

## **Workshop on Current Research Directions in Minority Rights**

School of Advanced Study, University of London

Wednesday 27 March 2013

10.00-13.00

### **Workshop Report**

This workshop is the first in a 2013-14 research series on current issues in minority rights research, organised by Corinne Lennox (School of Advanced Studies) and Tawhida Ahmed (University of Reading).

#### **Present:**

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#### **Welcome and Introduction**

The workshop opened with a brief introduction to the UK Network on Minority Groups and Human Rights by Tawhida Ahmed and Corinne Lennox:

- Established in 2009 by Gaetano Pentassuglia at Liverpool University
- It is a forum for scholars in the area to discuss minority rights
- It is supported in part by the Human Rights Consortium, School of Advanced Study
- It supports the work of members
- There have been two major conferences and some seminars organised by the Network

- The Network maintains a regular Newsletter which informs members of its work, contains details of key research developments, publications and details of members
- Website: <http://www.sas.ac.uk/hrc/networks> or <http://www.reading.ac.uk/law/research/law-minority-groups-and-human-rights.aspx> Newsletters: <http://www.sas.ac.uk/node/1098/> or <http://www.reading.ac.uk/law/research/law-minority-groups-and-human-rights.aspx>

Purpose of the workshop:

- To identify where we are with minority rights research and policy
- To identify gaps in current research and policy
- To think about the key developments in Europe and also internationally
- To reflect on research synergies between the academic and civil society organisation communities
- To share insights into available streams of funding for research on minority rights
- To encourage similar workshops

Rationale for the UK/Europe and international focus:

- Different legal developments in Europe and beyond
- The domestic experience is important to strengthen international bodies
- Mechanisms dealing with indigenous rights tend to be much stronger than mechanisms on minority rights

## **Part I. Minority rights in the UK and Europe**

Short presentations from the following speakers:

1. Kunle Olulode (Director of Voice4Change England)

Voice4Change is a national advocate for 450 Black and Minority Ethnic voluntary and community sector organisations, established in 2006. Since January 2011 they have faced a shift in terms of the Equality legislation and also their funding base. Voice4Change are focusing their activities on race legislation and considering why there has been a failure to implement equality legislation in practice. The current research of Voice4Change is funded by the Joseph Rowntree Foundation (JRF) and focuses on in-work poverty, ethnicity and work place cultures, and a study on recession and cohesion in Bradford. The former research is to establish what shapes the attitude of people in the workplace and to determine how practices change. This was completed in order to meet the needs of the disadvantaged communities and to strengthen hidden voices.

Kunle reflected on the strengths and roles in collaboration between civil society organisations (CSOs) and academics. They are trying to use research to transform policies; for example, they have been able to sit in consultative bodies hosted by the Department of Local Government and Communities. They find very useful the opportunity to have deliberative workshops on preliminary findings from research. CSOs can also provide useful networks for facilitating research. Although CSOs and academics speak different languages but they share a good division of labour, with academics leading on research and CSOs on project management

CSO role in research:

- Link at community level/ building local knowledge

- To recruit employers who want to engage in work
- To conduct interviews – employer/management interviews – to obtain primary information
- Dissemination of results – engaging with stakeholders

The strengths of collaboration with a research consortium:

- Development of stable and consistent approach to projects
- Clear lines of communication
- Shared knowledge of experiences elsewhere
- Research provides evidence-based approach for further development of CSO work

The next step is to raise awareness and promote good practice. There is a new discussion around the process of developing a new narrative around race and Voice4Change are cooperating with, among others, JRF, Cadbury Trust and Operation Black Vote. There is a need for a new critical examination of race, including focus on the experiences of younger minorities. However, one of the constraints faced by CSOs mentioned was funding, including both availability and the short-term nature of project funding.

## 2. Prakash Shah (Queen Mary, University of London)

The concepts used within minority rights are linked to a particular culture. The West has a particular history of thought, partly drawn from Christianity; this has formed the idea of rights. The ideas relating to rights and minorities have been conceptualised by the West.

Prakash also discussed the ways in which distortions have occurred. The foundation of the present human rights system is embedded in a historical framework and is not value neutral.

Prakash's research explores the diversity of religions within Europe. He is focusing on European legal systems and considers how they relate to the public sphere. The different histories in Europe have shaped the way the legal systems have developed. The UK has been considered progressive in asking certain questions, linked in part to different domestic discourses, experiences of tolerance and academic traditions.

