Conference Report

Getting the Bill Right – An Update
Panel 5: Culture, Identity & Language

PANEL 5 – CULTURE, IDENTITY & LANGUAGE

Elizabeth Craig, University of Sussex / Legal Advisor to Working Group:

This Working Group identified the Framework Convention for the Protection of National Minorities as a particularly useful document for the purposes of their discussions. They had also appeared to reach some kind of consensus on the use of the term communities rather than the use of the term minorities.

Generally, Working Group members were happy with the principles of the Framework Convention for the Protection of National Minorities. There has been a lot of talk about needing to incorporate the Framework Convention into domestic law. A bit like we did with the ECHR, European Convention on Human Rights and the Human Rights Act of 1998.

The Framework Convention is a Council of Europe of Treaty like the ECHR but it contains mostly programme-type provisions, setting out objectives which the Parties undertake to pursue rather than directly applicable rights. It was not intended that these provisions would be enforced directly in national courts or before a body like the European Court of Human Rights. That is where it is very different to the ECHR. The monitoring system is quite different. The state reports on its compliance with the obligations therein. Individuals do not take cases to Strasbourg under the Framework Convention. The other slightly problematic thing about the Framework Convention is that we do not have a definition of the term 'national minority' which has caused some difficulties for the Working Group and its members.

In the Framework Convention, there are general obligations on equality, a requirement for the state to promote minority culture and to promote understanding and tolerance between groups. Generally the view within the

Working Group was that they were provisions that they could easily subscribe to and would like to see included in a Bill of Rights. But, in terms of the more substantive issues like the provision of minority language education, the role of the media and the use of minority languages before public authorities, it all gets a bit more vague and a bit more problematic. Generally, there is limited use of rights language in the Framework Convention.

Article 14 deals with minority language education. There is a right for everyone to learn his or her minority language but the expansion report makes it clear this does not require any financial obligation on the state. So, it is a negative right of non-interference. The positive obligation of the state comes in the second paragraph and it is heavily qualified. It is all about having sufficient demands, the state endeavouring to ensure such opportunities, and adequate opportunities. The challenge for the group came in deciding what we do with this provision; how to make that into a right that could be, perhaps, enforceable in the UK courts.

Given that we recognised that the Framework Convention was not going to be the only document that we could look at, we also then started to identify other relative instruments. The European Charter was mentioned in the Good Friday Agreement as being particularly important in the context of the particular circumstances in Northern Ireland. It is, again, a Council of Europe treaty but it only covers indigenous languages and excludes the languages of migrants. The International Human Rights Covenants, the UN Convention on the Rights of the Child and the UN Declaration on the Rights of Minorities.

There appeared to be an agreement that people liked the spirit of the Framework Convention and the wording of the general ethos of the Framework Convention and also the Languages Charter in relation to the protection of indigenous languages. We drew upon the proposals made by the three Council of Europe experts during a visit to Northern Ireland in 2004. Very general provisions, the law of Northern Ireland shall give effect to the Framework Convention and language rights shall be protected through the progressive implementation of these commitments.

Some would say that it might be appropriate to have these fit in a preamble because it is quite vague. Nevertheless, we felt it was quite important that, as there was agreement that these are two instruments which are particularly important in light of the particular circumstances of Northern Ireland.

What should have been one of the easiest things to do was to go to Article 27 of the International Covenant of Civil and Political Rights which contains a general right to culture, language, and identity. The substance of the right itself is fairly unproblematic but here we hit upon the problem of, whether we use the term 'minority' or the term 'community?' A lot of you will be aware the Human Rights Commission ran into a lot difficulty in tackling just this issue.

This issue has been subject to much debate and from an international law perspective, there is no requirement to use the term 'minority' but some people feel that by not using this term, you undermine the kind of flavour of the international standards. The Working Group had already decided to use the term 'community' and people seemed happy with that. Just before we published our interim report, the ethnic minority representative suggested that we go back to the Human Rights Commission compromise, which was to use both terms, 'minority' and 'community.'

This is an issue that should have been addressed within the wider Forum context. At the seminar that took place on Friday, there was a lot of debate about the differences between each of these terms and what it means. It was extremely unfortunate there was not a debate at Forum level about it.

High on the list of what Working Group members wanted to see in a Bill of Rights, certainly from the Alliance Party, was the right to self-identification, which has been extremely controversial.

