

Cornwall, 3rd March 2016

BEWNANS KERNOW: THE PARTNERSHIP OF CORNISH CULTURAL ORGANISATIONS

AND

THE CORNISH ETHNICITY DATA TRACKING GROUP

SHADOW REPORT

UNITED KINGDOM'S FOURTH REPORT TO THE COUNCIL OF

EUROPE UNDER THE FRAMEWORK CONVENTION FOR THE

PROTECTION OF NATIONAL MINORITIES

Bewnans Kernow: The Partnership of Cornish Cultural Organisations and The Cornish Ethnicity Data Tracking Group (Cedtag) Shadow Report in response to the United Kingdom's Fourth Report to the Council of Europe under the Framework Convention for the Protection of National Minorities

About Bewnans Kernow: The Partnership of Cornish Cultural Organisations

Bewnans Kernow is the partnership of Cornish Cultural Organisations, founded in 2008. Bewnans Kernow has 37 Full Partner and six Associate Partner organisations. The partner organisations range from larger organisations and federations such as Gorsedh Kernow and the Federation of Old Cornwall Societies to small Cornish language groups and educational charities. The Partnership's objects are to:

- Support, promote and develop all aspects of indigenous Cornish culture
- Advocate for the Cornish People and their cultural distinctiveness
- Provide capacity building expertise to member organisations
- Be an important point of entry on issues relating to Cornish culture
- Support and co-operate with those Cornish Associations outside of Cornwall, including those of the Cornish Diaspora

In meeting its objectives, Bewnans Kernow runs a wide range of Cornish culture courses open to all, training and networking programmes for the partner groups, heritage projects and grass roots well-being programmes for people from traditional Cornish backgrounds. Bewnans Kernow regularly meets political decision-makers, produces reports, lobbies on issues affecting Cornish identity and uses social media to publicise Cornish cultural events and opportunities. Bewnans Kernow also puts targeted help into those aspects of Cornish culture with their associated organisations which are more fragile.

About Cornish Ethnicity Data Tracking Group (Cedtag)

The Cornish Ethnicity Data Tracking Group (Cedtag) is a Cornish human rights and civil liberties research group established in 2006 as a result of concerns about the failure on the part of statutory bodies to collect meaningful statistical data on the Cornish.

With a focus on promoting educational, economic and cultural equality, fairness and justice towards the Cornish, Cedtag has the aim, in association with other organisations, of securing full recognition and a viable future for the Cornish.

The Shadow Report to the UK Governments's Third State Report under the FCNM from Cedtag may be seen here http://www.cilevics.eu/minelres/reports/uk/UK_Cedtag_2009.pdf

Introduction

In April 2014, the UK Government announced that it had modified its position on the application of the Framework Convention to bring the Cornish within its scope, in recognition of the unique identity of the Cornish. This followed a considerable number of years of campaigning by Cornish representatives, organisations, local government and individuals and was very strongly welcomed across Cornwall. The recognition of the Cornish resulted in an increase in confidence, a higher status and some additional opportunities. The disadvantages to the Cornish of inadequate statutory protections, however, were and remain substantial. They extend across the board and are evident in many fields including well-being, culture resourcing, in the effective participation in social and economic and public life, in the media, in economic and employment opportunity and in provision in education.

In submitting this report we stress that not all views expressed in this report are consistent with all stakeholders involved. We have however sought to present the most widely representative views of the Cornish National Minority. The evidence we present does not include all matters impacting on the Cornish and for which protection measures are necessary.

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international cooperation.

Current Situation

The Cornish have been within the scope of the Framework Convention for the Protection of National Minorities since 24th April 2014 and have the same status under the European Framework Convention for the Protection of National Minorities as the UK's other Celtic people: the Scots, the Welsh and the Irish.

"The Cornish and Welsh are the oldest peoples on this island" Communities Minister Stephen Williams said on the announcement by the Government of the formal recognition of the Cornish. <https://www.gov.uk/government/news/cornish-granted-minority-status-within-the-uk>

Prime Minister David Cameron said, "I think why this news is important is that actually there is a distinctive, history, culture and language in Cornwall which we should celebrate and make sure is properly looked after and protected." <http://home.bt.com/news/uk-news/cameron-hails-new-cornish-status-11363895851798>

We would seek to impress on the Advisory Committee the great sense of celebration and relief with which the news of Government recognition on 24th April 2014 was received by the Cornish.

