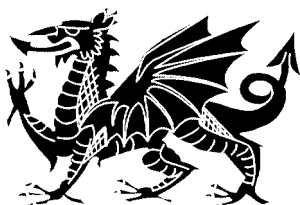


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yr **iaith** gymraeg



A New Welsh Language Act for a New Century



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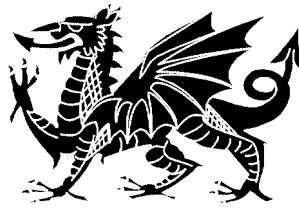
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AUGUST 2000



A New Welsh Language Act for a New Century

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Introduction

Cymdeithas yr Iaith's aim and purpose in publishing this statement is to make clear our position on the basic principles of our main campaign – the campaign for a New Language Act for the new century. We are confident that publishing this document – along with other means of campaigning – will incite debate and promote support for legislation, in order to set a firm foundation for the development of the Welsh language as a living, national language for the whole of Wales as part of the wider process of democratising our country.

The 2001 Census will be a broad measure of the situation of the Welsh language in Wales. Other countries who take the normalisation of their languages seriously are now seeing growth in the numbers of speakers across the age spectrum, despite the increasing pressure from world's dominant languages. Welsh should be amongst those languages that can stand their ground and reach out but, without a firm foundation, and deliberate and strategic planning, that will not happen.

The National Assembly's vision is to work to ensure that "the Wales we create now will be a better country in which to live and work in the future."¹ Cymdeithas yr Iaith is campaigning to ensure that the Welsh language is at the centre of that vision and not stuck on the sidelines as it is at the moment.

We welcome any feedback and look forward to the discussion on this document. Why not join the campaign? For further details contact our main office.

01. Cymdeithas yr Iaith Gymraeg's political stance

Cymdeithas yr Iaith believes that creating a vibrant future for the Welsh language is one of the foremost responsibilities of the people of Wales and that this must be a key part of the process of democratising our country and creating a better future for our people and our communities.² We do not accept that the language only belongs to the few who gained access to it by chance of birth and education but rather that it belongs to all the people of Wales as a common inheritance and that it is one of the chief attributes of Wales as a country. The aim is not to pander to a minority and push the Welsh language further to one side by some kind of 'Welsh on demand' mentality but to give the language a central place in the lives of Welsh people. We believe in the need to radically change ideas and habits as well as redistributing opportunity and power in society in order to make this a deliberate policy and ultimately a reality. The fight for the Welsh language is therefore part of the wider struggle to create a world that is fairer and more equal.

That is why Cymdeithas yr Iaith campaigns to transform the position of the Welsh language in Wales.

We recognise the difficulties in challenging the status quo but we are prepared to take the responsibility to change it and we are determined to succeed.

02. Context – the case for a New Language Act

In the wake of the setting up of the National Assembly a new level of democracy exists in Wales. From the outset, Cymdeithas yr Iaith stressed the importance of a fully bilingual Assembly,³ but, a year after the Assembly was established the reality of the situation is that only a small minority of Assembly Members choose to speak Welsh on the floor of the chamber and even fewer do so in committee meetings. The whole administration of the Assembly still follows the English pattern established by the Welsh Office, depending on translation rather than attempting to implement the change of culture that would ensure effective bilingual administration.

In the debate on the Welsh language on the floor of the Assembly⁴ an amendment calling for research to assess the need for a new language act was rejected. During the debate the contributions from some members seemed to revolve around personal anecdotes and trying to guess the condition of the language in their own localities. If we are serious about creating a future for the Welsh language the assembly needs to wake up and realise the immensity of the task that transforming the position of the language entails.

03. Analysis of the 1993 Welsh Language Act

Basically the 1993 Welsh Language Act was an act to create a Quango, i.e. the Welsh Language Board. The Act does not give official status to the Welsh language in Wales. During Alun Michael's leadership in the Assembly, Dafydd Wigley asked him if he agreed with the need for the Welsh language to be given official status. The answer he received was that this would not be practical and that English was not official either. The fundamental weakness of this answer is that Alun Michael chose to ignore the reality that English is the de facto official language in Wales since English is the language of the courts, English is the only language allowed at Westminster, English is the language that is taught to refugees, and one must speak English in order to carry out jury service. The United Kingdom does not have a written constitution and it is that tradition of relying on customary practice and legal precedent which is responsible for the lack of a formal declaration of the official status of the English language – the kind of declaration that other states with written constitutions do have. This argument that one cannot make the Welsh language official in Wales because the English language is not an official language is a non-sequitur.