At this stage, we did take the note of the advice of the Council of Europe experts who felt that because there was not cross-community support for the inclusion of such a right, perhaps it should not be included in a Bill of Rights. We also took note of the view of the Monitoring Committee under the Framework Convention, that actually existing Fair Employment Laws did not violate currently Article 3 of the Right to Self Identification of the Framework Convention.

The parades issue obviously came up, the use of symbols etc. Most Working Group members were primarily concerned with education. If we look at the progress of the Working Group, we can see some notable successes in terms of what we did agree on education provisions.

I am quite attached to the ECHR and the idea of not playing about with the wording of actual provisions in the ECHR itself, because people are used to

them. There was a proposal to include a reference to the right to live free from all forms of harassment in relation to the right to freedom of peaceful assembly. We also could have included recognition of a right to parading. But the view shared by Working Group members, is that actually the rights were already there and protected under the ECHR. What people had problems with were how those rights were being interpreted and implemented domestically.

We discussed parades and people brought relevant documents that they thought might be useful, including the OSCE guidelines on Freedom of Peaceful Assembly. The inclusion of a reference to OSCE guidelines was quite controversial. I think because there is a presumption in those guidelines that the right should be protected.   So, the right to Freedom of Peaceful Assembly should be protected.

The OSCE guidelines is quite an elaborate document. It is filling in some of the gaps in the ECHR and clarifying some of the implications of the recognition of this right. Because I did not necessarily feel it is appropriate to play about with the wording of the ECHR, and in particular Article 11, we came up with this suggestion that courts or public authorities, when considering a question that has not arisen in connection with these rights, should have regard to relevant instruments such as the OSCE guidelines.

The Human Rights Act, which many of you will know, is not just the right to the European Convention but it is also implementation provisions. There is an interpretative obligation on the courts, so it is essentially soft law.

Where the Working Group did well was on the provisions on education. The provisions did draw upon internationally recognized standards in the UN Convention on the Rights of the Child, International Covenant, Economic, Social and Cultural Rights. They related to things like the aims of education, the role of education in promoting equality, respect, recognition of the right of found educational establishments, the right of parents to ensure teaching in accordance with their religious, philosophical and pedagogical convictions.

The issue of funding was somewhat controversial in that there were two separate proposals suggested. We ran out of time to really get into depth with these issues. But, when we came to the issue of minority language education rights, on the one side some people wanted an absolute right to education in Irish and potentially other minority languages as well. Then there was the other side which said that these rights have to be qualified and should we give

preferential treatment to Irish and Ulster-Scots as indigenous languages or is that not appropriate in an inclusive Bill of Rights for all?

Regarding the Framework Convention and the problem that there is no definition of the term ‘national minority,’ the term is not defined so the states have discretion to decide how they define it. The traditional meaning of the term and certainly how it is recognised in most of the rest of Europe, is that it covers indigenous minorities.

The UK, some would say, has adopted quite a progressive approach or some may say quite a confused, conceptual approach. It has actually based its reports on the definition of the term ‘racial group’ under the Race Relations Act. A lot of people have problems with this because first of all it does not cover groups defined exclusively by language. So they have the Wales situation where the Cornish minority, who most people would consider to be definitely a national minority under any normal understanding of the term, is not covered by the UK’s definition. But, Sikhs are and other obviously racial groups are. It also does not cover groups defined exclusively by religion. So, the UK has said that it is basing it on the term racial group but actually its reports are much broader than that and they do refer to the situation of a range of religious groups.

The Advisory Committee has also made recommendations in relation to integrated education here which obviously is primarily to do with relations between Catholics and Protestants within the education sector. It is also recommended that other groups be considered on an article by article basis.

There has been an issue raised within the Council of Europe, in particular, in relation to the Belgium ratification process as to whether or not co-dominant groups should be excluded. In the Northern Irish context, this would exclude either Protestants and Catholics or Unionists and Nationalists, however you term to categorise them.

There are a lot of problems with that and this really came to the fore when we were looking at how to translate this provision into a directly applicable right. So, it is the right to education in a minority language in areas inhabited by persons belonging to such minorities traditionally or in substantial numbers. The whole issue of whether or not this should be interpreted as just covering the indigenous languages or whether speakers of all immigrant languages

should also be protected under a general right to minority language education also became problematic.

