1898, Britain transferred the region to Egypt and in 1902 to Sudan, without adopting any official act. The Hala'ib Triangle is strategically important and

¹⁹ Markedonov, S. (2018). De facto states: Post-Soviet space. *Vestnik RSUH. Series: Political Science. History. International Relations*, 1(11), 24–40. (In Russian).

²⁰ Yawen, L. (2015). China's policy on the Taiwan issue in the 21st century. *Kazan Bulletin of Young Scientists*, 3(4/12), 135–141.

²¹ Shevchuk, N. V. (2018). Involvement without recognition: A new dimension of the international legal status of de facto states. *World Economy and International Relations*, 66(6), 124–134. (In Russian).

²² Decree of the President of the Russian Federation of August 26, 2008 No. 1261 “On the recognition of the Republic of South Ossetia.” *Collection of Legislation of the Russian Federation*, 2008, No. 35, Art. 4012. (In Russian).

²³ Decree of the President of the Russian Federation of August 26, 2008 No. 1260 “On the Recognition of the Republic of Abkhazia.” *Collection of Legislation of the Russian Federation*, 2008, No. 35, Art. 4011. (In Russian).

²⁴ Constitution of Georgia (1982). Georgia's Virtual Vault. <https://vault.georgiaarchives.org/digital/collection/adhoc/id/9208/>

rich in natural resources, making it an especially valuable region. It is the only part of Egypt that is located not in the arid North African zone but in the fertile Afro-tropical zone, with a mild climate compared to the Sahara, access to the sea, and a significant amount of natural resources.²⁵

In Russia, such territories include the Kuril Islands, Crimea, and Sevastopol, as well as the Luhansk and Donetsk People's Republics, and the Kherson and Zaporizhzhia regions. There can be numerous reasons for territorial claims by other countries, but all of these territories are characterized by certain strategic significance (for example, access to the Pacific Ocean in winter through the Kuril Islands and the naval base in Sevastopol) and a strongly expressed will of the people to be a part of the Russian Federation (as exemplified by the 2014 referendum in Crimea and Sevastopol).

2.3. Tearless Lands

The region of Bir Tawil, bordering Egypt and Sudan, is often regarded as the only truly unclaimed region in the world. No country makes a claim to Bir Tawil because asserting claims on it would require relinquishing claims to the economically beneficial Hala'ib Triangle.

In conclusion, Russia serves as an illustrative case of a state with territories that have different types of disputed statuses. Various factors contribute to these disputes, such as the territorial succession of another state, the multi-ethnic composition of the population, the desire of certain peoples to gain autonomy, and significant tensions along certain border areas leading to territorial claims by neighboring countries.

3. Territories with Special Economic Status

Modern trends in economic development are focused on addressing key strategic priorities of a state or specific territory, such as diversifying the economic structure, social transformation, improving the business and investment climate, and creating and modernizing employment opportunities.²⁶ As a result, a new trend in public administration has emerged globally, which involves the delegation of certain governmental functions to specialized organizations for more professional and contemporary management. In this model, government agencies act merely as clients, coordinators, and overseers while the actual execution of these functions are carried out by specialized organizations whose core activities are related to

²⁵ Devina, Y. R. (2022). *Classification of territorial disputes by time of occurrence* (pp. 135–142). LLC VVM Publishing.

²⁶ Kozlova, N. A. (2015). Functioning of free economic zones. *China Bulletin of the Sholom-Aleichem Pri-amursky State University*, 4(21), 50–58. (In Russian).

providing such tasks and services. Meanwhile, their organizational and legal forms may vary.²⁷

This international institution is referred to as a Special Economic Zone (SEZ), which is characterized by the provision of a special territorial status or a regime for conducting entrepreneurial activities. SEZs stand out for their diversity of forms, depending on the intended purposes, such as external trade, stimulation of domestic business, overall economic development, and scientific-technical objectives.²⁸

In its most general form, SEZ is commonly defined as a region or part of a country with advantageous economic-geographic conditions, where a duty-free or preferential export-import regime is established, providing a certain trade and financial independence from other regions of the country.²⁹

The BRICS countries, as some of the world's largest economies, collectively possess relatively powerful financial reserves. For developing nations, establishing SEZs holds significant importance in improving the investment climate, fostering economic development, and diversifying exports. Attracting investments to the SEZs of the BRICS countries is one of the key objectives in expanding trade and investment cooperation.

