



# **New Welsh Language Act – A Real Opportunity!**

Proposals for a New Welsh Language Act

**November 2005**

**Published by  
Welsh Language Act Campaign Group  
Cymdeithas yr Iaith Gymraeg**



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# 1. Introduction

Cymdeithas yr Iaith Gymraeg calls on the Welsh Assembly Government to ensure a comprehensive **New Welsh Language Act** which will lay the foundations for the normalisation of the use of the Welsh language.

Every day, examples arise of the Welsh language's lack of status and the failure of Welsh Language Schemes to ensure services in Welsh. It is increasingly evident, that The Welsh language Act of 1993 is bankrupt of any real worth. The time has come for new and forward thinking legislation.

Of course, we acknowledge that on its own a language act will not achieve all that is required to ensure the future of the Welsh language. However, Cymdeithas yr Iaith believes that the vision outlined in *Iaith Pawb* (2003) cannot be achieved without a New Language Act.<sup>1</sup>

*"Our vision is a bold one [sic]...our aspiration - a truly bilingual Wales, by which we mean a country where people can choose to lead their lives through the medium of either or both Welsh or English and where the presence of both languages is a source of pride and strength to us all."(p. 1).*

## A Summary of our proposals for a New Welsh language Act

A comprehensive New Welsh Language Act should be one of the first pieces of legislation that the Assembly prepares under the new arrangements being discussed to extend the Assembly's powers.<sup>2</sup>We call for legislation that will;

- ☛ recognize the unique position of Welsh as the indigenous language of Wales
- ☛ provide Welsh with official status
- ☛ establish the Welsh language's right to survive as a living community language and define basic language rights that will enable the people of Wales to use Welsh in all aspects of life
- ☛ make it illegal to discriminate against the use of Welsh,
- ☛ confer a responsibility to provide commodities, facilities, information and services in Welsh on the provider(s) - in accordance with the rights of the recipient - regardless of the status of the provider(s)
- ☛ establish the role and office of *Comisiynydd y Gymraeg* (Welsh Language Commissioner)

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<sup>1</sup>Iaith Pawb, The Welsh Assembly Government strategy for the Welsh Language, 2003

<sup>2</sup>Better Governance for Wales, Wales Office, June 2005

☛ establish Cyngor i'r Gymraeg (National Council for the Welsh language) as a democratic and inclusive consultation body

These proposals were launched by Cymdeithas yr Iaith launched in June 2005 and the public's response to them has been extremely positive. However the Welsh Assembly Government maintains that a comprehensive change in the law is not required and so, the campaign has intensified with many of our members facing court cases as a result of taking part in non-violent direct action. In October 2005, a National Rally was held with wide public support. Public pressure continues to mount with an increasing number of prominent people in Wales declaring their support.

## 2. A Real Opportunity

Following the announcement by the Assembly Government of their intention to abolish the Welsh Language Board, with the majority of its functions being brought into the Assembly Government, and the establishment of the post of *Dyfarnydd Iaith* (Welsh Language Adjudicator), the Welsh language is on the legislative agenda for the first time.

In a meeting with Cymdeithas yr Iaith in April 2005, Alun Pugh, the Minister for Culture, Sports and the Welsh Language, explained that the Government's intention is to create the post of *Dyfarnydd* for Welsh Language Schemes in order to provide an element of "independence" due to the planned incorporation of the Language Board's role within the Assembly. To this end, he was adamant that what he envisaged was a tidying-up exercise. At present, it is not unclear as to exactly how or when the creation of a *dyfarnydd* will transpire. However, we note the Minister's words in his draft to the Assembly when he announced the Government's intention to establish the post of *dyfarnydd*;

*"It is likely that the Bill would place a duty on the Assembly to fund the Dyfarnydd and the office of the Dyfarnydd. As the exact role of the Dyfarnydd is yet to be defined, it is too early to be able to provide estimates of costs. However, it is expected that the Dyfarnydd will have a small office to provide administrative support, and costs are likely to be modest."*<sup>3</sup>

To all intents and purpose, it appears that the establishment of the Office of the *Dyfarnydd* for Welsh Language Schemes is a purely technical matter. Cymdeithas yr Iaith believes that the Assembly Government is ignoring a vital opportunity to respond to the need for a new, comprehensive Language Act which will establish Welsh as the language proper of Wales and will establish rights for the people of Wales to use Welsh in every aspect of their lives.