There were a lot of big questions and big issues which were raised within the Working Group discussions. They were not resolved within the Working Group and I think really the Forum could have done with a couple of weeks just thrashing out these issues and really examining them in a lot more depth. The value of the process was that these issues were identified as potentially problematic.

The right to self-identification - who do we consider to be covered by the Framework Convention . I was reassured that this seminar had taken place last Friday and real, proper debate had taken place about these issues.

Tim Cunningham, CAJ:

CAJ held an event last Friday under Chatham House Rules, so this is what happened last Friday and CAJ's version of it. There was a discussion around the particular options that had arisen in terms of two proposals which were made:

Option A: everyone belonging to a cultural, ethnic, linguistic or religious minority or community shall have the right freely to choose to be treated or not to be treated as such, and no such disadvantage shall result from this choice.

We went into quite a bit of detail about what this actually means and particularly this aspect of somebody from a religious minority or community having a right freely to choose to be treated or not to be treated as a member of a community.

Significant outworkings can arise as a result of these – probably unintended consequences that most of us would wish to avoid, so that is something we are trying to tease out here. It is looking at the damage that could potentially arise from legislating on this basis.

Article 3 of the Convention says that every person belonging to a national minority shall have the right freely to choose or not to be treated as such—or not treated—and no disadvantage shall result. They are just talking about a 'minority' and are not talking about 'minority or community' but they are still talking about this right freely to choose to be treated or not to be treated as a

member of the community. But what does this mean and what is the value in having something like that?

There were a number of suggestions put forward at the seminar last week. One suggestion, which is essentially the position that is taken at the moment by the British government, is the right to choose to be identified or not identified, is to protect against identifying to discriminate and outlawing things like yellow stars - the situation in the previous regimes in Europe in which various communities were required to wear a yellow star - the Jewish community under Nazi occupation.

Obviously there is a process whereby people are being identified. They are being singled out. They are being told that they have to be designated in a certain way and it is in order to treat them less favourably; so that is essentially one rationale.

The other question is whether it is to ensure that people should have an absolute right in every circumstance to choose how they are identified - an essential, total liberal view of society in a sense in which nobody is going to be identified by community but rather people are going to choose themselves. If you look at the latest findings of the Council of Europe, that is not quite what they are saying because if you look at the Advisory Committee on the Framework Convention - this is an opinion that was issued in June 2007 - they looked at this issue in relation to fair employment monitoring in Northern Ireland and they take note of the duties placed on employers in Northern Ireland in terms of work force monitoring. They acknowledge that the principle method for collecting data relies on people self-identifying but on the other hand, that employers are encouraged to make a determination themselves based on written information. In other words, in Northern Ireland, as we know, if you are going for a job you are given a monitoring form. If you do not tick which community you belong to, an employer is encouraged to try and assign you to one based on your primary school.

They looked at that in the context of the right to freely identify yourself. They said they are noting that the data remains anonymous; it is used for statistical purposes in terms of trying to enjoy fair participation. So, the objective behind it is based on delivering equality. It is not based on singling people out in order to try and discriminate against them.

They remind the government that these kinds of restrictions on the right to self-identifying person are not consistent with Article 3 of the Framework Convention. However, and this is the key phrase I think from our point of view, in June 2007, they concluded that in the specific context of Northern Ireland and at this particular moment in time, the determination by employers of the community background of employees, trainees and applicants, may be relevant in order to secure the fair participation of under-represented groups.

So, they are saying that on the surface of it that would be a problem. However, given why you are doing it and the way you are doing it, that is fair enough. And, this is what they come up with as a recommendation. Basically they say that the government should regularly review the authorisation given to employers in Northern Ireland to make a determination of community background. So, in other words, "we are looking at it—could potentially—actually, no we do not think it is but we would like you to keep that under review, you know, in order to access the extent of which its going to continue to be relevant." And that was the advice in June.

So, crucially therefore the Council of Europe is not saying that fair employment arrangements are incompatible with Article 3. And, in fact, if you go further on in the report, they actually talk about advising that this kind of method be extended and considered in other areas of racial and ethnic equality because they recognise this value of it in terms of achieving equality. Regularly reviewed, that is the current position that we have in Northern Ireland. It is within the remit of OFMDFM and this would be part of any discussion or any Single Equality Bill and the ongoing work that OFMDFM would do around fair employment monitoring and in addition, any recommendations that the Equality Commission might make.

