

MI 53

Legislation Committee No.2

Response to the Proposed Welsh Language (Wales) Measure 2010

Mentrau Iaith Cymru

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Response from Mentrau Iaith Cymru

May 2010

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Local mentrau iaith

The first menter iaith was founded in the Gwendraeth Valley in 1991. In the ensuing years, other areas have set up their own local language initiative. By 2010, there are 21 in Wales.

Mentrau iaith are managed by a Management Board, comprising of individuals from the local community. They work in partnership with many other organisations. Each initiative operates in its own unique way, depending on local needs, and all have their own strategies, operating methods, targets, number of staff and turnover. Mentrau iaith are swift and flexible, and are able to transform, evolve and develop quickly if the desire is there in the community. This variety, along with different approaches to suit each community is a strength that is to be welcomed.

Mentrau iaith are the ways in which communities in Wales work for the benefit of the Welsh language. It has proved to be a successful model over the years and is widely recognised as an effective way of developing communities that are able to make a difference locally.

Mentrau iaith Cymru

Mentrau iaith Cymru was founded in 1999, when local initiatives saw the need to work closer and to share ideas and good practice. Members of the Management Board were drawn from local Management Boards. This arrangement has been operational since then. Therefore, Mentrau iaith Cymru represent the views of communities across the length and breadth of Wales.

Mentrau iaith Cymru exists to support the work of Mentrau iaith and for the benefit of the Welsh language.

Mentrau iaith Cymru feels strongly that Mentrau iaith have an essential role to play in realising the aims of increasing the use of the language in our communities. The Welsh language needs Mentrau iaith; they operate on behalf of our communities, by the communities. Without them, the experience, ideas and vision of people at a grassroots level will not be utilised to promote the language.

Facts

Between them, Mentrau iaith employ over 120 staff as well as having over 50 part-time or freelance staff who work on Mentrau iaith projects.

Over 1,300 volunteers work regularly with Mentrau iaith to undertake over 13,000 community activities annually, serving over 160,000 participants.

There is regular collaboration with various partners in the third, public sector and private sectors.

Mentrau Iaith

- 1) Menter Iaith **Abertawe**
- 2) Menter Iaith **Blaenau Gwent, Torfaen a Mynyw**
- 3) Menter **Bro Dinefwr**
- 4) Menter Iaith **Bro Ogwr**
- 5) Menter **Brycheiniog a Maesyfed**
- 6) Menter **Caerdydd**
- 7) Menter Iaith **Castell-nedd Port Talbot**
- 8) **Cered**
- 9) Menter Iaith **Conwy**
- 10) Menter **Cwm Gwendraeth Llanelli**
- 11) Menter **Gorllewin Sir Gar**
- 12) Menter Iaith **Maelor**
- 13) Menter **Maldwyn**
- 14) Canolfan a Menter Gymraeg **Merthyr Tudful**
- 15) Menter Iaith **Môn**
- 16) Menter Iaith **Rhondda Cynon Taf**
- 17) Menter Iaith **Sir Benfro**
- 18) Menter Iaith **Sir Caerffili**
- 19) Menter Iaith **Sir Ddinbych**
- 20) Menter Iaith **Sir y Fflint**
- 21) Menter **Y Fro**

The Response of Mentrau Iaith Cymru

1. General

1.1. Mentrau Iaith Cymru welcomes the opportunity to give evidence on the proposed Welsh Language (Wales) Measure to Legislation Committee No. 2 of the National Assembly for Wales.

1.2. We applaud the intention of the proposed Measure to strengthen the position of the Welsh language.

1.3. In the opinion of Mentrau Iaith Cymru, the Measure is a great opportunity to strengthen the position of the language for generations to come, and it is important to ensure that the Measure strengthens the position of the language substantially.

1.4. The Assembly has a good reputation for transparent processes that are open to the public, and we believe that needs to continue with the consultation process on the Welsh Language Measure. However, we are concerned about the complex nature of the Measure and the numerous cross references in the document. Because of this, we feel that the wider public is being excluded from the consultation process and that it is a lost opportunity to include more people in the process. On the other hand, we are aware that a Measure is not easy to draft, and that it is a legal document that has to include all the necessary information. However, we feel that the Measure could be simplified.

1.5. Mentrau Iaith Cymru does not have a legal background. Therefore, we do not wish to give a legal opinion on the Measure. We offer our comments from the perspective of what is best for the development of the Welsh language on a community level and what will have a positive effect on the use of Welsh.

1.6. We recognise that, on its own, the Measure will not safeguard the future of the Welsh language, and that it is only one part of the wider picture. To make a difference, all elements need to come together and have a common aim.

1.7. It is challenging to persuade people to use Welsh and make the most of the services that are available in Welsh, as well as those that will be available in the wake of this Measure.

1.8. Generally, we believe that the proposed Measure is a step in the right direction but, in our view, it needs to be amended in order to make the most of the opportunity that we now have to make a difference to the future of the Welsh language. We propose amendments and ask further questions below.

1.9. In all cases where the Measure refers to Ministers or to the First Minister, we believe it should refer to the Assembly. That means that the language is not a party-political issue dependent on the good will of those who are in power at the time.

1.10. We recommend looking at the way that legislation has affected other minority languages, for example, Ireland, New Zealand, Canada, the Basque Country, Catalonia. The European Union has done much research work into bilingualism and is willing to share good practice among the Union's communities. We think that it is important to look

closely at the research work done on official status and minority languages' rights so that we can make the most of others' experience in this field.