Analysis and Recommendations

1. We have strongly welcomed the inclusion of the Cornish within the scope of the Framework Convention.
2. We recommend the establishment of an office based in Cornwall, funded by the State, to oversee the implementation of the Framework Convention and to monitor the protection of the Cornish national minority, their rights and freedoms.
3. We are concerned about a negative impact on the Cornish, including in matters of identity, culture and language should Government move to replace the Human Rights Act which has made the European Convention on Human Rights part of UK domestic law.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States

Current Situation

1. In the period since the inclusion of the Cornish within the terms of the Framework Convention (24th April 2014) good faith in its application has been demonstrated to a limited extent. This has resulted in small but meaningful benefits to the Cornish.
2. Positive changes include a wider acceptance and celebration of Cornish identity and culture, an increasing number of organisations using the Cornish tickbox in ethnicity monitoring, a partial increase in the extent to which Cornish views are taken into account and some increased funding opportunities for Cornish culture.
3. Cornwall Council has now established a Cornish National Minority Working Group.
3. Overall, implementation of the FCNM by statutory authorities and other bodies has barely started and there has been little perceptible development in the protection of the Cornish as a national minority.

Analysis and Comment

1. We feel that initiation of implementation and monitoring processes especially by Cornwall Council given its central role, were unnecessarily slow because of the Council's misunderstanding about when its application was due to come into effect, over-caution and a desire to over-control developments.

In our view this has not been helpful because it has partially limited, to this point, the ability of the Framework Convention to provide for the Cornish national minority to date and undermined both the belief that it is able to bring benefit and its application in good faith.

We also feel that Cornwall Council has followed a pick and mix approach to implementation and has not, for example demonstrated good faith with regard to addressing Article 16.

However, we welcome that the first steps towards implementation by Cornwall Council are now beginning.

2. There is little perceptible implementation of the FCNM by central Government, either in funding, policies or dialogue with Cornish civil society.

3. Other statutory bodies are generally even slower to initiate meaningful implementation of the Convention with respect to the Cornish and many are unaware of Cornish recognition or are choosing currently to implement the Convention to a minimal degree.

Recommendations

For the successful application of the Framework Convention, in addition to the appointment of a dedicated office we recommend:

1. The resourcing by Government of FCNM training courses and awareness raising campaigns. Outreach needs to be proactive:
 - a) an active offer to go out to the Cornish community so that they understand benefits of the Framework Convention
 - b) guidance in implementation should be provided to a wide range of organisations.

2. That implementation is driven in an informed and evidenced way through the resourcing and facilitation by Government of:
 - a) A Cornish civil society-led Report and impact assessment on how to implement the Framework Convention including, for example:
 - what budget is needed.
 - identifying the changes to the school curriculum for Articles 12/ 14.
 - researching how housing policy is adjusted so as to not contravene Article 16.
 - b) This Report to feed into a subsequent Report (with a budget) to the UK Government on what the UK Government should do to implement the FCNM properly.
 - c) A Report on how Cornish language and culture benefits the economy
 - d) A Report giving an overview of EU funding mechanisms and how to mainstream Cornish language and culture into European funds, how to lead on partnerships and which partnerships to join, how to attract funds to Cornish universities etc.

Article 3

1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Current Situation

1. Data Collection

The Cornish have limited opportunity to choose to be treated as Cornish in data collection which informs policy making, resource allocation, education, training and employment opportunities and health and well-being provision by the public, private and voluntary sectors.

1.1 National Census

The national census, held every 10 years and co-ordinated by the Office of National Statistics (ONS) has had a code for the Cornish – 06 – since Census 2001. This has been valuable in terms of status and recognition and had included the sanctioning by Parliament of Cornish ethnicity and national identity through the Census Order. However the code has not been accompanied by a dedicated ‘Cornish’ tickbox, despite decades of campaign work by Cornish representatives, organisations and individuals with the result that there is an undercount in the region of approximately a factor of three (2011 Census) ie for every 1 person who recorded themselves as Cornish in Census 2011 roughly another two people who could have done so did not because they were not aware of the Cornish option or they felt it would not have been counted. Outside Cornwall this factor is much higher.