The other point of relevance in this is if one looks back to 2004. And, again Elizabeth alluded to it. But, the Council of Europe looked at the specific implications of this issue for the Northern Ireland Bill of Rights because this issue had come up there too. E.g. what about our right to not be designated as a member of a particular community? How would that fit? The Council of Europe looked at that and they said that actually this is not an issue to be advanced in a Bill of Rights but rather should be included in the context of the Single Equality Bill.

This is basically their conclusions in February 2004. The experts are of the view that the issue of self-identification should not be examined in the context of

the Bill of Rights but rather outside of the project in a more appropriate forum. And, as I say, that is when they alluded to the Single Equality Bill.

So, they were looking at it, they were saying that it is a bit of problem you want to keep it under review. You do not want to include it in something like a Bill of Rights where actually you are going to be putting something there that is going to be lasting for longer. You want to give yourself flexibility. So, let's just park that—keep it where you have it.

Supposing one was to ignore the Council of Europe and draft a Bill of Rights based on this provision as exists in Option A. Well, obviously, you know, it is pretty difficult for me to stand up here and try pontificate as to how the House of Lords is going decide on anything. But, there is a number of inferences we can draw. Based on the view of the Council of Europe, we could see someone might, for example, turn around and say well if it was in a Bill of Rights I would want to challenge fair employment monitoring because I do not like being designated. I want to challenge 50/50 because again, I do not like the idea of being designated, quota systems. And the voting arrangements in the Northern Ireland Assembly which, again it can be argued, disadvantage people who are not wishing to be identified with one particular community or another in that the voting arrangements provide for cross-community voting. Therefore, if you vote for a party which is not part of one the big Unionist or Nationalist blocks you can argue you are going to be disadvantaged.

The view from the seminar last week was that given the way that the Council of Europe have looked at this the current provisions we are talking about would probably be lawful. However, I think it is quite clear that it is likely that there would be litigation. The argument however, and one of the issues that came up in the seminar, was that things can be destabilizing in more ways than one. So, even though the House of Lords might probably along with the Council of Europe say this sort of stuff is okay, there is a question of well, would they, because you can never really determine with absolute certainty what the House of Lords is going to decide about anything. Ask anybody who has unsuccessfully petitioned them and they will tell you that.

So, the question is, what would happen to the political process in Northern Ireland if there was this kind of challenge and decisions were to be made, the Court of Appeals through to the House of Lords, people were looking at it and looking at the voting arrangements. In terms of political stability what would it do? Well, chances are it could create problems.

Now this then takes us into the issue of politicians and who judges. We are sort of saying, to date there is obviously been a debate out there in the extent to which a Bill of Right in any way is going to curtail the ability of politicians to do their job. Now, generally we are not sympathetic to that point of view. It is not true, in our view, that if you include economic and social rights you are automatically going to curtail the right of elected politicians to do their jobs. But, that is our position, it is very clear. However, this is a case in which we do think that there is a potential difficulty in terms voting politicians and judges, in that we are including provisions that are potentially going to open a challenge to the existing political structures that have been agreed.

So, is it a matter of leaving the judges to decide or is it a matter of politicians? Well, the other question that arises, is that if we are going to throw into the mix and we are going to risk everything, we are going to roll the dice, what do we think might be gained? What is the utility of going down this route? Well, apart from the provisions in terms of the language rights which we would welcome kind of a standalone language provision there, whatever the utility of Option A or B. The other problem that arises is this issue of communities, minorities, Framework Convention. Now, obviously, there is this question of community versus minority. The drafters of the Framework Convention I suspect had not thought of Northern Ireland. And this came up, it was quite interesting. Do we mean a minority, a national minority an ethnic minority, minority community, parity of esteem between the two communities? Do they mean a minority within Northern Ireland? Do they mean a minority within the United Kingdom or do they mean a minority within the island of Ireland?

The UK's ratification of the Framework Convention is based on the understanding that it would apply to racial groups within the meaning of the Race Relation Order. The Council of Europe again specifically looked at this issue in February 2004 and international law does not dictate that any specific terms should be used in terms of the definition of minorities. However, and this is the key point in terms of what we are doing and why we are here today, the experts are aware that discussions around this will require an examination of a number of questions. And, that it may be preferable to examine these outside the context of the Bill of Rights project, for example, in the context of legislation to give effect to the Framework Convention for the Protection of National Minorities.