More than ten years have passed since John Major's Government in Westminster passed the 1993 Welsh Language Act. At the time, Rhodri Morgan refused to vote for that act, stating:

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<sup>3</sup> Welsh Assembly Government Cabinet Proposals for Legislation 2005/2006

*"The Government calls this a Welsh Language Bill, but it would be better described as a Welsh Language Quango Bill. What one could call 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."* <sup>4</sup>

As Rhodri Morgan notes, the main purpose of the 1993 Language Act was the creation of the Welsh Language Board. As Rhodri Morgan's Government sets about abolishing the Language Board, the 1993 Language Act is effectively defunct of any real worth.

The need for fresh comprehensive legislation for the Welsh language is demonstrated on a daily basis. Here are a few examples of situations which have arisen recently where members of the public have contacted the Cymdeithas yr Iaith office;

- ☞ Development tests and health services for children only available through the medium of English in several areas of Wales
- ☞ The refusal by the Inland Revenue to provide on-line tax services in Welsh or to provide Welsh language forms such as the Child Tax Credits
- ☞ Mobile phone services only available in English
- ☞ The majority of post-16 education courses only available in English in most areas of Wales
- ☞ Social care services only available in English for elderly people in several areas of Wales
- ☞ No provision by banking firms for the administration of business in Welsh on-line
- ☞ Appointments to key posts in the public service sector ignoring the need for a language proviso despite the existence of Welsh language schemes
- ☞ Third party agreements breaking the language proviso in Welsh Language Schemes of the public bodies who commission them
- ☞ Voluntary organisations refusing or failing to carry out their activities in Welsh
- ☞ A lack of clarity of the status of documents and letters written in Welsh within the private sector

On March 16th 2005, Cymdeithas yr Iaith held a National Forum to discuss a New Language Act. Those attending the Forum heard Meri Huws, the Chairperson of the

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<sup>4</sup> Hansard

Welsh Language Board stating; *'there is no question whether or not there will be a Welsh Language Act, but rather, what sort of language act?'* More recently, it was reported in the press that Meri Huws in a meeting of the Board had called for a *'review of the present language act.'*<sup>5</sup>

At this year's National Eisteddfod Dr Colin Williams, a renowned world expert on language planning and member of the Welsh Language Board delivered a lecture outlining the case for a New Welsh Language Act and giving his backing to Cymdeithas yr Iaith's proposals.

In September 2005, Cymdeithas published a series of public advertisements that included the names of a hundred prominent Welsh people calling for;

- ☛ official status for the Welsh language
- ☛ the right to Welsh medium education and to be able to use the Welsh language in the private sector
- ☛ A Commissioner for the Welsh language

More recently, there have been further declarations of support from individuals and various organisations.

### **3. Cymdeithas yr Iaith's proposals for the contents of a comprehensive New Language Act – Explanatory Notes**

#### **Fundamental Principles**

##### **Recognition of Welsh as the Language Proper of Wales**

Welsh is the indigenous language of Wales or language "proper" to Wales. It is the common inheritance of all the inhabitants of Wales, whether or not they are Welsh speakers. Wales has a unique relationship with the Welsh language. It is one of the elements which makes Wales distinctive as a country and thus is a powerful symbol of our Welsh identity.

Wales is a multilingual country, as it has always been to varying degrees between the languages of the Romans, the Irish, the Vikings, the English, the Normans and the Flemings and the languages spoken by the ethnic communities of Wales – however, throughout history, Welsh has been a living medium and the main basis for our national identity.

This principle of language proper is not unique to Wales. This is a fundamental principle which is the basis of linguistic legislation in the Basque country and Catalonia, as well as in the Global Declaration of Linguistic Rights presented to UNESCO.

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<sup>5</sup> Golwg, Ebrill 28 2005

We believe that the principle to be an important one because of its symbolic and practical force. At a symbolic level, the recognition of Welsh as the language proper of Wales would explain the feeling which the people of Wales have for Welsh and the special and unique relationship which the language has with this corner of the world. On a practical level, the inclusion of this principle in a language act would offer a firm normative and legal basis for the types of schemes we would wish to see being implemented in the future. For example, the principle of language proper can provide justification for a measure which discriminates positively in favour of Welsh as well as providing a precedent to ensure that everyone in Wales has access to courses to learn Welsh in the workplace and elsewhere.

