

Ahmadova E.

Azerbaijan State Agrarian University

MULTICULTURALISM AND THE RIGHTS OF NATIONAL MINORITIES: ANALYSIS OF CANADA AND AZERBAIJAN

The aim of the study is to analyze the multiculturalism policy of Azerbaijan and Canada in the context of ensuring the rights of ethnic and national minorities, the preservation and development of their cultures. The multicultural policy of each state differs from others with its own characteristics. Today, a number of countries around the world, including Azerbaijan and Canada, have adopted different multicultural policy models.

Scientific novelty of the research. An analysis of the multiculturalism models of Canada and Azerbaijan, which are among the most advanced multicultural policy models in the world, was conducted, and it was determined what legal and practical qualities these models combine for ethnic and national minorities.

Methodology and methods used. The study theoretically analyzes the multicultural model for national and ethnic minorities in Canada and Azerbaijan. At the same time, the normative-legal base on the subject, international documents adopted in this field, scientific literature were analyzed. Although the study is theoretical, some national minority statistics have been used as appropriate.

The results of the study are listed below:

- *Multiculturalism practices for sub-national minorities in Canada are at a high level compared to other countries. Quebec's autonomy in Canada has a great impact on this.*
- *The Constitutional recognition of Quebec as a nation and the "major control over immigration, its own pension plan for most, if not all, of the powers it needs to develop the French language, and the right to diplomatic representation abroad" is a strong example for other sub-national minorities.*
- *However, in terms of indigenous peoples, the biggest shortcoming in terms of multiculturalism policy in Canada is the inability to benefit from international law.*
- *The multicultural policy of the Republic of Azerbaijan towards national minorities is guaranteed by a number of normative documents.*
- *The Azerbaijani model of multiculturalism is based on a number of principles.*
- *The Azerbaijani state provides an equal level of self-realization for all national and ethnic elements living in the country.*
- *The Azerbaijani state provides financial support to all ethnic and religious communities to protect and develop their existence.*

Key words: *Multiculturalism, National minorities, Ethnic minorities, Canadian multiculturalism, Azerbaijani multiculturalism*

Introduction (problem statement). While issues such as culture, identity, nomadism, cultural and religious freedom and related radical movements have attracted great attention, especially in the scientific publications since the 1990's, multiculturalism is also a social and political reality.

It is impossible to think of multiculturalism separately from concepts such as culture, identity, minority rights, citizenship, democracy and nation-state. Therefore, the scanning of literature is not only based on multiculturalism, but also on these concepts, and the whole research is shaped around this conceptual framework.

The main frameworks of this study are the fundamental problems of multiculturalism, such as how it is defined by those who adopt this view of multiculturalism, what the historical background and types are, and how it is implemented or withdrawn in practice.

Publications on the subject in recent years. Will Kymlicka, one of the most important names of multiculturalism, has developed a liberal theory of multiculturalism in order to reconcile multiculturalism with nation-states. Therefore, Kymlicka's theory is given a large place in the theoretical study of multiculturalism. As can be seen from Kymlicka's definition of multiculturalism, ethno-cultural groups show

diversity within themselves. Kymlicka generally classified ethno-cultural groups into national minorities, nomadic groups, isolated ethno-religious groups, metics, and African-Americans. The demands of each group from the administrations will be different. For this reason, Kymlicka has developed a five-pronged multicultural model for these groups, such as a multicultural model for national minorities and a multicultural model for nomadic groups. The concept of multiculturalism, according to Doytcheva, was first used in 1941 in England to denote a cosmopolitan society of old nationalists, prejudiced and independent individuals [11].

Is multiculturalism a political philosophy or a new political paradigm, a new political idea? Important names of multiculturalism, such as Will Kymlicka, Bhikhu Parekh, Iris Marion Young, Charles Taylor, began to be discussed in the 1990s. From this point of view, we can say that it is new. Tariq Modood stated that the name that brings multiculturalism closer to a political philosophy is Parekh [14, p. 20]. However, according to Modood, multiculturalism is not as comprehensive and comprehensive as a political philosophy. Multiculturalism is a new political idea. Nitekim Parekh also stated that it would be more accurate to evaluate multiculturalism “not as a planned, programmed political doctrine, but as a view of human life” [17, p. 427].

