

**CONSULTATION ON THE GENERAL PRINCIPLES OF THE PROPOSED WELSH LANGUAGE (WALES) MEASURE ISSUED BY THE NATIONAL ASSEMBLY FOR WALES**

Responding to the call for evidence issued by the National Assembly for Wales on the general principles of the proposed Welsh Language Measure, the Language Policy Secretariat of the Government of Catalonia would like to thank the Assembly for the opportunity to participate in such a historic legislative process. We hope that the experience of the Government of Catalonia with the Catalan language might serve as a reference for the considerations of the National Assembly with regards to the Welsh language.

It is on these terms that the Language Policy Secretariat would like to offer its input, even if it does not exactly respond to the consultation questionnaire. Although we did not always have adequate data and whereas some of the issues raised, such as the practical and financial implications for our organisation, which are not relevant to us, nevertheless, regarding the need to promote the Welsh Language Measure, we would like to offer our input, which we hope will be of interest to you:

The linguistic field, as in any field where elements coexist in a state of inequality, requires the promotion of positive discrimination to achieve, if not equality, at least conditions which allow for true future parity. Therefore, when two languages coexist in one land, protective public action is required with respect to the weaker one. Otherwise, it will be fated, first of all, to marginalisation and, in the long term, to extinction. This public action of positive discrimination is not only justifiable, it is absolutely necessary on the part of those citizens who want to preserve their language and who see it threatened by the expansive power of the stronger language. In the end, this is generally the justification for most public actions undertaken in the modern state: the promotion of measures which protect the weak and the promotion of conditions which allow the weak to achieve rights and opportunities which equal those of the strong. And in a State of Law, positive discrimination, in other words, the establishment of advantageous conditions with the purpose of offsetting the unfavourable competitive conditions faced by the weaker group can only be achieved through law, with the guarantees that this entails.

This premise, which is valid in all areas (positive discrimination for the socially and economically weak) is also applicable to the linguistic sphere. Minority or minoritised languages are languages which start from a position of relative weakness with respect to another language, whether through the socio-linguistic based inequality that supports them, or because one of the two languages receives greater institutional support. For these languages, the definition of a legal protective framework becomes not only useful, it becomes essential.

As such, a lack of specific legal regulation always favours the stronger position, whereas a lack of legal regulation on the conditions by which the languages are used condemns the weaker of them to the margin. For the Welsh language, we consider that it is especially important for there to be a law which regulates the rights and conditions of citizens, access to public services in Welsh and access to learning Welsh, and that also regulates the institutional uses of Welsh and its presence in the media. In addition, we consider that it is important to have a public organisation to provide oversight of the development of promotion and dissemination measures and also to provide effective guarantees and guardianship of the linguistic rights of its citizens.

According to the Catalan experience, of all these areas, education and dissemination are the two areas which are of particular importance.

With respect to education, the protected and prioritised presence of the weaker language in the education system constitutes the greatest and most universal guarantee of access to its knowledge and the rebalancing of its presence in society. Only when the weak language achieves the same rights in terms of knowledge and use as the dominant language, do citizens have true freedom of choice in terms of which language they prefer to use. Taking into consideration that the stronger language dominates the social environment and the media, the classroom environment becomes a strategic area where investment can be focused to build up the presence of the weaker language, so



that children can grow up in an environment where, to a large extent, there is equality in terms of the linguistic presence of one or other of the languages. Both become valid according to comparable conditions and, as a consequence, make for a true and free choice, in any area of life, between the use of the stronger language and the use of the weaker language.

Communication media, especially audiovisual media, are irreplaceable for normalising the relative strength of a language in family and personal environments. A firm commitment to public media using the protected language, with a quality offering that can compete in terms of content with broadcasting in the stronger language, is very effective, since, as a programming vehicle, the protected language penetrates areas that are of interest in the family and personal environments of those who traditionally use the other language.

The impact in these two areas, together with institutional and official use of the protected language on the part of public institutions, providing social prestige, constitutes the fundamental basis of linguistic policies which set out to enhance protection of the minority or minoritised language and its support by public authorities.