### **Recognition of Welsh as an official language in Wales**

Any new legislation should include a clear statement which identifies Welsh as an official language in Wales. This demand for clarification concerning the legal status of Welsh goes back to the Hughes Parry Report (1965) and there is no act to date which has provided that clarification. The status of Welsh continues to be vague and limited. For example, the 1993 Language Act talks of Welsh and English being treated equally under fairly limited conditions, namely:

- in undertaking public business and the administration of justice as long as it is 'appropriate under the circumstances and reasonably practicable'

Restricting the status of Welsh in this manner to specific areas and placing specific conditions, formalises the fact that the language is not treated on equal terms with English. There are some who argue that there does not need to be a declaration of the official status of Welsh, since English does not possess such a declaration. However, English is already *de facto* an official language in Wales, since English is the only language of the United Kingdom Parliament, English is taught to refugees, English is the language of court records, and you have to be able to speak English to serve on a jury.

The United Kingdom does not have a written constitution and that tradition of taking things for granted unless proven otherwise is responsible for the fact that there is no declaration concerning the official status of English, as opposed to other languages in states which have written constitutions. There again, dependence on this custom is not sufficient for maintaining the status of Welsh.

Consequently, we believe that a new act needs to state that Welsh is an official language in Wales. As in the case of the principle of language proper, this would be important from both a symbolic and practical point of view. It would be another symbolic step which shows the value we place on our language and clearly signals to the world that Wales is a bilingual country and that it requires bilingual services.

Furthermore, it would be a step forward from a practical point of view. First and foremost, it would get rid of the present confusion in the public mind concerning the legal status of Welsh. This emerges time and time again, for example, when employers try to prevent members of staff from speaking Welsh or even civil

servants in the Assembly who argue that English should be the only official internal language of the institution.

Official status would also assist the language at a European level. At present, The European Parliament and European Commission discriminate against European citizens and communities who speak a language which is different from the official language of their state, by excluding these languages from some programmes of expenditure. We want to see Welsh acquiring the status of a working language within the European community in line with Irish. It is ironic that in the year of the UK's presidency of the European Union Basque, Catalan and the language of Galicia have been given official recognition by the Council of the European Union due to Spain's recognition of these languages as official languages within Spain.

Furthermore, and perhaps more importantly, if we state in an act that Welsh is an official language and that it is expected that the language should be treated on equal terms with English, this puts pressure on us to demonstrate how we endeavour to maintain this aim – that is the establishment of fundamental language rights.

### **Establishing fundamental language rights for the people of Wales**

We note that *laith Pawb* (2003)<sup>6</sup> talks in terms of the need to 'facilitate [sic] individual rights' to use Welsh;

*"The third strand of our strategy will focus on the right of the individual to use the language of their choice and the responsibility of organisations within Welsh society to acknowledge and facilitate the individual's right to do so" (p.37)*

However, the reality of the situation is that business companies and organisations in Wales are often unwilling or indeed refuse to provide services in Welsh **because there is no requirement** for them to do so. Here are some typical responses;

*"There is no obligation on Orange or any company operating in Wales to provide bilingual services."*<sup>7</sup>

*"We are unable to produce our bills/literature in any language other than English"*<sup>8</sup>

It is important to realise that the existence of a Welsh Language Scheme does not ensure there will be any means for a person to use Welsh in dealing with the organisation in question. The Driving Standards Agency state in their Language Scheme;

*"The Driving Standards Agency has adopted the principle... in running a business in Wales, it will treat Welsh and English equally"*

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<sup>6</sup> *laith Pawb*, The Welsh Assembly Government Strategy for the Welsh Language, 2003

<sup>7</sup> Response of a spokesperson for *Orange* at a Cymdeithas yr Iaith protest, 2004

<sup>8</sup> Response from the NTL, 2004

However, despite this statement, the DSA continues to refuse to produce Welsh language teaching material for written driving tests.