Multiculturalism has been the name of state policies that have promoted cultural diversity in countries such as the United States, Canada, and Australia since the late 1960's. Multiculturalism in the 1990's; Kymlicka, Taylor, Parekh, Young have gained a wider place in the literature of political science through their thinking. The historical developments and findings that led to the emergence of multiculturalism are as follows:

- the nation-state phenomenon [11, p.327–376];
- the crisis of representative democracies [6];
- social democratic governments [13, p.261–262];
- Migration process in the world [14];
- 1968 social movements and;
- the collapse process of the Soviet Union will be examined as [11, p. 335].

Contemporary responses to diversity include three liberal views on moral and cultural diversity: John Rawls, Joseph Raz, and Will Kymlicka. Parekh Rawls thinks that he is more tolerant of moral diversity than Raz and Kymlicka, who adopt a liberal multicultural approach. Rawls's political liberalism does not pay much attention to national minorities, immigrant cultural groups such as immigrants, and their goals [17, p. 214–115]. According to Parekh, Rawls' views

on the principles of justice and the political system he promotes for liberal democratic societies show that he actually sees these societies as less homogeneous.

Chandran Kukathas, who brings the most important liberal arguments to multiculturalism, opposes the answers given by multiculturalists to the demands of cultural diversity, such as “politics of difference”, “recognition policy”, and “minority rights”. Liberalism must protect diversity by doing nothing. Individuals have the right to join a group, to form a group; but it should not be concerned with what the state's goals and values are. According to Kukathas, “liberalism is a theory of multiculturalism” and is a reflection of the modern world against moral, cultural and religious diversity [10, p. 134].

The concept of national minority. Kymlicka's book *Multicultural Compatriotism* is an important source for the issue of national minorities [12]. Modern societies are becoming more and more multicultural in Kymlicka, and there are two forms of this multiculturalism: the multi-cultural state and the multi-cultural state. Modern states often carry these two at once. Kymlicka's caste from a multi-ethnic state is at least a national minority, that is, it has a cultural diversity that has tried to govern itself over a certain territory and has since become part of a “greater state structure” [12]. According to him, the multiethnic state is formed as a result of individual and familial migrations. It is on this distinction that Kymlicka's models of multiculturalism are based. The national minorities a state has; it is multinational; immigrants and ethno-religious groups indicate that he is polyethnic. Kymlicka presents a different model of multiculturalism for different types of minorities.

According to Kymlicka, the bond that will hold the multinational, that is, the multinational state together, is not the feeling of belonging to a common nation, but the feeling of patriotism. Patriotism, on the other hand, is devotion to “the great state because it recognizes and respects its national assets” [12, p. 45]. Therefore, Kymlicka rejects the nation-state understanding based on the idea of a common nation. National minorities may also object to this understanding and demand the right of self-government and special representation. Kymlicka states that national minorities demanding the right to self-government use the nation-state building tools that they oppose and that a normative justification that would not allow them to do so has not yet been put forward, and that there is a gap that needs to be answered in this area [11, p. 352].

Canadian multiculturalism and the issue of the rights of national and ethnic minorities. Canada is

a country that recognized its multicultural structure with the Canadian Multiculturalism Act in 1988. Duvieusart-Dery's Multiculturalism Policy Index to look at the practices of multiculturalism towards Quebec's, the subnational minority in Canada, between 1980 and 2010: His study entitled National Minority Policies was used. (Multiculturalism Policy Index: National Minority Policies) There are six different variables to be examined according to this index. These are regional autonomy, official language status, guaranteed representation, public funding, affirming multinationality, and international personality.