He noted that funding opportunities were available for collaborative research across borders.

## 3. Bill Bowring (Birkbeck, University of London)

A key research trend explained by Bill Bowring was the implementation of the Framework Convention on National Minorities and the European Charter for Regional or Minority Languages, which the European Centre on Minority Issues (ECMI) has been working on. He also highlighted trends in relation to non-territorial autonomy and multilevel issues of self-determination. The experiences of the Mari indigenous peoples in the Tatar region were also noted as an example of European indigenous peoples. He also discussed his research projects, some of which include:

- A workshop on Non-territorial Autonomy, Multiple Cultures and the Politics of Stateless Nations held at the University of Mainz. This looked at the traditions of autonomy in the Russian empire and how it interlinks and overlaps.
- Expert work for the EU and the Council of Europe Joint Programme on 'Minorities in Russia'.

He noted that research funding opportunities were available from the European Commission, and also from the Oak Foundation, Sigrid Rausing Trust, MacArthur Foundation and Soros Foundations.

## General discussion

There was some debate as to whether and how the British 'model' on minority rights is seen as progressive in the European context, in contrast to popular rhetoric in the UK, e.g. vis-a-vis immigrant communities and multiculturalism. The way that countries see minorities varies and we are able to see patterns developing. Spain, for example, takes a more pragmatic approach towards minorities, as evidenced by the illegal immigrants' amnesties.

The question was raised of whether the current demographic realities could be well-served by a protection system created at the end of the Cold War in Europe. It was argued that the practice is moving away from (minority rights) protection and towards integration. This is in evidence, for example, in the new guidelines on *integration* of diverse societies prepared by the OSCE High Commissioner on National Minorities. The UK has made this shift prior to other European countries. We see also difficulties in applying the Framework Convention on National Minorities to so-called 'new minorities', a key area for research going forward. There is a shift of narrative, from protection and minority rights to integration and equality. The concept of 'accommodation' was also noted. How do we understand these concepts? Has there been an outright rejection of multiculturalism, in favour of integration and social cohesion discourses? Or do we see a gap between anti-multiculturalism rhetoric and the reality of policy and programmes on the ground, which often still seem to espouse these norms?

The group also discussed how terms are being used differently across the civil society, academic and government sectors. Thus, even within a hegemonic Western interpretation of minority rights, there is a lack of clarity on concepts and shared meaning. There is a small epistemic community on minority rights within Europe that needs to take further account of the link between narrative and practice and to critically re-examine any discourse that has evolved.

## Part II. Minority rights beyond Europe

Short presentations from the following speakers:

1. Carl Soderbergh (Minority Rights Group International (MRG))

MRG values very much the input of academics into its work. Some of the key trends in MRG's research were highlighted, including:

- Looking at CSR, land rights and natural resources across the globe. They have been working with communities in East Africa on legal cases in this respect.
- Constitutional reforms – reports relating to Kenya, Fiji, Sudan and Nepal.
- Customary frameworks on participation
- Gender and inter-sectionality (e.g. with disability, sexual orientation); gender- related violence
- Religious minorities in conflict and post-conflict situations; there is considerable donor interest as well in this theme (e.g. coming from Norway, Austria).

- They are producing their next State of the World's Minorities and Indigenous Peoples Report on the topic of health.

MRG seeks in future to conduct more participatory research and would welcome academics' inputs in this regard. Other future research trends could focus on the media (which is likely to be the focus of the next UN Forum on Minorities) and on increasing urbanisation.

Research gaps:

- A major gap which MRG is working on currently is land rights issues. One question which is being dealt with is how to value land that is taken from minorities, including beyond mere monetary compensation. They are working with ESRC-Net on this issue.
- Corporate social responsibility has moved forward with regards to indigenous people rather than minorities, partly reflected in the emergence of policy references to indigenous peoples in CSR documentation.
- Gaps in empirical data were also noted. More disaggregated data on the status of minorities is needed in many countries to enable better comparative and global analysis.

Carl Soderbergh also noted that funding on minority rights issues continues to be prioritised by the EU, Nordic countries and some foundations.

## 2. Sally Holt (University of East London)

Sally Holt reported that she has mainly worked on policy-focused research, particularly in the area of conflict and peace building, for example, with the Quiet Diplomacy Initiative. She noted that because much of her work has been on a global level, it has been difficult to use the term 'minority', which does not translate well to other contexts.