A New Language Act must establish a series of fundamental rights for Welsh and a series of rights for the people of Wales to be able to use Welsh, consistent with the protection afforded to the human rights of the people of Wales. We cite the UNESCO declaration;

*“International Human Rights Law plays an important role in setting standards for linguistic rights and, especially, for the protection and promotion of the identity of linguistic minority groups. It provides the normative framework for developing principles of democratic governance and multicultural policies aimed at managing ethno-linguistic conflict.”*

The evaluation report by the European Council on the United Kingdom’s response to the Charter of Smaller Languages suggests that the response of the Assembly Government is lacking and suggests the Government should act in a statutory manner in several public area;

*“with regard to Scottish Gaelic and Welsh, establish a system for monitoring the measures taken and progress achieved in regional or minority language education, including the production and publication of reports of the findings”*

*“improve the use of Welsh in social care facilities, particularly hospitals and care of the elderly”*

Cymdeithas yr Iaith believes that it is an obvious issue of justice that **everybody in Wales** has;

- 🕒 the right to work through Welsh,
- 🕒 the right to Welsh language education,
- 🕒 the right to receive health care and social support in Welsh,
- 🕒 the right to learn Welsh,
- 🕒 the right to a Welsh jury.

We believe too that the true strength of a New Language Act would lie in its establishing of not only rights for individuals, but also the establishment of a fundamental right for Welsh **to survive as a community language**. If Welsh is to survive, Welsh language communities have to live, and indeed, Welsh must have the **right to be revived** as an integral and fundamental part of life in every community in Wales. Ensuring these community and collective rights would lay the foundations for strengthening the existing provision in planning legislation to *‘consider Welsh as*

*a planning factor*<sup>9</sup> and also as being a basis for the establishment of a Property Act for Wales.<sup>10</sup>

The main weakness at present is that the 1993 Language Act is not a measure which has established a fundamental level of linguistic rights. The objective of the act is to 'encourage, promote and market' the use of Welsh rather than to establish rights. This highlights the neo-liberal roots of the act - a tradition which has seen the role of the state as a 'promoter at arm's length' rather than as an executor guaranteeing rights. Thus, in the eyes of the act, as Welsh speakers, we have to be urged and taught to opt into Welsh and to ask for more Welsh services, rather than being **enabled** and **empowered** – through rights – to be able to use Welsh naturally.

In conjunction with this of course, is the need for new legislation to set out clear regulatory expectations far more thoroughly than is to be found at present in relation to the 1993 Welsh Language Act.

In addition, a New Language Act will need to include the power to refer complaints to a *Comisiynydd Iaith* (Language Commissioner) giving powers to such a *Comisiynydd* to hold enquiries and hearings in order to make a judgement.

### **Giving equality of status and anti-discriminatory powers to Welsh**

Over the past decade, there has been a significant growth in terms of campaigning, and as a result, anti-discriminatory policy and legislation in order to promote equality in terms of gender, sexuality, race and disability. There are also bills in the offing in respect of religion and age.

At present, it has been suggested in several documents produced by the Assembly Government that Welsh should be treated as if it were related to the equalities family. For example, in discussing the development of public services, it is stated;

*"In terms of individual users, the work of improving public services must be based on the principle of equality between Welsh and English, and of fulfilling all the other duties in terms of equality".<sup>11</sup>(p. 10).*

However, despite the Assembly's specific duty to ensure rights of equal opportunity to everyone in Wales<sup>12</sup> and the fact that the Language Board is a standing member of the Assembly's Equal Opportunities Committee, Welsh is not in fact treated on equal terms with English.

With the advent of acts such as the Disability Discrimination Act 1995 and Employment Equality (Sexual Orientation) Regulations 2003, we see that the Welsh

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<sup>9</sup> Welsh Assembly Government Technical Note, Welsh in Planning Procedure

<sup>10</sup> See the document *Deddf Eiddo* [Property Act], Cymdeithas yr Iaith Gymraeg on the Cymdeithas' website; [www.cymdeithas.com](http://www.cymdeithas.com)

<sup>11</sup> Making the Connections Welsh Assembly Government, 2004

<sup>12</sup> Section 120 Government of Wales Act

Language Act is utterly feeble and ineffective in terms of ensuring rights and justice for Welsh and Welsh speakers.