- Regional autonomy: With the 1867 Constitution, Canada was established as a federal union consisting of four provinces. Currently, it consists of 10 states and 3 territories. Quebec has more powers and responsibilities than any other province. It also has an intense jurisdiction in matters such as running its own pension plan, collecting taxes, labor market, education and immigration policies [4, p. 15]. Therefore, the criterion of regional autonomy exists for Quebec.

- Official language statuses: Since the Constitution of 1867, both English and French languages are allowed to be spoken in both parliament and federal courts. In 1969, both languages were accepted as official languages and there has been no change since 2000 [4, p. 16]. In Quebec, French is the only official language. Official language status is also a criterion Canada has provided for Quebec.

- Guaranteed representation: The 1867 Constitution guaranteed that there would be a minimum of 64 members to represent Quebec's constituencies in the House of Commons. In the Senate, with the 1867 Constitution, 24 seats were reserved for Quebecs; With the amendment of the law in 2006, this number was increased to 117. According to Supreme Court Law, 3 out of 9 judges in the Courts must be from the Province of Quebec. According to Devieusart-Dery, the representation of Quebec has been secured for about 150 years [4, p. 16].

- Public funding. The Canadian Bill of Rights and Freedoms for Education affirmed the recognition of each province's right to education in their own language for all primary school students in their official minority language [4, p. 17]. In the media field, Canada's state broadcasters (two national television channels such as The Canadian Broadcasting Corporation, Radio-Canada and four radio channels) provide services in French and English.

- Affirming multinationality: Multinationalism is not clearly recognized in the Canadian Constitution. However, despite strong resistance to the recogni-

tion of Quebec as a nation in 2006, Canadian Prime Minister Stephen Harper demanded that Quebec be recognized as a nation within a united Canada in the House of Commons, and this proposal was accepted by a large majority in the House of Commons.

- International personality: Neither in the Canadian constitution nor in international law there is any prohibitive rule that prevents Quebec from acting in the international arena [4, p. 18]. Quebec is one of the founding members of the Organization *internationale de la Francophonie*, an international forum that aims to preserve and develop French identity, culture and language since 1970. In addition, as a result of the agreement between Quebec-Canada, Quebec has a permanent representation among Canada's delegates in UNESCO's work, talks and conferences [4, p. 19].

- Land rights: There is a Treaty Land Entitlement in Canada that indigenous peoples can apply for recognition of their land rights [2, p. 17].

- Rights to self-government: The right to self-government for indigenous peoples is recognized in section 35 of the Constitution, but this right is exercised through policies and treaties and there is no law or Supreme Court decision regarding this right. There are agreements that give the right to Self-government such as James Bay and Northern Quebec Agreement (James Bay and Northern Quebec Agreement, 1975), Schelt Indian Band Self-Government Act (1986), Nisga'a Final Agreement Act (1999), Westbank First Nation Self-Government Agreement (2004) [2, p. 19].

- Cultural rights: Since 1982, the rights of indigenous peoples have been seen as an integral part of being a separate culture in the first paragraph of the 35th chapter of the Constitution. Cultural rights are provided by agreements with indigenous peoples. For example, in 1981 the Ontario District Court protected Indians' right to hunt under Agreement № 9.

- Customary law: Canadian courts have recognized the existence of the customary law of indigenous peoples, subject to conditions. For example, the Queen's Bench Court of Alberta, in a decision in 1995, accepted that customary marriages of indigenous people are equivalent to marriages under provincial law [2, pp. 19–20].

According to a study conducted in Canada, when analyzed on a national/ethnic scale, it is seen that the rate of seeing themselves as "Canadian" among citizens is decreasing compared to communities. These rates are given below: Canadians (30,3 %), Central/South Americans (15,0 %), Italians (12,8 %), Poles (12,2 %), Turks (10,3 %), Jews (8,4 %), Chinese (5,0 %), Japanese (4,1 %), Indians (1,9 %) [9, p. 136]. It is easy to understand why Canadians are in first

place in this order; because being “Canadian” is their natural/historical identity. In our opinion, the most interesting group in the ranking is the Indians. From the data of the research and the figures reflected in the table, it is clear that the Indians do not accept the “Canadian” identity as the upper identity.