The history of SEZs can be divided into waves of development. The first wave of countries that initiated SEZ programs emerged in the 1950s–1960s with Brazil and India.³⁰ A second wave followed (1980s–1990s), consisting of China, the United Arab Emirates (UAE), Iran, Egypt, and Russia. South Africa joined the third wave (2000s–2010s). Currently, Saudi Arabia and Ethiopia are in the initial stages of establishing SEZs.

It is important to note three main types of legal regulation for these territories, specifically a unified codified act (India, Iran, Russia); development strategies (Egypt, Saudi Arabia); and regional legislation and local acts (China).

Across all the considered countries, the following goals for creating Special Economic Zones are evident: job creation and increasing employment rates; promoting industrialization and creating additional forms of economic activity; boosting exports and attracting foreign direct investment; and addressing issues of scientific and technological lag.

Among the most successful BRICS countries in the functioning of SEZs are China and the UAE.

Some scholars attribute the successful development of China's SEZs to decentra-lized management, in which local authorities, who generally have a better understanding

²⁷ Petrykina, 2019.

²⁸ Borisova, E. V. (2016). *Organizational and economic improvement of investment activities in the Russian Federation* (p. 124). KnoRus Company. (In Russian).

²⁹ Komilov, S. D., & Gafarov, F. M. (2017). The role of free economic zones in the development of the investment potential of the region (on the example of the Republic of Tajikistan). *Problems of Contemporary Economics*, 3(63), 194–197. (In Russian).

³⁰ Krutikov, V. K., Fedorova, O. V., & Yakunina, M. V. (2017). Formation of special economic zones: Domestic and foreign practice. *Competitiveness in the Global World: Economics, Science, Technologies*, 8-4(55), 74–77. (In Russian).

of local peculiarities, played a crucial role in development by establishing comfortable infrastructure and implementing effective administration.³¹ In 1981, the central government formally granted local authorities the right to formulate special regulations on all economic matters for the subordinate special economic zones.

Other researchers attribute the success of China's special economic zones solely to the complete delegation of management powers to the private sector. However, the "Shenzhen miracle" reflects not just the efforts of the Guangdong Province but also the coordinated development across the entire country. Firstly, it is worth noting the efforts to combat regional disparities in development: provincial governments offer significant incentives in underdeveloped areas to ensure the even distribution of internal Chinese capital. Secondly, there is comprehensive development across the entire People's Republic of China, contributing to simultaneous growth in the country's economic potential. Finally, the timely execution of strategies and plans formulated in response to existing problems and challenges has been crucial.

The adoption of China's experience with special economic zones has led to the rapid growth of SEZs worldwide. The UAE has been particularly successful in implementing this model.

Given the necessity of utilizing capital generated from oil trade, as well as the constraints of natural resources and territory, the United Arab Emirates has astutely leveraged international collaboration (such as establishing the Persian Gulf Customs Union) and investments in cutting-edge technologies.³² The UAE has partially adopted and successfully implemented China's SEZ management. Additionally, the country's rapid economic growth is attributed to its domestic political efforts.

The SEZ model in the UAE is currently being replicated by Saudi Arabia, which operates four SEZs primarily aimed at attracting investors facing various Western sanctions. This is particularly relevant to the Russian market.

In the Russian Federation, several models of SEZs have been proposed, each with its own legislation, including special economic zones,³³ free economic zones,³⁴ and territories of advanced development.³⁵

³¹ Koval, A. G. (2020). Special economic zones as a factor of the development of BRICS states. *Latin America*, 11, 20–38. (In Russian).

³² Terekhova, A. V. (2022). A comparison of the experience of creating special economic zones in Shenzhen, Jebel Ali, and the Russian Federation. *Far Eastern Federal University Reports. Economics and Management*, 3(103), 63–75. (In Russian).

³³ Federal Law of July 22, 2005 No. 116-FZ "On Special Economic Zones in the Russian Federation." *Collection of Legislation of the Russian Federation*, 2005, No. 30 (Part 2), Art. 3127. (In Russian).