The ideology behind the old Language Act is a neo-liberal one. It sets no obligations on the private sector, following as it does the Tory mantra that no one should interfere with the market and that it is the market that rules over other social forces. Even in the public sector, Welsh will only be used when it is "appropriate under the circumstances and reasonably practicable". The use of Welsh under these circumstances has to be justified. Not so the use of English, naturally.

05. Legislation which marginalises the Welsh language

Under the terms of the Act, public bodies are supposed to present a language scheme to the Language Board. This system swallows up resources, as each scheme is unique to that body, rather than there being a national aim of changing the linguistic climate in Wales. The culture which marginalises the language has to be transformed and Welsh must become an integrated part of every aspect of policy, administration and service provision in Wales. Under the present system, the monitoring of schemes is ineffective and impractical. The result being that one has either to constantly make complaints or resign oneself to what is often an incomplete and insufficient service. The Act did not establish any rights for communities or individuals.

Compared with legislation against racism, sexual discrimination, and discrimination against the disabled, the complaints procedure of the 1993 Act is weighed in favour of the public body and against the user. Public bodies cannot be punished financially for failing to meet the requirements of the Act. In 1993 we called it a toothless Act and that is exactly what it is.

06. The position of Wales' MPs and political parties on the Language Act in 1993

Here are some remarks by Wales' MP's during the debate on the Welsh Language Measure.

Rhodri Morgan (Labour):

"... the government ... says that it is the Welsh Language Bill, but unfortunately what we have is a Welsh language quango Bill – what might be called a quango for the lingo. We shall be abstaining tonight because we hope to have the opportunity before long to do the job properly. That will be done when we revisit the question of a Welsh language measure when we are in government."

Cynog Dafis (Plaid Cymru):

"The disappointment springs first from the total failure to establish in the Bill rights of any kind – crucially, perhaps, the right to receive

education through the medium of the Welsh language. The second disappointment is the failure to make an unequivocal declaration of official and equal status."

Alex Carlisle (Liberal Democrat):

"It runs the risk at least of being not a great deal more than a paper tiger ..."

Donald Anderson (Llafur):

"... we want Welsh to have the same status as English."

The Tories supported it – after all it was their measure. Now the Assembly can decide not to accept this Tory Act any more.

07. Comparisons in the international context

One of the first steps taken by countries after they have won self-government is the passing of new language acts. After the Basque Statute of Autonomy in 1979 the Basque Language Normalisation Act was passed in 1982. The Act recognises Basque as the Basque Countries own language, gives it official status along with Spanish and prohibits discrimination based on language. Since the passing of this Act the linguistic climate of the country has changed. By now every school pupil learns at least some subjects through the medium of the language and there are ambitious programmes to change the language of the work place, the language of administration, the community and to create linguistic social justice.

In the wake of the 1979 Catalan Statute of Autonomy, Catalan Language Acts were passed in 1983 and 1998. The foundation of these acts is the recognition of Catalan as Catalunya's own language and the granting of official status to it. Since the first act, a linguistic transformation has been seen, both as regards public use of the language and in the clear definition of speakers rights. The second act has to do with the linguistic rights of the consumer in the market place, recognising the reality of people's lives.

These are only two examples from amongst the many nations who have placed value on their languages after the coming of democracy.

08. Legislation or reliance on goodwill?

Every society which has the power to legislate, does so on the things that are important to it – in order to try and promote that which is seen as valuable, and to attempt to prohibit that which is seen as destructive – according to its own values. This is not always a matter of negative legislation in order to create barriers. Laws can be a means of empowering and enfranchising individuals, and society, to create favourable conditions for development, and to give a clear and definite message about society's values. We regard a New Welsh Language Act as a sensible and necessary way of creating a favourable climate where the Welsh language can flourish.

