



INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS

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Dear Sir/Madam,

It was with great interest that we learned of the publication of “Striking the right balance: proposals for a Welsh Language Bill.” Your government has set an ambitious agenda for the promotion and protection of the Welsh language. Members of the International Association of Language Commissioners (IALC) were impressed, for instance, by your government’s bold target of having one million Welsh language speakers in Wales by 2050. Advocates of linguistic pluralism the world over wish you every success in achieving that goal.

In the six years since its adoption, the Welsh Language Measure has already achieved admiration in the international community, including amongst the members of the IALC. We have been particularly impressed with the promotional work that has been conducted by the Office of the Welsh Language Commissioner. As Chair of the IALC, the Welsh Language Commissioner has also provided strong leadership for promoting the benefits of linguistic pluralism and in sharing best practices in language rights protection.

The IALC has taken a particular interest in innovations that the Welsh Language Commissioner has introduced in Wales, including in the areas of policy-influencing within government and outreach to the non-profit and private sectors. The Welsh Language Commissioner’s work has been of particular interest to Inuit language advocates from Canada, who visited the Commissioner’s office in December 2016. The same can be said throughout our membership, with expertise from the Welsh Language Commissioner being supportive all over, including in Kosovo and Ireland. More recently, the vast majority of our members had the pleasure of attending this year’s annual IALC conference, in Cardiff. It was a great success, thanks in no small part to its host, the Welsh Language Commissioner. The international community of language ombudsman has truly benefited from the opportunity to learn from the Welsh example, and we hope that we will continue to learn, and to share in our experiences.

It is in that spirit that we have decided to make a submission to the consultation process on “Striking the right balance: proposals for a Welsh Language Bill.” Please note that our current Chair, the Welsh Language Commissioner, has not taken part in any discussion in regards to our decision to participate in your consultation process. But first, a few words about us.

The **mission** of the IALC is to support and advance language rights, equality and diversity throughout the world and to support language commissioners, so they may work to the highest professional standards. Our **vision** is to assist the language commissioner’s role by promoting best practices and standards of excellence and by advancing language equality and diversity. One of our **values** is to promote the principle of independence of language commissioners. Finally, one of the IALC’s **objectives** is to increase awareness and understanding of the role and value of Language Commissioners among Governments, state agencies, academia, media and the public.

While different linguistic contexts require different linguistic regimes, we believe that some principles and best practices are universal to the promotion of minority languages and the protection of language rights.

Specifically:

- First, minority language promotion is crucial to achieving the goal of minority language rights protection, because language promotion helps to make rights protection politically possible – it helps to ensure ‘buy-in’ from a broader public that may or may not speak the language.
- Second, minority language promotion and rights protection are most effective when those who are promoting and protecting the language can speak from a position of respect, authority, and independence.

We would like to elaborate by responding directly to two of the consultation questions that have been put forward in the white paper.

Consultation Question 7:

“In paragraphs 93-95 we have set out some general requirements regarding the body’s governance and accountability arrangements. What are your views on these general requirements, and are there other checks and balances you believe should apply to the proposed body?”

Among other things, the above-mentioned paragraphs require that the proposed body’s overall strategic direction and policy orientation be approved by the Welsh government. This is problematic as it could significantly undermine the independence of the proposed body and thus inhibit its ability to promote the language and to fully monitor and ensure compliance with the standards.

In the Canadian context, for example, nearly fifty years of experience has shown that promoting the minority language and ensuring compliance with linguistic rights are not always considered

politically expedient from the perspective of the government of the day. Whilst a government in power may prove sympathetic or even enthusiastic toward minority language promotion and rights protection, there is no guarantee that succeeding governments would be equally sympathetic to the need for a bold strategic vision and a robust policy position.

In some cases, it may be necessary to comment, adversely at times, on the actions (or the inaction) of government. The proposed body, as outlined in the white paper, may not be very well positioned to highlight such shortcomings when needed. For the IALC and its members, the very credibility of our linguistic regime in the eyes of stakeholders, parliamentarians, language rights advocates, scholars, the media and the general public lies in the knowledge that there is an independent office with the freedom necessary to hold government to account.

Consultation Question 8:

“Do you agree with our preferred option (Option 3) to establish a Welsh Language Commission to promote and facilitate the use of the Welsh language and monitor and enforce bodies’ compliance with Standards?”

For some IALC members, the work of promotion and protection can go hand-in-hand. The position of an independent language commissioner can provide a means for promotional work. Specifically, the visibility and independence that are concentrated in the office of a single commissioner create the kind of public profile that is necessary to speak as a recognised and respected authority on the benefits of learning and speaking the language and on the importance of upholding language rights. However, we would see the independence of such a commissioner as being key in any area, especially in regard to the protection of language rights.

A board, commission, or other organization with shared leadership and divided responsibilities, where differing priorities and messaging may occur, may also hinder the necessary accountability to Parliament that is crucial if one language regime is to work. One Commissioner with one voice can be effectively accountable to parliament, not a commission or another body with multiple voices. In this day and age, accountability to Parliament, and therefore the public, cannot be diminished or put aside. The public trust the Government of the day to play by the rules and to observe and respect the letter and spirit of the law. Who could act as an ombudsman if there is a Commission? Where could the public turn to in case of wrongdoing by the State? To establish a Commission is to set up a (hopefully) independent quasi-tribunal with its own set of rules, similar to those of a tribunal. An effective Language Commissioner is also one that can mediate, offer alternatives and give voice to people who have been wronged. A commission may not be able to do that and as a result could lose flexibility and effectiveness.

In some jurisdictions the public look to language commissioners to promote, educate, liaise, and act as an authoritative voice on official languages. This is in part because, of the independence enshrined in the role of language commissioners and our ability, and the ability of some of our predecessors, to promote the minority language unhindered by the problem of political ‘inconvenience’. In the event that the government of the day might not be inclined to conduct or to support promotional efforts, or uphold the protection of language rights, the Commissioner

maintains the freedom to do so, and enjoys the kind of visibility and public profile necessary to make those efforts effective.

Again, the Canadian example is interesting, not only because it is one of the oldest language regimes in the World, but because of results achieved. At a time when the country's linguistic regime was relatively new and frequently misunderstood, Official Languages Commissioner Keith Spicer (1970-1977) was able to provide frank criticism of the government where necessary and, at the same time, to leverage his public profile and operational independence to promote understanding and acceptance of Canada's linguistic regime. Among other things, he successfully promoted the benefits of French immersion education to the English-speaking majority. Today, roughly 400,000 school children from across Canada are enrolled in this popular bilingual education programme – many of them children of parents who were, themselves, enrolled in the programme a generation ago.

Still, work needs to be done in Canada as well as within all of our jurisdictions, but we can see no better body than an independent single Language Commissioner to hold to account the Government in its bold and ambitious proposition to increase the number of Welsh Language speakers, by 2050. Future governments may not share the same inclination nor the same priorities. Luckily, **an independent single Language Commissioner** would undoubtedly be well suited to remind the Government of the day of its responsibilities and duties. As a conclusion, we would like to emphasise that our experience indicates that this option is better.

Thank you for this opportunity to share in our experiences. We would be happy to answer further questions as far as possible, and we look forward to the results of the consultation process.

On behalf of members of the International Association of Language Commissioners,

Sincerely,



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Vice Chair
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