It can be expected that national/ethnic identity wear will be at a very high level among Canadian citizens with a migrant background. However, the data of the research show that this is not the case, and that the origin national/ethnic identity is still alive and strong [20, p. 113].

National minorities in the Azerbaijani model of multiculturalism. The basis for the development of multiculturalism, tolerance and religious tolerance in Azerbaijan at the level of state policy is the ancient history of statehood and the development of these traditions. If we look at the historical traditions, we can see that this political behavior, which includes the Safavid state, the wave of enlightenment in the XIX–XX centuries, as well as representatives of other ethnic peoples and religious groups living in Azerbaijan during the Democratic Republic, was the ideology of statehood in the late twentieth century [18, p. 6].

The ideology of “Azerbaijanism” plays an irreplaceable role in the formation of multicultural values in independent Azerbaijan. Heydar Aliyev’s national policy, which saved the Azerbaijani state from disintegration in 1993, was based on the idea of “Azerbaijanism”. At that time, the tendency of national-ethnic conflict and division in the republic was more pronounced in some regions. At the same time, regardless of the people’s religion, faith and ethnic division, they united around Heydar Aliyev’s idea of “Azerbaijanism” and neutralized the forces that wanted to divide the country. As a worthy follower of the rich statehood traditions of national leader Heydar Aliyev, as a result of the successful domestic policy of President Ilham Aliyev, the idea of “Azerbaijanism” has become a single idea of all ethnic groups living in the country [7, pp. 331–332].

Protection of the rights and freedoms of national minorities is one of the main directions of the policy pursued by the Azerbaijani state. The main provisions of the national policy ensuring equality of rights and freedoms of all citizens, regardless of race, nationality, religion, language, sex, origin and affiliation, are reflected in the Constitution of Azerbaijan [19, art. 25, 44]. The national policy concept of the Republic of Azerbaijan is also based on international documents.

Representatives of different nationalities in Azerbaijan make productive contributions to the devel-

opment of the country by working productively in various spheres of society, working in government agencies. A number of ethnic minorities of the country, including Russian, Lezgi, Tat, Talysh, etc. are represented in the Milli Majlis by their representatives [8, p. 7].

The attitude of the Republic of Azerbaijan to national minorities is based on the following principles [16, p. 160]:

- unconditional observance of the principles of territorial integrity and national sovereignty of the state;
- protection of the rights and freedoms of national minorities;
- ensuring the state in the protection of the cultures of national minorities and its individual elements (language, customs, household habits, etc.);
- development of joint life and activity in the multinational family of the country;
- protection of historical friendship and good neighborly relations;
- to prevent cases of nationalism, racism, religious radicalism.

The Republic of Azerbaijan is a polyethnic state. Although Azerbaijani Turks make up the majority of the country’s population, there are more than 40 ethnic and national minorities – Udins, Ingiloyis, Kyrgyz, Khinalugs, Buduks, Tats, Talysh, Lezgians, Kurds, as well as Russians, Ukrainians, Belarusians, Jews, Germans, etc. [15, p. 71].

National and ethnic minorities use their language, preserve their material and spiritual culture, and form their own national and cultural associations, unions and unions. Such organizations include Talysh Cultural Center, Kurdish Cultural Center (Ronai), Lezgi Cultural Center (Samur), Lezgi Mythology Study Center, Sakhur Cultural Center, Sheikh Shamil Avar Society, Udins ‘Orayin Cultural Center, Tats’ Azeri Center, Budug Cultural Center, Azerbaijani Slavic Cultural Center, Russian Community Society, Khinalig Cultural Center, Azerbaijani Taste Community, Azerbaijani Georgian Society, Azerbaijani Ukrainian Society, Azerbaijani European Jewish Community, German National-Cultural Society, Azerbaijani Jewish Society, International Judaism Society, It is possible to show the Homeland Society of Mahsati Turks [3].