³⁴ Federal Law of November 29, 2014 No. 377-FZ "On the Development of the Republic of Crimea and the Federal City of Sevastopol and the Free Economic Zones on the Territories of the Republic of Crimea and the Federal City of Sevastopol." *Collection of Legislation of the Russian Federation*, 2014, No. 48, Art. 6658. (In Russian).

³⁵ Federal Law of December 29, 2014 No. 473-FZ "On Territories of Advanced Development in the Russian Federation." *Collection of Legislation of the Russian Federation*, 2015, No. 1 (Part 1), Art. 26. (In Russian).

It is noted that the activities of SEZs in Russia are more oriented towards satisfying the needs of the domestic market rather than exports.³⁶

Countries with the highest number of SEZs include China, India, and Russia.³⁷ However, the number of zones is not necessarily an indicator of their effectiveness. A common criticism of SEZs is that the state invests more financial and other resources into them than it receives in financial returns. Currently, Russia has only four special economic zones, located in the Lipetsk and Samara regions, in St. Petersburg, and in Tatarstan ("Alabuga"), which have shown satisfactory results. These four SEZs account for the dominant share of revenues from all Russian SEZs. Notably, the funds invested from the federal budget for the development of these SEZs have been lower than the volume of investment resources invested by residents.³⁸ The focus on the development of industries rather than on regions has created contradictions between the regions and the central government.

Blindly copying management models can lead to negative consequences in the implementation of special economic zones. In Iran, poor infrastructure and corrupt officials have transformed free zones into monopolized markets. In Russia, the replication of unsuccessful zones, including a convoluted system of support for investors, has resulted in significant government expenditures.

In Russia, Brazil, Egypt, India, and South Africa, the achievements of special economic zones have had little impact on the economic development of other regions. The number of people employed in SEZs has fallen short of the projections that governments had planned at their inception. Moreover, there is an imbalance between industrially developed and export-oriented SEZs on the one hand and lagging areas focused on the domestic market on the other. This situation leads to social problems and environmental challenges.

However, some positive effects are also observed. Although the contribution of SEZs to the overall economy of the country remains relatively small, they are crucial for the regions where they were established. The labor productivity in SEZs, primarily due to the use of more advanced equipment, exceeds the national average by at least twice.

Nowadays, new trends are highlighted in the development of SEZs worldwide, which include the formation of SEZs through partnerships between the host country's government and foreign developers. China is the most active participant in this trend. By working on the establishment of SEZs in other countries, including Russia, providing assistance in their creation and development, and entering

³⁶ Kuznetsov, A., & Kuznetsova, O. (2019). The success and failure of Russian SEZs: Some policy lessons. *Transnational Corporations*, 2(26), 117–140. (In Russian).

³⁷ Omi, K. (2019). *Extraterritoriality of free zones: The necessity for enhanced customs involvement* (WCO Research Paper No. 47). <https://www.wcoomd.org>

³⁸ Vilensky, A. V. (2020). Special economic zones of Russia: A turn to the regions. *Economics: Yesterday, Today, Tomorrow*, 8A, 381–389. (In Russian).

into cooperation agreements with developing countries, China has effectively become a franchisor state of SEZs. For example, in 1997, China and Egypt signed a memorandum in which China committed to being the main investor, sharing knowledge and experience in creating SEZs, assessing the status of the zones, and participating in construction.³⁹ In 2023, the China Civil Engineering Construction Corporation signed an agreement for joint development of SEZs in Ethiopia, aiming to establish a logistics, industrial, trade, and business center in Africa.⁴⁰

Overall, it cannot be denied that special economic zones serve as an important tool for developing national industry, enhancing export potential, and advancing socio-economic policies. However, they cannot be considered a universal and solely applicable instrument for economic development. Rather than simply replicating models from partner countries, it is essential to develop a more comprehensive and detailed approach to formulating a strategy for promoting SEZs. This involves creating a clear legal framework for their operation and a development plan for the surrounding areas and the entire state.