We emphatically note that linguistic liberalism, like economic liberalism, is not neutral. This is why supporters of the dominant language advocate this position, since they are the ones who benefit from it. It is not possible to opt for public non-intervention on the basis that people should be free to use one language or another, because without conditions which provide protection, choices are not possible; Nor is it possible to opt for public non-intervention in the name of equality in this case because, in reality, such conditions of equality are not found. For this reason, the National Assembly, to the extent that it represents the freedom and equality of the people, should strive to guarantee the conditions which allow for the true exercise of freedom by the weaker and to balance conditions so that those who face more unfavourable conditions in asserting their rights are able to achieve a level that is equivalent, or at least, able to move towards a future of equality.

This objective has served as a basis for both previous laws that have regulated different aspects of the use of Welsh, including before the Courts. Now, however, the situation is different insofar as the National Assembly for Wales has legislative powers with regards to its own language. Legitimacy and jurisdiction are now joined in the interest of defending, preserving, disseminating and promoting the Welsh language and to guarantee the linguistic rights of those who want to use it. Therefore, the legislative initiative being put forward has particular justification.

Furthermore, considering that the previous legal framework dates from 1993, the authority of the National Assembly for Wales to exercise legislative jurisdiction means that, 17 years later, it is now timely and opportune to update the legal framework of the Welsh language, adapting it to the needs and requirements arising from the current context, strengthening certain minimums and taking a step forward in achieving parity between English and Welsh.

Despite certain differences, there are strong connections between the Catalan and the Welsh situations. In particular, both languages coexist with another official State language that has a large pool of speakers and a strong international presence. This constitutes a particular threat to our own languages and requires courageous legislative action to provide positive discrimination which will enable a minimum balance between both languages to be restored. In both cases, a neutral stance by public authorities, considered as non-intervention, with respect to the regulation of languages and their uses, results in a linguistic policy that, by omission, would determine the extinction of Welsh as it is swamped by the expansive power of the English language, the same fate that could have been dealt to the Catalan language by Castilian.

Continuing with the normalisation processes that the Welsh and Catalan language have in common, it should be mentioned that in the case of the Catalan language, there was also a first law in 1983 providing for the historic recovery of the language and 15 years later, in 1998, a second law was approved that is still in effect. Once its official status and public use was consolidated, regulation of Catalan in the socioeconomic sphere and with respect to its presence in the media moved steadily forward.



Since then, there has been legislative progress in the linguistic area in terms of the rules which regulate the language within corresponding sectorial legislation. Most significantly, there are two draft laws, currently in process, one related to the language rights of consumers found in the Consumer Code, and the other, the draft cinema law, which guarantees an availability of films dubbed in Catalan which is comparable to that of films in Castilian, so that citizens, under equitable conditions, are truly free to choose the language in which they wish to watch a film.

With regard to the Catalan legislative process, it is also notable that both laws concerning the linguistic normalisation of Catalan have not been put forward by the Government but by the Parliament itself, or Catalan Legislative Assembly, through the system of shared powers; in other words, it is not the Government that proposes a text in the form of draft law to the Parliament through its debate and approval process, but it is the Parliament, through a committee where all those with parliamentary representation participate, which undertakes the drafting, debate and approval of the text. This is a very extraordinary procedure used on very few occasions and reserved for those measures where maximum social agreement is necessary from the outset. The restoration of Catalonia's own language to its natural place and the guarantee of the linguistic rights of its citizens is a classic example of such a case, since an act of fostering a language, which necessarily and undeniably entails certain coercive or mandatory measures, must count on the co-responsibility and social commitment which is most purely and directly expressed through the representatives of parliament. For these reasons, we consider the participatory process being followed by the National Assembly for Wales to be particularly fitting.

As has been demonstrated, and by way of conclusion, we would like to state that we consider that there is an undeniable need to put forward a law which regulates the Welsh language and its uses, and which also regulates the rights of the people that wish to use it; that the legitimacy of the National Assembly for Wales to take on this legislation as a Welsh institution is undeniable; and lastly, that the time to revise the regulatory framework that has been in existence since 1993 and to adapt it to the current context cannot be postponed.

Finally, we would like to reiterate our offer to participate and appear before the Legislation Committee in order to expand upon these and any other aspects that might be considered relevant to the task that is being undertaken.