In accordance with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Self-Defense of October 20, 2005, purposeful work is being done to preserve the culture, art, traditions and language of national minorities and ethnic groups living in Azerbaijan. For example, in order to

preserve and develop the cultural heritage of ethnic minorities and groups, as well as to strengthen mutual understanding and historical friendship between peoples, a biennial festival called “Art of Minorities” is organized. Films and programs covering the traditions, cuisine and folklore of minority nations are translated into English and presented to European audiences.

The results of the study are listed below:

– Multiculturalism practices for sub-national minorities in Canada are at a high level compared to other countries. Quebec’s autonomy in Canada has a great impact on this.

– The Constitutional recognition of Quebec as a nation and the “major control over immigration, its own pension plan for most, if not all, of the powers it needs to develop the French language, and the right to

diplomatic representation abroad” is a strong example for other sub-national minorities

– However, in terms of indigenous peoples, the biggest shortcoming in terms of multiculturalism policy in Canada is the inability to benefit from international law.

– The multicultural policy of the Republic of Azerbaijan towards national minorities is guaranteed by a number of normative documents.

– The Azerbaijani model of multiculturalism is based on a number of principles.

– The Azerbaijani state provides an equal level of self-realization for all national and ethnic elements living in the country.

The Azerbaijani state provides financial support to all ethnic and religious communities to protect and develop their existence.

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Ахмедова Е. МУЛЬТИКУЛЬТУРНОСТЬ І ПРАВА НАЦІОНАЛЬНИХ МЕНШИН: АНАЛІЗ В КАНАДІ І АЗЕРБАЙДЖАНІ

Мета дослідження – проаналізувати політику мультикультуралізму Азербайджану та Канади у контексті забезпечення прав етнічних та національних меншин, збереження та розвитку їх культур. Полікультурна політика кожної держави відрізняється від інших своїми особливостями. Сьогодні низка країн світу, зокрема Азербайджан та Канада, прийняли різні моделі полікультурної політики.

Наукова новизна дослідження. Проведено аналіз моделей мультикультуралізму Канади та Азербайджану, які є одними з найпереводіших моделей мультикультурної політики у світі, та визначено, які юридичні та практичні якості ці моделі поєднують у собі для етнічних та національних меншин.

Використовувані методики та методи. У дослідженні теоретично аналізується мультикультурна модель для національних та етнічних меншин у Канаді та Азербайджані. При цьому було проаналізовано нормативно-правову базу на тему, міжнародні документи, прийняті в цій сфері, наукову літературу. Хоча дослідження носить теоретичний характер, деякі статистичні дані про національні меншини використовувалися в міру необхідності.

Результати дослідження перераховані нижче:

– *Мультикультурні практики для національних меншин у Канаді є на високому рівні порівняно з іншими країнами. Вплив автономії Квебеку на Канаду значний.*

– *Визнання Квебека як нація в Конституції і той факт, що «великий контроль над міграцією, не всі сили, необхідні для розвитку французької мови, але більша частина власного трудового плану та право на дипломатичне представництво за кордоном» для інших національних меншин формується.*

– *Але найбільшим недоліком корінних народів щодо мультикультуралізму в Канаді є відсутність доступу до міжнародного права.*

– *Полікультурна політика Азербайджанської Республіки щодо національних меншин гарантується низкою нормативних документів.*

– *Азербайджанська модель мультикультуралізму заснована на низці принципів.*

– *Азербайджанська держава забезпечує рівний рівень самореалізації всіх національно-етнічних елементів, що мешкають у країні.*

– *Азербайджанська держава надає фінансову підтримку всім етнічним та релігійним громадам для захисту та розвитку їхнього існування.*

Ключові слова: *Мультикультуралізм, Національні меншини, Етнічні меншини, Канадський мультикультуралізм, Азербайджанський мультикультуралізм.*