4. Territories with Special Environmental Status

Since the signing of the Memorandum of Understanding on Cooperation in the Field of Environmental Protection in 2018,⁴¹ the BRICS member countries have concurred that establishing “Specially Protected Natural Areas” (SPNAs) is one of the methods to combat the reduction of biodiversity, ensure the restoration of fragile ecological systems, and promote the sustainable use of natural resources.⁴²

Specially protected natural areas refer to land, water, and the airspace above them containing natural complexes and objects of special significance for nature conservation, scientific, cultural, aesthetic, recreational, and health purposes.⁴³

In the BRICS countries, there is no unified classification of specially protected natural areas, as the legislation of each state outlines various types of territories. Primarily, these areas include nature reserves, global natural heritage sites, wildlife sanctuaries, and national parks.

³⁹ Kostyunina, G. M., & Baronov, V. I. (2011). Transboundary free economic zones in foreign countries (using China as an example). *MGIMO Review of International Relations*, 2, 169–178. (In Russian).

⁴⁰ People's Daily. (2023, August 18). *A Chinese company has signed an agreement on the joint development of a special economic zone in Ethiopia*. <http://russian.people.com.cn/n3/2023/0818/c31520-20059835.html>. (In Russian).

⁴¹ BRICS. (2018). *Memorandum of Understanding on Environmental Cooperation*. <https://brics2023.gov.za/agreements-and-mous/>

⁴² Gavrilov, L. A. (2023). *Features of state regulation of specially protected natural territories in China* (pp. 132–135). Aeterna. (In Russian).

⁴³ Ozdeadzhieva, S. M. (2022). On the legal regime of specially protected natural areas. *State Service and Personnel*, 2, 116–118. (In Russian).

The main element of protection for such territories involves restrictions or an outright prohibition on economic activities within them. At the same time, each participating country in the alliance has its own ecologically and legally specific regulations, shaped by the population's mentality as well as the level and nature of social, economic, and legal development.

However, there are still some differences in the reasons for creating these zones. In China, the increase in population and the accelerated process of industrialization posed serious threats to the environment, becoming a driving factor for the creation of a national strategy and action plan to preserve biodiversity. This led to the establishment of various ecologically protected areas with the aim of optimizing their spatial distribution.⁴⁴ In South Africa and Egypt, the need to support the tourism industry was the primary reason for creating SPNAs. By preserving wilderness, these zones attract tourists and provide opportunities for local residents to earn income. In Russia, SPNAs combine the goals of preserving biodiversity and natural heritage with the development of sustainable ecological tourism.⁴⁵

By contrast, in South Africa, some of the currently protected areas were not chosen specifically for preserving the biodiversity within them but due to the availability of land or its unsuitability for commercial activities.⁴⁶

In nearly all of the countries under consideration, with the exception of China, Ethiopia, Saudi Arabia, and the UAE, unified legislation has been adopted. In these countries, legal regulation is fragmented, encompassing laws on environmental protection, land conservation plans, and international conservation treaties. This leads to difficulties in management. In China, for instance, existing laws do not cover all types of SPNAs, resulting in the absence of applicable laws in certain types of territories. Additionally, due to excessive coverage and ambiguous boundaries of SPNAs, local authorities often ignore even the established norms.

Many of the developing countries have come to the conclusion that creating SPNAs is economically unfeasible in the long run, and managing them with small budget allocations is inefficient. To overcome this issue, India and South Africa have widely adopted semi-governmental agencies specializing in SPNA management. The management mechanism within this framework is similar to that of Special Economic Zones. Functioning legally as subdivisions of respective committees or departments, they manage with a certain degree of autonomy within these departments and have complete freedom to conduct financial operations, develop policies, and make

⁴⁴ Lin, G. (2015). Features of state regulation of China's economy in modern trends. *Economics and Management: A New View*, 37(1), 56–60.

⁴⁵ Likhareva, T. S. (2023). Peculiarities of the development of ecological tourism on the basis of specially protected natural territories. *Service in Russia and Abroad*, 3(105), 104–113. (In Russian).

⁴⁶ Hoveka, L. N., van der Bank, M., & Davies, T. J. (2020). Evaluating the performance of a protected area network in South Africa and its implications for megadiverse countries. *Biological Conservation*, 248, 108577.

decisions regarding natural areas.⁴⁷ This provides another reason for creating SPNAs, which is connected to the development of the commercial sector.