Here is an example of the tone of language used in the area of rights concerning sexuality and employment by the London Government;

*“The new Employment Equality (Sexual Orientation) Regulations are designed to outlaw this kind of unacceptable treatment. They cover employment and training across England, Scotland and Wales, whatever the size of the organisation, whether in the public or the private sector. They represent a significant addition to our domestic equality legislation and they will make a practical difference to the lives of millions of people”* <sup>13</sup>

The past few months have seen the London Government’s publicity material and regulatory guidance publications in relation to the Disability Discrimination Act 1995.<sup>14</sup> They contain a clear message that disabled people have fundamental rights and it is unlawful to treat disabled people less favourably because of their disability in all sorts of areas of employment, access to commodities, facilities and services, management, the purchase or renting of land and education. Of great significance is the fact that these rights are applicable in both public bodies and private businesses alike. In addition, the Disability Rights Commission which was established by an act of parliament by the London Government in 2000, operates in ways which show it to be a much more robust and daring organisation than the creation of the 1993 Language Act, the Welsh Language Board. It would be easy enough for the Language Board to show that Welsh is being treated less favourably than English in a host of situations despite the provisions of the Welsh Language Act; “that Welsh and English are equal”. A sign of the Board’s lack of independence from the Government of the day is that it has failed to create a situation where Welsh is treated seriously in the same way as every other equality issues.

We can see clearly, that in order to ensure rights and prevent discrimination on the basis of disability, sexuality and race, it is not a matter of talking about “*persuading*” organisations to conform, but rather a matter of enforcement. The clear rhetoric of the Assembly Government and London Government in getting to grips with the legislative changes in every area of inequality apart from Welsh is that persuasion is not good enough, and that by relying solely on persuasion the injustice continues.

Only by getting to grips with the **inequality of power** which exists between Welsh and English and the establishment of specific measures to redress the oppression of Welsh, we can be sure of the value and efficiency of the language act. The 1993 Welsh Language Act does not speak the language of power and oppression. Welsh must take advantage of the experience and understanding of the rights campaigns of the past decade and to incorporate these lessons in a New Language Act.

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<sup>13</sup> Gerry Sutcliffe, Minister of Employment Relations DTI , June 2003 from the Stonewall website; [www.stonewall.org.uk](http://www.stonewall.org.uk)

<sup>14</sup> See the Commission for Disability Rights website, [www.drc-gb.org.uk](http://www.drc-gb.org.uk)

## **Placing a responsibility for the provision of commodities, facilities and services in Welsh on the provider(s) - in accordance with the rights of service users - regardless of the status of the provider(s)**

Fundamental to this principle is the belief that it is not the status of the provider which is important at the end of the day – whether it be public, private or voluntary – but the fact that it provides commodities, facilities, information or services to the public. Therefore, the responsibility for providing these things through the medium of Welsh should be dependent on their nature and not on the status of the provider. We believe that it is only by accepting this that Welsh can be offered an equal opportunity. This principle has already been accepted as part of other measures. For example, the Disability Rights Act (1995) defines public services as any service to the public, or part of the public – whether the provider is in the private sector, the public sector, the voluntary sector or a combination thereof.

Accepting such a principle would acknowledge that we now live in an age where the nature of organisations and the approach to providing services is changing rapidly. For example, today, the boundary between what is private and what is public is a lot less clear following the privatisation of a large number of the old public utilities (water, gas, electricity and railways). In addition, in the future, it is possible that a variety of 'PFI' schemes will make the boundary between the different sectors even more vague. Also, of course, the expansion of the internet and on-line services, the establishment of call centres outside Wales all undermine much of the ground it was assumed could be won for Welsh through the provisions of the 1993 Welsh Language Act. Bearing all this in mind, it is difficult to see how an act which is based on the old clear-cut divisions – private, public or voluntary – can maintain and protect the interests of Welsh speakers in the future.

### **a. The Private Sector**

Obviously, if we accept the emphasis on the nature of the service rather than the status of the provider, it would mean that the act touches the private sector. This would not mean that each and every private organisation of all sizes would respond to the requirements of a new act in the same way and in accordance with the same timescale. However, it would mean acknowledging that the private sector also offers public services.

There has been a good deal of discussion concerning the appropriateness of a language act which touches the private sector. The Government and Language Board's view is that there is no need to legislate here, since it is possible to depend on persuasion and good will. Nevertheless, Cymdeithas yr Iaith is of the opinion that this 'strategy' lacks direction, is wasteful in terms of time and public resources and has failed to ensure fundamental rights for Welsh speakers to receive commodities, facilities and services in their language.

Of course, there are some quite laudable examples of private companies developing the fundamental elements of a Welsh language service such as HSBC, BT and Tesco. However, it has to be accepted that these are the exception, and that the provision is inconsistent and arbitrary and "free" publicity from the Board is the

reward for these efforts. Indeed, when one considers the profits of firms such as Tesco - £2 billion (2004 – 2005) and the size of the Assembly Government's budget for Culture, Welsh and Sports - £139 million (2005-2006), one has to question not only the Board's ethics but also their common sense in applauding Tesco for putting up the occasional sign in the odd shop.