Imagine what the effect would be of relying on goodwill rather than legislation to defend the environment. Why do we expect goodwill to work in the case of the Welsh language?

Governments regularly change old laws and establish new ones in their place – laws which are more suitable for the age in which we live. Westminster regularly puts forward legislation on important matters such as communication and broadcasting in response to the challenge of changing circumstances. We call on the government to look on the Welsh language as being of equal importance to these other important matters and to put forward new legislation which will be more in keeping with the age we live in.

Laws send out important signals regarding that which is considered acceptable within society. The laws themselves may not change behaviour overnight but they form a foundation on which other policies can be created.

Reliance on goodwill has not brought a Welsh language service in the case of banks, building societies, mobile phone or software companies. In effect relying on goodwill means relying on language campaigners and people who will insist on a Welsh language service. In effect the 1993 Welsh Language Act creates this tension.

To all intents and purposes the old act causes and maintains injustice.

09. How to pass a new act

We believe that it is the moral right of the National Assembly for Wales to legislate on the Welsh language. In contrast to a great many other issues it is easy to argue that the Welsh language is a matter unique to Wales. Those who wish to see the extension of devolution should be able to see the potential in legislation on the Welsh language for establishing legislative precedents in other areas.

10. Interpreting the Government of Wales Act

The 1998 Government of Wales Act (Section 32) states:

“The Assembly may do anything it considers appropriate to support ...
(c) the Welsh language ...”

We call on the Assembly to respond to the challenge implicit in this Act. If the Assembly does not care to prepare the way for legislation on the Welsh language then the message to Westminster is that the Assembly does not wish and does not have the will to take responsibility for the only area of responsibility that is uniquely its own.

11. The contents of a New Language Act

We must emphasise that what is needed is an act to establish a clear, principled foundation and a strong framework for the growth and development of the Welsh language and not the appending of a few new sections to the old act.

12. Basic principles

We believe that Wales is a multi-lingual country in a multi-lingual world. We believe that Welsh is Wales' own language and that both Welsh and English should be recognised as official languages. Further we believe that Wales' other languages⁵ should be recognised.

13. Wales' own language

Wales is a multi-lingual country as is almost every other country in this multi-lingual world of ours.

The official and unofficial citizens of our country speak several languages and that adds to its linguistic wealth.

Wales' most unique contribution to the world's multi-lingualism is that the Welsh language is a living medium of expression for a substantial percentage of the population and a common inheritance for all. Our contribution to the world's linguistic sustainability is to ensure that just conditions are created for the Welsh language in order to ensure the linguistic variety of this part of the world.⁶

Cymdeithas yr Iaith believes that Welsh has a special and unique place in Wales as Wales' own language and that this should be recognised through legislation.

This idea is not new. The Welsh term 'priod iaith' was used in the 17th century but this principle was developed by Emrys ap Iwan and J.R. Jones. In English we have decided to use the term 'Wales' own language'. There are several other possible translations: 'the language peculiar to Wales' or 'the indigenous language of Wales' to name but two. This concept is not unique to Wales; this is the basic principle behind language legislation in the Basque Country and Catalunya as well as the Universal Declaration of Linguistic Rights (Barcelona 1996) which was presented to UNESCO. We see the recognition of this principle in our everyday lives: in the names of organisations (such as MIND Cymru, Shelter Cymru); the use of Welsh words to create a Welsh image for Welsh goods and bodies; the national anthem is in Welsh; and Welsh is a core subject in the national curriculum.

14. Official language status

For the same reasons Welsh should also be an official language in Wales.

Achieving official status for the Welsh language would save us from the current confusion: it would be an unambiguous message to people in Wales that their language is valued and that it can be used without hindrance. During the recent troubles in Carmarthen County Council one of the councillors remarked that it was 'illegal' to hold council cabinet meetings in Welsh.

In addition it would be a clear signal to the outside world that Wales is a bilingual country which

values its language and requires the provision of bilingual services. On a European level Welsh is an exception amongst languages in a similar situation as it is not an official language.