She discussed several projects focused on women, where the perspectives of minority women could be given more attention. She has worked on projects in Libya and Egypt which have been supporting women candidates in elections, and also on women's participation in Central Asian countries.

She highlighted some research gaps:

- Reconciliation: what steps can be taken to ensure that marginalised minorities are included better in reconciliation and peace building processes?
- Land and Natural Resources: how can alternative dispute resolution from customary practices be better utilised in this domain? What can be learned from traditional approaches to natural resources management?
- Culture and development: how is culture an enabler of development?

Key sources of funding have been from development agencies such as CORDAID, DFID and USAID.

## 3. David Keane

David Keane spoke about the global development of minority rights and sought to argue that the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) should be regarded as the central (legally binding) pillar of a global regime. There is no global law or treaty on minority rights per se. The minority rights system has developed from the original structure which was

arranged by the League of Nations. Previously, there was a minority rights treaty system which was signed unilaterally or by force. The treaties were only applied to the defeated States.

He noted that the anniversary of ICERD is coming up in 2 years time and the treaty has been widely ratified. The Committee on the Elimination of Racial Discrimination (CERD) has taken some innovative steps to address contemporary minority protection issues. For example, the Early Warning system of CERD can be used to address conflicts where minority groups are implicated.

He also noted that CERD has sometimes moved ahead of state practice in its interpretation of the ICERD. He referred by way of example to issues around caste-based discrimination, and India's rejection of the applicability of the ICERD.

He also noted that in some States minority rights are used negatively, for instance in Syria and Fiji, and there was a need for a counter-critique of such approaches.

The emergence of a draft South Asian Charter on Minority Rights, coming out of Sri Lanka, also raises questions about whether a minority protection regional regime could precede a more general human rights approach in the region.

Finally, the UN Secretary-General's new initiative for a UN Network on Racial Discrimination and Protection of Minorities was pointed to as an example of a possible new direction for international norms, i.e. a closer synergy between racial discrimination and minority rights standards. The UN Secretary-General has just the previous day launch a new Guidance Note on Racial Discrimination and Protection of Minorities:

<http://www.ohchr.org/Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf>

## **General discussion**

Some debate was had on how far human rights treaty bodies need to be ahead of States to ensure the effective implementation of the human rights treaties. Should international bodies be pushing or following state practice? It was argued that CSOs and academics might have different views on how far to critique the existing protection system, given its precarious status in the eyes of states. CSOs may tend to have a more opportunistic perspective on the use of international mechanisms, seeking to further their goals domestically in using these spaces but not seeking to critique international norms per se, which in itself may have a distorting effect. The role of the academy in challenging norms was emphasised, linked to the earlier discussion on diversity in discourse and practice even within Europe and at different levels of analysis. The role of researchers could be best focused on further study of how these norms work in practice at the domestic level, e.g. whether they are indeed fit for purpose. Enabling a more cross-cultural dialogue within the academy would also strengthen the analysis of international norms.

The challenges for minority groups to forge a common discourse at the international level, in contrast to the success of indigenous peoples in doing so, were also debated. Minorities were seen to have more difficulties in building a common, transnational identity. Land rights were raised as one area where the two normative regimes have differed. It was noted that the tendency in the minority regime has been towards making guidelines as broadly applicable as possible, which may have a distorting effect on national/regional contexts. Questions remained as to how international law should be developed to better protect minorities.

## Conclusion and ways forward

Tawhida Ahmed and Corinne Lennox invited participants to say more about how the Network could support their work in future.

Suggestions included:

- To continue to create fora for interaction between CSOs and academics.
- A division between Europe and the international realm may facilitate better discussion. Some space to move beyond Euro-centric discussions on minority issues would be of interest.
- The discussion can be continued online. For example, PluriLegal was suggested as a potential forum for discussion. PluriLegal is a discussion group which focuses on the legal accommodation of cultural, ethnic and religious minorities. <https://www.jiscmail.ac.uk/cgi-bin/webadmin?A0=PLURI-LEGAL>
- A whole session devoted to policy may be useful, focused on particular sub-themes, such as religious minorities.

Participants were informed of some future events:

- 12 June, Reading University: PhD research workshop where students can present work in progress (please note change in date – previously advertised as 10 June)
- 9-10 September, Senate House, University of London: Association of Human Rights Institutes annual conference (<http://www.ahri-network.org/>).
- 28 October, Senate House, University of London: UK Network on Minority Groups and Human Rights, conference