It is argued that the Government should not interfere in the market. Here again, legislation to protect the rights of women, ethnic minorities, disabled people and the environment already exist and impact on business and industry. Furthermore, in these areas we have seen that there are means of assisting small and medium-sized companies to conform to the new legislation by reducing business taxes and by introducing the changes gradually over a period of time.

The tendency at present is to argue that extending the legislation to the private sector would undermine economic success – without the provision any shred of evidence for this. We argue that economic success goes hand in hand with strong policies of normalising language. In the first place, a bilingual workforce could be marketed as a workforce which possessed more skills than a monoglot one. This would be in accordance with the Assembly Government's strategy of emphasising the value of the 'knowledge economy'. Furthermore, strong policies in favour of the language create new internal markets which are beyond the reach of external competitors, benefiting indigenous industry.

## **b. The Public Sector**

In giving attention to the private sector, Cymdeithas yr Iaith is not suggesting that everything in the public sector is to our liking. This is the sector which was most effected by the 1993 Language Act, since public bodies are expected to present language schemes for approval by the Language Board. While this suggests that there is an element of authority attached to the Act, in practical terms, things are very different. Generally speaking, the emphasis is placed on not moving too rapidly by avoiding pushing too hard in case of vexing the organisation in question. As a result, the procedure works in favour of the 'provider' rather than Welsh. Eventually, this means that the process of developing language policy becomes something which is little more than a superficial administrative exercise which the public body has to undertake. There are few considerations given to the implications of adopting a language scheme. On the whole, the receipt of a certificate from the Language Board and the employment of a language officer and a translator or two is considered sufficient.

Out of all the Local Authorities in Wales, only Gwynedd Council has adopted Welsh as its internal administrative language. This means that the language to be translated into in respect of Welsh Local Authorities is Welsh, and there is no expectation for officers to use Welsh in their day to day work other than in a very tokenistic manner. Cymdeithas yr Iaith believes that a New Language Act should place an expectation on Welsh Local Authorities as well as other public bodies to adopt policies of working towards internal administration in Welsh. This is the most effective way of ensuring that the public can engage with public bodies in Welsh, receiving services in Welsh as a matter of course.

Of course, at present, a fundamental part of the problem is the fact that there is no legal procedure in existence for punishing those who transgress their Language Scheme. This means there is no serious consideration given to the implications of adopting a language scheme and therefore – over the ten years since the passing of the Welsh Language Act in 1993 – Welsh continues to be given a low priority in the majority of public bodies.

Thus, hand in hand with dealing with the private sector, new legislation also has to deal more thoroughly with the public sector, by setting out more far-reaching and comprehensive expectations in the regulations than exist at present. This all has to take place on the basis of the principle that it is the nature of the service and not the status of the provider which is important. This is particularly important in view of the fact that public bodies now provide a large proportion of their services by means of agreements with private and voluntary providers.

### **c. The Voluntary Sector**

At present, there is no requirement for the voluntary sector to conform formally with the requirements of the Welsh Language Act (1993). Of course, by now, in several respects, the size and influence of the voluntary sector's contribution in Welsh life is enormous.

The use of Welsh in the sector has been very slow. There are a number of organisations which have developed Language Schemes. However, often, small voluntary movements refuse to develop bilingual services and activities, referring to the cost as being a specific barrier. The sector needs considerable practical support in terms of funding by means of grants and in terms of advice and information. However, there is also a need to be completely clear concerning what is expected in terms of ensuring justice for Welsh. Following the evidence of the last decade, good will alone cannot be depended upon in the sector.

A New Welsh Language Act will have to include the voluntary sector under the principle that it is the nature of the service which is important and not the status of the provider.

## **Action Points**

### **The creation of *Comisiynydd y Gymraeg* (Welsh Language Commissioner)**

The success of the Children's Commissioner for Wales as a defender of child protection and welfare as well as the Assembly Government's proposals to create a Commissioner for the Elderly, show the importance of the demand for the creation of a Welsh Language Commissioner.

Juxtaposing the Assembly Government's measure for a Language Scheme Adjudicator with the posts of the Commissioners, demonstrates the Government's lack of ambition in the area of Welsh becomes.