In this context, it appears advisable to recognize that specially protected natural areas represent not only ecological value but also significant social value, as their existence is an indicator of a responsible attitude towards future generations.

Therefore, it is essential to coordinate the efforts of BRICS participants, specifically by creating a unified classification system of SPNA categories. Attention should also be given to issues related to the functioning regime of these areas, and establishing a shared database to monitor SPNAs is critical for ensuring effective management. Such a collaborative approach can enhance the effectiveness of conservation efforts and underscore the commitment to environmental and social responsibility for the benefit of future generations.

5. Special Ethnic Zones

All the countries examined in this study have a complex ethnic composition of the population and exhibit signs of ethno-territorial fragmentation.⁴⁸ Certain areas or regions within these countries are characterized by territories with a concentrated presence of ethnic groups that are national minorities. These minorities often advocate for greater autonomy in addressing internal matters within the territories they inhabit, taking into account the specifics of their culture, language, and traditions.⁴⁹ For instance, in Ethiopia, there are at least thirteen ethnic groups currently seeking more autonomy or regional status. Key hotspots include the Sidama, Wolayta, Kemant, Welkait, Kaffa, and Raya regions, as well as the borders between the Somali, Oromia, and Afar regions.⁵⁰ For this reason, states are compelled to pay increased attention to maintaining national integrity and finding legal means to overcome disintegrative tendencies through the creation of territories with a special ethnic regime.

The level of autonomy in these regions, similar to territories with special administrative regimes, can be divided into strong autonomy (territorial autonomy) and weak autonomy (specialized territories for the residence of ethnic minorities).

⁴⁷ Koroteev, G. D., & Ignatyeva, M. N. (2015). Foreign experience of legal regime for national and nature parks. In *System of environmental safety management: Proceedings of the IX International correspondence scientific and practical conference (Yekaterinburg, May 30–31, 2015)* (pp. 39–45). Ural Federal University. (In Russian).

⁴⁸ Mochalov, A. N. (2017). Territorial structure of the state as a way of managing ethnic diversity (constitutional and legal regulation in BRICS countries). *Law. Journal of Higher School of Economics*, 3, 134–173. (In Russian).

⁴⁹ Connor, W. (1994). *Ethnonationalism: The quest for understanding* (p. 29). Princeton University Press.

⁵⁰ Zolotukhin, I. N. (2022). Regional agenda of Ethiopia in modern geopolitical realities of Africa in Oikumenia. *Regional Studies*, 3(62), 143–150. (In Russian).

Additionally, in some countries, administrative-territorial divisions are explicitly based on ethnic criteria, giving rise to institutions such as ethnic federalism and ethnically defined states.

Some scholars note that the degree of ethnic autonomy in a region tends to depend on the size of the ethnic group: the larger the ethnic group, the more likely it is to demand not only self-governance but also participation in the political life of the country. Therefore, the choice of the method of territorial accommodation for an ethnic group and the determination of a particular “ethnic” region’s status often take on a compromise—and even a forced character—resulting from political concessions and agreements between the country’s leadership and its respective “ethnic” leaders.

5.1. Territorial Autonomies

Territorial autonomies involve endowing a public-territorial unit within a state with a certain degree of self-governance in resolving specific internal issues. In most cases, territorial autonomy is established in areas inhabited by national minorities and aims to protect their linguistic and cultural characteristics while giving self-governance.

For instance, in India, the Constitution provides for the creation of autonomous districts and autonomous regions on the “tribal territories” the establishment of their legislative bodies (councils), and the transfer of certain legislative powers to them to address issues of their internal organization in accordance with their traditions and legal systems (e.g., land use, inheritance, and marital and family relations). In turn, acts of the Indian Parliament or state legislature concerning matters falling within the competence of district and regional councils may apply within autonomous units only if approved by the respective council. Decentralization also extends to the judicial sphere: district and regional councils can establish courts to adjudicate disputes involving parties belonging to tribes registered within the corresponding autonomous district or autonomous region.