The official languages of the European Union are the official languages of the member states. Why then is English one of them? Would that be because it is the second official language of Ireland or because it is the de facto official language of the United Kingdom?

15. The provision of service in Welsh by every sector

Cymdeithas yr Iaith sees the concept of 'service' as a basic and necessary principle for new legislation on the Welsh language.

Every service provider, convenience and product supplier in Wales uses language but when we look around us, almost without exception that language is English. We believe that there is a need to recognise the responsibility of every provider in contributing to the creation of a more balanced linguistic climate in Wales.

The old Language Act is limited to the public sector and does not affect providers in the private sector such as banks, telecom, gas, electricity and water companies. Whether or not a service is provided in Welsh should not depend on the legal status of the provider. Cymdeithas yr Iaith believes that excluding the private and voluntary sectors from the Act is a clear indication that the Act does not seriously attempt to create socio-linguistic justice in Wales.

Change will not happen over night. The 1996 Disability Act refers to discrimination in provision of products, conveniences and services to the public but businesses do not have to adapt their buildings fully until 2004.

Including the private sector is an essential part of creating new legislation. In the case of the environment, legislation is not limited to the public sector alone. Similarly acts regarding discrimination on the grounds of race and sex, or relating to rights of the disabled, are not acts for the public sector alone.

The myth that language is merely a personal thing, a matter of conscience and personal choice must be dispelled. The use and non-use of a language

has public and social implications. Companies in the private sector have a direct effect on the linguistic environment of Wales, in the same way as they directly influence the ecological environment of Wales or social justice. We do not accept the right wing arguments voiced by Tories and members of the Labour Party that there should be no legal requirement on the private sector to provide service in Welsh. Legal requirements are placed on companies in order to ensure fair employment practices and defending the environment – why not therefore in order to ensure linguistic justice and sustainability? The Welsh language is not additional red tape!

16. Holistic language planning

We stress the need for holistic language planning for the Welsh language. When the National Assembly was established, Cymdeithas yr Iaith called for the establishment of a cross-subject Welsh language committee⁷, rather than Welsh having its own subject committee. Despite the importance of education for every community, believing that the education system on its own can change linguistic behaviour is deceptive. One must be able to use the language after leaving the education system. It is not a simple matter of increasing the number of Welsh speakers through education. The normalisation of the Welsh language is not the responsibility of children. We wouldn't expect children to take this kind of responsibility in any other matter.

The choice between the use of English and Welsh is not a neutral one. We must accept that the English language has power and the present situation will not change even with greater numbers of speakers unless we face that fact.

17. Technology

Technology is vital to all holistic planning today. We have called on the Assembly to establish a technology task force in order to ensure that Welsh has a technological presence, that electronic resources are created in the language and that planning in the technological field happens now in time for the future. Services are rapidly being automated. The Welsh language must be included in this process. There is not much point in being able to write cheques in Welsh if the world has moved on to banking services on the web. If mobile phone companies offer service in several languages, why not in Welsh?

E-commerce services are racing ahead but where is the Welsh language as we buy goods and services on the web? Technology has the potential to facilitate the use of more than one language – but at the moment it is being used to widen the gap between Welsh and English.

Technology is also a vital part of the way that children learn.

18. A timetable

We call on the National Assembly to act to put forward new legislation which will set a firm foundation for the transformation of the situation of the Welsh language and that within its first term of office. The old act that belongs to the age of the Tories must be replaced and a new act put in its place more in tune with our new Welsh democracy.

**Cymdeithas yr Iaith Gymraeg
August 2000**

1. www.BetterWales.com
2. See Agenda for the National Assembly of Wales, Cymdeithas yr Iaith Gymraeg, August 1998.
3. See A Working Bilingualism, Cymdeithas yr Iaith Gymraeg, October 1999.
4. See The Official Record, 28 June 2000 and 4 July 2000.
5. See A Working Bilingualism, Cymdeithas yr Iaith Gymraeg, October 1999.
6. See Universal Declaration of Linguistic Rights, Barcelona 1996.
7. See Agenda for the National Assembly of Wales, Cymdeithas yr Iaith Gymraeg, August 1998.