So, that is the Council of Europe. That is the finest minds that the Council of Europe could come up with. Sent to Northern Ireland, looked at this Framework Convention, looked at the Bill of Rights and said we cannot do it and actually, we think you would be better off not addressing this at all in your Bill of Rights but doing it around specific legislation. Again, like the self-designation issue, they are saying 'defer it to primary legislation.' Look at a Northern Ireland Single Equality Bill, whether it is a Framework Convention kind of legislation but they are saying that actually this is not appropriate for the Bill of Rights.

So, if they could not do it, what does that say for the rest of us? Regarding community and minority, the Council of Europe view, from what we have looked at to date, is that it is preferable to examine issues around the Framework Convention in incorporating it outside the Bill of Rights debate, i.e. legislation, Northern Ireland Assembly and so forth. Protections around not being treated as a member of a community, again, regularly reviewed, Single Equality Bill, not examined in the context of a Bill of Rights for Northern Ireland.

So, in terms of the question for the Human Rights Commission, we have two options down on paper, Option A or Option B. W adopt the Monty Brewster approach – a film in the 1980s with Richard Pryor and he stood for election. He wanted to waste as much money as he possibly could and his election slogan was vote for none of the above. Essentially, that is what we are saying, none of the above because clearly, the Council of Europe is advising that these two issues are so problematic they should be dealt with elsewhere. Standalone provision in the Bill of Rights for minority languages - absolutely, go for it.

We are finishing with the recommendation actually that Peter Robinson made whenever he brought his budget before the Northern Ireland Assembly, 'Primum non nocere,' the classical scholars among you will recognise that as, 'first, do no harm.' The maxim used by the medical profession which is essentially the message - the Northern Ireland Bill of Rights, the first thing that we want it to do, before it does anything else, is not create problems where they do not already exist or do not go down a route that we are going to find ourselves caught up and bound up in something that we subsequently regret.

And we have talked a lot about laws and all the rest of it. There is the law of unintended consequences and again that is going back to things that could be

damaging in terms of where things are working well, leave them alone. That is our view.

QUESTIONS

Alex Schwartz, Queen's University Belfast: Why did limitations clauses and middle ground fall off the table, so to speak, and did not end up in either Option A or Option B in terms of the right to self-identify? Because at an earlier stage it was proposed to have something in the way of a clause that would say that there is a right to self-identify but it could not be used in a way that would undermine say the political arrangements that came out of the agreement or things like that.

Rebecca Shea, MENCAP: In terms of the word community, is that likely to be the narrow definition of community to mean geographical area or the traditional sense? Or, is it possible to be interpreted as in the more broad sense to include communities of interest, such as age, disability, sexual orientation, all of that sort of thing?

Elizabeth Craig: The right to self-identification came initially as a proposal from the Alliance Party. It came in the format of Article 3 of the Framework Convention and there was awareness in the Working Group that this could raise potential issues in relation to fair employment monitoring, potentially in relation to the Assembly, potentially in relation to integrated schools and the 40/40 requirement for integrated schools. And the fear of the proposer or the fear of the Alliance was that the right took precedence, if you like, and if there was a potential issue with existing equality provision, that because the equality provisions were anticipated to already be in a Bill of Rights, then you would have a balancing of rights exercise that normally takes place when there are potential conflicts with rights. And, because the wording of Article 3 as such is not absolute, it does refer to no disadvantage—the right to choose. In a sense that is open to interpretation. So therefore I think the feeling was that it was not actually necessary and the proposer did not actually want to include it because I think there was an awareness that actually even if fair employment legislation would be open to challenge, that in a sense that was a consequence of recognising of right and therefore that challenge should be allowed to at least be heard. So that was how it came into the Working Group. It did not come from me going back the Human Rights Commission's previous recommendations and saying that they proposed this, what do you think? It actually came as a proposal from one of the Working Group members.

Tim Cunningham: I think that this is like a bit of a game of poker where it seems somebody proposed one thing and then there was another proposal and a counter proposal and we will introduce a right to self-identify but then we are going to have a limiting clause on it. The obvious easiest answer is just do not mess around with it in the first place. Stick with what we have because then you are into the 12th dimensional chess game of, "well you do that but then how limiting shall it be?" And as I say, the Council of Europe's finest minds could not find an answer to it. So, maybe there is a lesson there in terms of leaving it alone.