Currently, territorial autonomy continues to be employed in relation to ten districts located in the states of Assam, Meghalaya, Tripura, and Mizoram. However, the actual autonomous status also extends to the mountainous territory of the Darjeeling district (known as Gorkhaland) under Article 243ZC of the Constitution.⁵¹ In many cases, the creation of new states and autonomous districts in the northeast resulted from compromise and political agreements between Indian authorities and leaders of insurgent movements.⁵²

Territorial autonomy, as a means of organizing a polyethnic state, is most extensively utilized in China. A significant difference from India is that in China, it

⁵¹ Constitution of India (1949). National Portal of India. <https://www.india.gov.in/my-government/constitution-india>

⁵² Mochalov, A. N. (2017). Territorial structure of India in the conditions of ethnocultural diversity. *Journal of Foreign Legislation and Comparative Law*, 5(66), 62–68. (In Russian).

serves as the primary (and often only) method of accommodating ethnic minorities within a unitary state, whereas in India, it supplements the primary federal structure and applies exclusively to the indigenous peoples of the northeast, forming a third level of territorial organization alongside the federal and state levels.

China has designated five autonomous regions (Guangxi Zhuang, Ningxia Hui, Xinjiang Uygur, Tibet, and Inner Mongolia) within its territory. In total, there are 155 territorial units in China with the status of regional national autonomy.

In contrast to India, the legislative powers of autonomous territories in China are significantly restricted. Additionally, laws must undergo mandatory coordination with higher-level people's congresses. This situation is explained by the fact that, embedded in the hierarchical structure of state governance, territorial autonomy serves not so much as a compromise between the interests of national minorities and the overarching interests of the state but as a tool to convey the state ideology to non-Han peoples (who constitute 9% of the country's population) to shape their consciousness in line with this ideology and "integrate" them into a supra-ethnic socialist society. For this reason, some argue that China's national-territorial autonomy is not truly such and can be classified as specialized territories for the residence of ethnic minorities.

An important feature of Chinese autonomies is that the right to autonomy, or self-governance, is possessed by national minorities themselves, not public-territorial entities. The country's Constitution and the Law of Regional National Autonomy 1984 employ the phrase "nationality exercising regional autonomy." In contrast, in India and South Africa, ethnic and linguistic groups are not considered collective subjects with group rights. Therefore, it would be incorrect, for example, to assert that in South African KwaZulu-Natal, state power is exercised by Zulus, or that in Indian Tamil Nadu, it is exercised by Tamils.

5.2. Ethnic States

Ethnic states, which represent the highest degree of self-governance for territorial units, serve as a mechanism to counteract local population separatism when ordinary territorial autonomy is no longer able to contain centrifugal tendencies. In 1962, India reached such a compromise with its people, risking its territorial integrity. As a result of an agreement between the Indian government and Naga separatist leaders, the states of Manipur, Mizoram, Tripura, and Meghalaya were created, giving these federative units the right to have their representation in the Council of States.

Ethnic states exercise state power while taking into account the cultural and linguistic characteristics of the population. They have the authority to establish their own official language. Regional legal systems and the organization of regional institutions may also take into account national traditions⁵³.

⁵³ Gladun, E., & Zadorin, M. (2023). The system of indigenous peoples' protection in BRICS states: An overview of legal and litigation support. *BRICS Law Journal*, 10(4), 121–141.

5.3. Territories of Ethnic Minorities

Specialized territories (lands) designated for the residence of ethnic minorities are intended to preserve the traditional way of life of indigenous peoples. These territories may take the form of reservations, lands of ancestral habitation for indigenous people, national settlements, and similar arrangements.

In this context, decentralization and the territorial accommodation of minorities grant ethnic groups living in specialized territories the right to use traditional social organization institutions for self-governance in accordance with their customary legal systems (to the extent compatible with the country's legal system as a whole).

The legal regime of specialized territories may vary, but in most cases, it provides legal guarantees for the preservation of traditional livelihoods and the original habitat, without designating these territories as public-territorial entities. In India and Ethiopia (and to some extent, in China), collective political participation rights are recognized for small communities residing in concentrated areas, driven by the overall ethnic diversity of the countries. In India, the municipality of the mountainous Gorkhas in Darjeeling is integrated into the system of public authorities. In Ethiopia, the upper house of the federal parliament includes representatives of all nationalities and people.

