

## Patrick Thornberry Closing Remarks

Thank you Madam Chairman.

We have been gratified by so much interest in the question of education of minorities so it was a very wise choice for the first forum and we have heard many useful suggestions. Including, I must say, many additions suggested additions to the text.

It might be and I am sort of half serious here interesting intellectual discipline that if you propose an extra paragraph, could you suggest 'want to delete also' I think you might find that you would be trespassing the sensibilities of the many of the other participants this particular meaning.

But anyway that is only half serious. Doubt we will take on board as many sensible suggestions I think as we can deal with. And this brings out the old adage is that the variety of minority situations and circumstances which we have seen today makes great difficulty in the development of subsuming these concerns into a common language of normative activity.

As I said in the opening remarks there are different sets of norms: there are the general norms and there are the specific norms on minorities and indigenous peoples. They have different histories. They have indeed in some ways in some ways different philosophical background. And they do compound the problem allied that is to the variety of circumstances of saying something useful and relevant in light of the local and national experiences.

And we have has such a wealth of experiences presented today. So the draft certainly needs revision and I think however without losing coherence I would cant simply be a presentation of a kind of unstructured accumulation of ideas of great length; and therefore joining the library of unread volumes and impractical documents. So we need to avoid that. We need to look towards achievability and array of recommendations to be realistically. They can operationalize in particular circumstances. This does not rule out sharer language and more direct comment on obligations on the contrary. I think we could in light of comments and other opening paragraph, make the basis and intention of the draft clearer in terms of its relationship to international norms and the extent to which it is focusing on the implementation of those norms.

As I said many interesting points. I have noted in general that we can certainly sharpen the language. We can try to remove ambiguities. And I want particularly ambiguity which I think was mentioned first as an ambiguity by the representative of the European of Lesser Used Languages on the day-time special schools. Now we adopted that term we meant in light of the, all I can say, the DH case to do with Roma, before the ECtHR. But one can see the ambiguity in just using the bear terms "special schools" and "special classes" that other meaning might be carried and I think we have to be a little bit more specific on that.

I think we should remove any ambiguities that can be a certain redirection of emphasis towards increasing the level of practicability that was also a point made. And I not in particular in these discussions the emphasis on outcomes is one of the issues.

Many issues have been raised on data and the need for a better-disaggregated data. In sum what have seen today from the government point of view and the NGO point of view, and the community point of views the sensitivities on the data questions so anything we say on that has to be carefully finessed.

I think we can sharpen up points on budgets, on resources, on minority participation. When we say the word participation in an international context its not just consultation it is so much stronger terms than that. I think it is reasonably understood and I can direct anyone on the literature on the understanding of the term participation as an international standard. We need to talk a little bit more on the mechanisms to challenge exclusions and also I think on accountability and evaluation is another issues.

I think the question of inter-sectionality of various kinds including gender but not confined to gender can be given a higher profile. And in relation to the points on indigenous peoples I think we do need for conceptual reasons as well as institutional reasons better coordination with the work undertaken by indigenous mechanisms.

Points have also been raised on the forms and varieties of discrimination. But again I think discrimination is a word that when it is used in the international context carries so many meanings. It is not just about the intentional discrimination. It is direct, it is indirect, it is institutional, it is systemic, it is all of those things. So I think if we are going to specify 16 meanings of discrimination in a text it is not going to be very helpful. And what bout the 17 meaning that has been not referred to.

Very interesting points I think today on issues to do with secularism and religious symbols. I have taken a careful note of those. And on nomadism, a number of participants have raised issues to do with nomadism. And of course I ask myself is the school a kind of fixed structure. Is it a building? Is it something to witch people must go? Or is it actually something that can go to the community? I think we might not said enough about that kind of issues.

Other issues perhaps, a certain degree of adjustment, I think, can be made in the draft to deal with particular categories. One has to be careful of not subtracting from the generality and the general usage of the text. I noted two final [petit]points on here suggestions where I though that very interesting remark on the minority language re-vitalisation because of course once a language goes beyond a certain what we might call "tipping point" the language will be lost and as mr De Varennes said today that is always the loss of any language is tragedy for humanity.

I also like professor Gifford's point on emphasis on agents of change and I like that to also envisage that the draft recommendations as agents of change – a stimulus to a more proactive stances on education.

Just a few more points briefly, I think we can update the language to use some of the more current language used by UNESCO to talk about inclusive education. While also I am bearing in mind that this is also about minorities in particular developing our own kind of language and I think I particularly like our emphasis on outcomes, educational outcomes as an examples including the monitoring of such outcomes. And outcomes is perfectly in order as international standards make a distinction between obligations of result and obligations of means and I think we can certainly look forward to certain results on the part of the governments.

But we can't purport to dictate the means by which these should be achieved. Whether we talk about the presentation of statistics or the arrangement of educational services within the state. We can only go so far in that respect.

I think there are lines to be drawn bearing in mind the particular provenance of the instrument. The balance is difficult, and in a way the section on segregation and de-segregation strategies was a simple compilation on international norms of rather different provenance. And in some sense some instruments are animated by an integrationalist philosophy and others by a slightly more separationalist approach. We do have to be careful about utilisation segregation and de-segregation. How aggressive a policy might be and so on. They mean some things in certain context they may mean other things in different contexts. Integration is generally regarded as a good but for example on history of the work on indigenous peoples integration became a rather negative category. I think again, one has to be careful on this particular point.

Two other perhaps issues a lot of the discussion has been on the official school system and of course education is wider notion. Involves community, involves society, it involves the state and the locality, the media. And if actually wanted to suggest an idea for a future forum I think the media and minorities has all kinds of implications which would be of general interest. But I hope none of this neglects the idea of in-community-education.

The informal sector, education in tradition as well as language. In our enthusiasm to remedy the defects of formal education systems, I think we should not forget that aspect of life. And if we believe in education as a drawing out of human potential this is also something that is not confined to children but is in fact a life-long process. SO perhaps we should discuss more fully actually what is education. We have discussed what is a minority to a certain extent and indigenous peoples. But exactly is education, what are we aiming for.

Just two final things, sorry I keep saying final things, but last words not all specifics can all be catted for text. I just wanted to make that clear and that sometimes the perceived limitation in one article of the text can be compensated by articles or paragraphs elsewhere. I would encourage a wholistic reading of the text and if something is changed or removed in one area it may unbalance. It is a good policy to ready any treaty or

declaration or whatever it is, is to read the whole document and then see how the article which is focused on related to others.

I think we have to try to produce common elements, rather than just what you might call a wilderness of single instances. I think that would be an inadequate document. And finally, this is absolutely finally, the philosopher AJ Air sometimes called Freddy, in gendered language he divided philosophers into laymen, journeymen and pundits.

So maybe I am more than a layman, I am basically a trades-man or a labourer in relation to this forum. Other may wish to style themselves as pundits in the field of human rights but in any case whoever they are and all of you I commend all those concerned with the work of this first forum on minorities and how useful it is to have to focus on a text. Thank you.