2. Official status to the Welsh language

2.1. It is not clear that the Measure will give the Welsh language official status. 'To make further provision about the official status of the Welsh language in Wales' is to be welcomed but it should be recognised that these provisions do not give the Welsh language official status

2.2. There needs to be a clear statement in the Measure that the Welsh language is an official language in Wales. This is a natural step forward following other legislation that has given elements of status to the Welsh language. We do not argue that Welsh has no status at all in Wales at present. Evidently, because of Welsh-medium education, for example, it means that it has some status. However, this is not official status; it is a status that exists because of other legislation that has raised its status rather than giving it status.

2.3. The status of the language is essential and is a strong foundation for all other elements of the Measure and any future additional legislation.

2.4. Giving the Welsh language official status would be a key step forward. In our opinion, it would have a positive effect on people's attitude towards the language and would boost the confidence of Welsh speakers.

2.5. The Welsh Assembly Government has stated in the One Wales agreement: '...with a view to a new Assembly Measure to confirm official status' for Welsh (One Wales, page 34, 2007). This promise should be kept and the Measure should state clearly that the Welsh language has official status in Wales.

3. Welsh Language Commissioner

3.1. Mentrau Iaith Cymru welcomes the creation of a Welsh Language Commissioner. We believe that it is important that there should be an effective way of drawing attention to services that are not available through the medium of Welsh, and that the Commissioner should have the power to penalise organisations that do not comply.

3.2. Generally, we would like to see the Commissioner being accountable to the Assembly rather than Government Ministers or the First Minister. This would be more open and transparent. It would strengthen the independent status of the Commissioner, and would distance him/her from Governmental and ministerial influence.

3.3. The Assembly should appoint the Commissioner, not only Ministers.

3.4. We would like to hear more about what will happen in the period between abolishing the Welsh Language Board and when the Commissioner will become operational. Is there a plan of what will happen as responsibilities are transferred? What will be the arrangements during this period?

3.5. It is important that the Commissioner is completely independent to criticise anyone without interference, including the Government, Ministers and the Assembly.

3.6. In the Measure, sections 10, 11, 15, 63, 66 and 97 refer to the powers that Ministers have over the Commissioner, including awarding grants, standards investigations, specification of standards and staff employment. All of these are in the hands of Ministers. How can the Commissioner be independent with these clauses in the Measure?

3.7. Section 82 states, 'A civil penalty must not exceed £5,000' to those that do not comply. We would like to know why £5,000?

3.8. In our opinion, rights to appeal are not commensurate between citizens and organisations under this Measure.

4. Advisory Panel to the Commissioner

4.1. We applaud the idea of establishing an advisory panel to bring together all the knowledge and expertise on legal issues, language planning and language policy issues, and other issues that the Commissioner will need. Some of this expertise can come from the Commissioner's office but it is also useful to have an independent opinion from outside the process in order to get an objective opinion. We would also like to see the advisory panel make use of international expertise.

4.2. It is good that the Advisory Panel will be appointed by the Commissioner but it will also need external input in order to identify skills and expertise deficiencies in the Commissioner's office. It is not practical for the Commissioner to identify his/her own weaknesses, therefore, having third party input to this process would be more effective.

5. Standards

5.1. We acknowledge the idea of moving from Welsh language schemes to standards because it will use fewer human resources and we welcome introducing effective ways of working to deliver Welsh-language services.

5.2. At present, we are unable to make definite comments on whether standards will be better or worse for the Welsh language as there is not enough information on how standards will operate. We would like to see examples of situations of how standards would work on a grassroots level and their effect on the language. What will be the citizen's experience of standards?

5.3. We would like to have examples of where standards have succeeded in the past. Could we have information on languages that have prospered under this model? Welsh language schemes are operational and have been successful to a certain extent. We are concerned about introducing a new and unproven system, and we fear that the Welsh language will lose out if it doesn't succeed.

5.4. The power to take action if organisations do not comply with standards is welcomed. We believe that this power would work well with language schemes too.

5.5. What are the target numbers for compliance and by when?

6. Freedom to use Welsh

6.1. The Measure does not give individuals the right to speak Welsh.

6.2. We welcome the freedom to use Welsh, but we feel that the right to speak Welsh should be the basis for this freedom. We suggest that the Measure should state that the people of Wales have the right to use Welsh as far as that is reasonable and proportionate.

6.3. It is a matter for lawyers to analyse whether all the situations that could arise in relation to the freedom to use Welsh have been noted in the Measure. We feel that giving basic rights to individuals would be clearer than trying to anticipate every situation that might arise in relation to the freedom, with rules for each situation. There is a danger in doing so that the Measure will not be able to anticipate all possible instances of injustice in relation to using the Welsh language. What will happen if a situation arises that is not included in the Measure?

6.4. The One Wales agreement declares, 'We will be seeking enhanced legislative competence on the Welsh Language,' and adds, 'to confirm official status for both Welsh and English, linguistic rights in the provision of services and the establishment of the post of Language Commissioner.' (One Wales, page 34, 2007) We would like to know how this Measure realises that objective.

7. Welsh Language Board, Welsh Language Schemes

7.1. We believe that it is appropriate to transfer the functions of the Welsh Language Board to the Commissioner, but that some elements of the Board's work should be undertaken by someone other than the Commissioner.

7.2. It is important that the Commissioner is not a regulator as well as a promoter.

7.3. In our opinion, the Commissioner, the Government or the Assembly are not in a position to promote the Welsh language, and we believe that this work should be undertaken at arm's length from the Assembly. Some of the promotional work of the Welsh Language Board has proven successful and we believe that these elements should be maintained.

7.4. It is important that the expertise that exists in the field of community development and promotion is retained and used instead of spending time and money to create it anew. It is important that there is continuity when moving from one system to the other.

7.5. The use of Welsh is an essential part of the process of strengthening the language's position and we believe that collaborating with people in our communities is the best way of encouraging the use of Welsh.