Brazil serves as a prominent example of territorial accommodation for small populations. The lands of traditional habitation for indigenous peoples and African descendants are recognized as ancestral territories and enjoy special constitutional protection (Art. 232 of the Constitution). However, they are not considered subjects of public legal relations or elements of the political-territorial organization of the state. It is noteworthy that representatives of these ethnic groups do not claim ownership of the territories they occupy. As a result, they are endowed with the right to use (usufruct) the respective lands for residence and traditional livelihoods.

But in practice, within these territories, indigenous people live in accordance with their traditions and legal systems. There are known cases where members of indigenous tribes, having committed, for example, a murder, were exempt from punishment under the criminal laws of Brazil because they had already been subjected to punishment based on customary law.⁵⁴

The Brazilian model of territorial accommodation for small populations is also applied (with variations) in South Africa (in relation to the Bushmen and Khoi tribes), India (for the "Scheduled Tribes," predominantly in the so-called "tribal belt" in the central part of the country, the traditional habitat of Adivasis), and in Russia.

In the Russian Federation, the territories of residence for small-numbered peoples are primarily established to provide targeted support for their communities.⁵⁵ Existing

⁵⁴ Mochalov, A. N. (2017). Ethnic factor in constitutional regulation of territorial structure of BRICS countries. *Bulletin of Voronezh State University. Series: Law*, 4(31), 44–54. (In Russian).

⁵⁵ Astakhova, I. S. (2020). On the places of traditional residence and traditional economic activities of indigenous peoples of Russia: On the problem of developing criteria for inclusion (the experience of the Republic of Sakha (Yakutia)). *Society: Politics, Economics, Law*, 12(89). (In Russian).

federal laws in Russia provide specific benefits and priorities in areas of compact residence and economic activities; establish a special legal regime for land use, water resources, and forestry; and grant tax benefits and quotas for the use of biological resources.⁵⁶

In any case, the primary goal of creating such territories is not political, nor is it a response to regional separatism. Rather, the purpose is to protect the rights of indigenous peoples to land and natural resources as the foundation of their traditional livelihoods.

Speaking broadly about territories with a special ethnic regime, the research reveals a consistent pattern regarding territories with a special ethnic regime. In other words, the more complex the ethnic diversity and the more varied the types of identity contributing to ethnic-territorial fragmentation in society, the more diverse the methods of territorial organization and the constitutional forms of its consolidation. This pattern is most vividly observed in India, where all three institutions of ethnic territories are utilized due to the unique ethnic, linguistic, and religious composition of the population, which can be described as the most complex in the world.⁵⁷

Thus, ethnic federalism in India serves two purposes: firstly, it enables the territorial accommodation of large linguistic groups, and secondly, it “smoothes out” ethnic separatism among certain peoples in the northeast who have significant cultural differences from the peoples of the “main” part of India. Legislative territorial autonomy operates in the northeastern part of the country, while specialized territories (lands) are created in the central part of India for the accommodation of minorities who do not make separatist claims.

Conclusion

Based on the above, the following classification of territories with special legal regimes can be presented:

1. Administrative;
2. Unrecognized;
3. Economic;
4. Ecological;
5. Ethnic.

This list, however, should not be considered exhaustive. The active promotion of modern technologies and the digital environment, including work with artificial

⁵⁶ Burundukova, E. M., & Kostina O. V. (2020). Territories of traditional nature management of the indigenous small-numbered peoples of the North: Land use rights and their protection. *Current Issues of Modern Economics*, 10, 520–528. (In Russian).

⁵⁷ Kumar, A., Rudenko, V., & Filippova, N. (2021). Constitutionalization of national minority rights in BRICS countries (Brazil, India and Russia). *BRICS Law Journal*, 8(3), 30–66.

intelligence, as well as the need to strengthen the defense complex of countries, leads to the necessity of establishing new experimental territorial regimes, such as regulatory sandboxes or military grounds.

When considering the potential application of foreign experience of the countries under study in the domestic context, it is essential to take into account the unique characteristics of the economy, social policy, and geographical location. The adoption of successful practices from other countries requires the development of a strict normative legal framework through careful analysis and adaptation to the specific conditions and needs of our state, thereby ensuring both the effectiveness and sustainability of such territorial regimes.

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