A Welsh Commissioner would be a unique and independent focal point who would operate with powers to talk and intervene in every area relevant to Welsh; education, housing and planning, the economy, culture and recreation, health and social care, taking definite measures to ensure the rights of Welsh speakers and Welsh-speaking communities.

Among the Commissioner's duties will be;

- ☛ investigating claims of shortcomings in terms of conformity with the new language act
- ☛ helping individuals and organisations who feel they have been mistreated in terms of language rights to make a complaint or to prosecute.
- ☛ to give advice and information to the people of Wales concerning their language rights
- ☛ report on any matter which falls within the role of the commissioner including giving opinion to the National Assembly on legislation which may effect the future of Welsh generally and the rights of Welsh speakers and communities in particular.

### **The establishment of Cyngor y Gymraeg [Welsh Language Council]**

In order to ensure the participation of a broad range of statutory, voluntary and private organisations in the work of creating a future for Welsh, we call for the establishment of *Cyngor y Gymraeg*, a forum for Welsh which is both democratic and inclusive. Such a forum could operate as a consultative body to the Government in the area of Welsh and would ensure a partnership between the different sectors in the best interests of Welsh.

Among the duties of the *Cyngor* will be;

- ☛ co-ordinating efforts for the Welsh language
- ☛ the protection of a long-term strategy for Welsh
- ☛ to receive comments from individuals and groups on matters concerning Welsh
- ☛ to advise the *Comisiynydd* and the Assembly Government on matters concerning Welsh
- ☛ to commission research into aspects of the present situation of Welsh.

At present, the opportunity to discuss action points at a strategic level either nationally or locally in the area of Welsh, is scarce. *Cymdeithas yr Iaith Gymraeg* would welcome an opportunity to take part in the broad, dynamic and purposeful

discussion which is needed across Wales in order to ensure a future for Welsh. The Assembly Government gave a commitment to consult on the possible functions and structures for a Language Forum in *Iaith Pawb* (2003). A consultation was carried out in 2004, but we are still waiting to hear whether or not the Assembly Government will do anything concrete on the basis of the commitment.

#### 4. Conclusions

In conclusion:

- ☛ The existing Language Act has fundamental flaws – it is totally inadequate to meet the needs of today. The Welsh Language Act 1993 is not able to protect the interests of Welsh speakers, nor to normalise the use of the language.
- ☛ In view of the developments in technology and globalising trends, we have lost ground in a number of areas that were gained over recent years in terms of a real status for Welsh.
- ☛ The unique duty of the Welsh Assembly is to discuss and lead legislation in the area of Welsh and the Government needs to shoulder that responsibility very quickly.
- ☛ As the Assembly abolishes the Welsh Language Board – the main purpose for the passing of the 1993 Welsh Language Act – the door leading to a unique and golden opportunity is being opened to discuss the real needs of Welsh language legislation in terms of the twenty-first century.
- ☛ We call for a New Language Act which will state that Welsh is the language proper of Wales, which gives unambiguous official status to Welsh, establishes rights for Welsh and for the people of Wales to be able to use Welsh in every aspect of life.

The Welsh Assembly Government has stated;” *our aspiration - a truly bilingual Wales, by which we mean a country where people can choose to lead their lives through the medium of either or both Welsh or English*”<sup>15</sup>. This is a great step forward from the principles ‘@Welsh if there is a real need’, which was rejected by Hughes Parry in 1965, and the principles of equal validity, the principles adopted by Hughes Parry.

In fact, the words of *Iaith Pawb* (2003) make the case for the “principle of bilingualism”. This is what the Hughes Parry report had to say about that principle; ‘There were..a very small number of people.. who maintained they would not be completely happy unless Wales was recognised as a bilingual country, that is, until every legal and administrative discussion is in English and Welsh side by side.”

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<sup>15</sup> *Iaith Pawb*, Welsh Assembly Government Strategy for the Welsh Language, 2003

We acknowledge that the definition of a bilingual Wales in *laith Pawb* is even more expansive than that of the Hughes Parry report, since it is not confined only to the public sector (legal and administrative), but talks of allowing the people of Wales to live their lives only through Welsh if that is their choice. But if the Assembly Government refuses to force the private and voluntary sectors to provide Welsh services through legislation, then, these will be merely empty words, and there will be no means of realising the principle of bilingualism.

We call for a robust and comprehensive New Language Act

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