I suppose to flow on from that also is exactly the same point in relation to the question from MENCAP. Again, once they put up the word 'community' what do we mean? And, I absolutely agree then - are we talking about people with disabilities, people of certain ages and so on? The best thing to do is not to go there. Robust equality clause does the trick, that is the point. We are talking about one narrow area here and we are trying to second and third guess. And these issues have come up. If you do not introduce the word 'community' you do not need to then go on and identify. With a robust equality clause everybody is covered.

I think this takes us back to the point that we are looking for. CAJ's view is we do not support a Bill of Rights at any cost. We support a Bill of Rights that is actually going to do a job and advance us somewhere. It is not an exercise in giving lawyers a field day in coming up with various definitions of things. What is the practical value? And if practically there is not much value or little value in doing something, then practically it is going to create more trouble. There is enough to be getting on with out there. There are pages and pages in the Forum report and there are huge issues to be addressed and it seems that if this is one where you can actually take it off the agenda, that would be an ideal opportunity.

In terms of the issues around this and the general value and purpose of what a Bill of Rights is for and issues around communities, there are questions about what could go in a Preamble which is not actually going to be something. That will have an operational value but will be the preambular message, if you like. So, there are ways around that. But why give yourself more problems?

Elizabeth Craig: There is a precedence for the use of the term 'community' and that is the term used in the South African Bill of Rights and is the term that was just considered most appropriate in that context.

I was reading an article recently on how that provision is being interpreted and applied in a South African context. And it is almost like they have interpreted it as they would the term 'minority' except it is clear that it is not exclusionary in a sense in that it is not saying this particular group is not covered because they are not numerically a minority or whatever. And, what the group considered was important was that regardless of whether you use the term 'minority' or 'community' in a sense those exact same issues come up as you raised, regardless of which term you use. What is actually important is the qualifying adjectives which we identify as cultural, ethnic, linguistic or religious. What is open to interpretation is what you mean by cultural community or cultural minority. And if those groups can show that they are a cultural community. In international law definitions of the term minority - the term is not defined, but there have been various attempts to have a definition.

Jeff Dudgeon, UUP: What happens if a Single Equality Bill never happens as is a strong possibility? It has certainly been shelved for a decade nearly now. If we do not like this policy, forget about it. Large parts of the Bill of Rights are opposed particularly by political parties, so why not abandon the whole concept just because you do not like the idea or it has difficulties? It seems to me a policy of having your own way and ensuring nobody else does.

Tim Cunningham: It comes back to the point of what we want the Bill to do. And, if we have identified a particular area of where, we cannot see it having any utility and I am actually talking about the utility of the value added, of what it is going to deliver, other than create other problems and difficulties, insoluble problems. It seems that there are other aspects of the Bill of Rights that can address real problems, real needs and real issues out there. So, the test should actually be, what is the point of going down certain routes and if it is very clear that one particular aspect is not going to deliver anything beyond which we can get by another route then why bother?

In terms of the Single Equality Bill, yes, absolutely, we would have liked to have seen much more progress there. That was an example that I was given, they were the Council of Europe examples and they were essentially saying that this is a matter which should be deferred to primary legislation, not a Bill of Rights which is going to be the over arching framework which is going cut across

every other piece of legislation. But rather, this is something that should be introduced incrementally at every stage.

Absolutely, the Single Equality Bill has had much too long to lay for our liking. The fact that we have not been able to sort out the Single Equality Bill, which is a much simpler piece of legislation than a Bill of Rights, is, I think, an indication of how complex these issues are and how actually it may be better to approach certain issues incrementally and equally, how careful we have to be that we do not finish up legislating something that is going to take us back 30 years.

Elizabeth Craig: In relation to the right of self-identification, it appears to me that the debate within this room or within other contexts, e.g. within the Forum, was actually relatively well informed. People were aware of the opinions of the 2004 Council of Europe experts, even if they were not aware of the Advisor Committee's most recent comments. And it appears to me that there is no compromise on that point. Some people want to see it included and some people do not.

Regarding the issue around the terminology, the term minority, the term community etc - are we talking about racial minorities are we talking about indigenous minorities? That, to me, is an issue on which the debate was not a well informed debate. I think there is a lot more potential there for discussion about the issues. That is why I was so glad that this seminar had taken place on Friday because at least then there was some discussion around what are the implications if we use the term 'minority' and what are the implications if we use the term 'community.'