Cornwall Council, Bewnans Kernow and other organisations and individuals have made representation on behalf of the Cornish for the inclusion of a Cornish tickbox for ‘ethnicity’, ‘national identity’ and ‘language’ in Census 2021.

The inaccurate record of people with Cornish identity works against the interests of the Cornish if it is taken at face value. For example the Cornwall Council workforce data 2014 (below) shows the percentage of employees who are Cornish is 17.6% which is an over-representation if compared to Census figures but a strong under-representation if compared to best-guess estimates of the percentage of Cornish people in Cornwall’s population.

1.2. Cornwall Council's Workforce Information 2015

Ethnicity Group	Council's workforce	Cornwall by Ethnicity Group
Asian	0.22% ▼	0.65%
Black	0.21% ▲	0.14%
Cornish	17.62% ▲	13.8% ¹
Declined to Respond	0.45% ▲	
Mixed	0.24% ▲	0.83%
Other	0.24% ▼	0.15%
White	61.69% ▼	98.22%
Unspecified	19.33% ▲	
	100.00%	

Source:

<https://www.cornwall.gov.uk/community-and-living/equality-and-diversity/workforce-profiles/>

1.3. Schools Census

The most accurate and robust set of data on the Cornish is the annual statutory Schools Census which includes the Cornish tickbox for Cornwall. The school census is a statutory census, required by law to be completed that collects information about individual pupils and about the schools themselves.

The annual figures since the Cornish category was included in 2006 show a year on year increase for children identifying/being identified as Cornish, and are:

2006: 24% of schoolchildren are recorded/self identify as Cornish

2007: 27%

2008: 30%

2009: 34%

2010: 37%

2011: 41%

2012: 43%

2013: 46%

2014: 48%

1.4 Increasingly, a Cornish tick box is included in monitoring work and organisations, including Cornwall Council, accept the evidence they have collected on the Cornish is inadequate, and some are trying to address this deficit.

1.4 The Cornwall Council Intelligence Team which analysed statistics has been disbanded as part of re-structuring resulting from Government cutbacks with fewer officers working in this area.

1.5 The Royal Cornwall Hospital Trust appears to take a negative approach to gaining a better understanding of Cornish identity from an Equalities perspective. Current figures show that out of a total number of patients of 401,996 and staff of 6,184 a low figure of 36,440 are recorded as Cornish with the majority ethnicity being recorded as 338,638 (RCHT figures at 1.3.2016). This is a marked undercount when compared to the carefully documented School Census data. The ethnicity data on the Cornish collected by doctor's surgeries is said to be 'useless' for policy making and the Cornish tickbox is believed to be not generally used by doctors and dentists.

2. Commentary on exclusion

This commentary (below) by a Cornish human rights campaigner on forms of exclusion experienced by Cornish people is one most Cornish would recognise as behaviour they have received or are aware of. These and similar pressures are why the Cornish do not always 'have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice'.

- Children being told that they cannot be Cornish at school.
- Children being offered a distorted historical narrative that diminishes their received, generationally communicated narrative and creates conflict both internally for themselves, and within families and communities.
- Adults finding themselves accused of operating secret, negative networks to exclude 'outsiders' when in fact they do not, and practise the cultural values with which they have been inculcated of welcome, appreciation of others, modesty and self-effacement.
- The workplace often accusing Cornish people of acting 'tribally' and appraisals in quite senior corporate environments including criticism of friendships across organisational tiers that derive from communities, relationships or common interests.
- Cornish people often being held to be stupid, with much emphasis being placed upon their mode of speech. This can impact upon their prospects at work.
- Cornish people who, belong to certain groups eg Cornish language groups, Mebyon Kernow, Cornish cultural groups, find themselves overlooked for promotion, and often fail in internal restructuring and development.
- In public forums Cornish people often find that their introduction of Cornish issues meets with derision, dismissal and exclusion.
- Many people find it amusing or socially acceptable to express very negative sentiments which are anti-Cornish – such behaviour can be found in voluntary sector groups (WI, U3A), in the pub, in the workplace, in church social events.
- Most people who profess themselves Cornish experience rudeness, negative humour, social exclusion, insults and the assertion of negative stereotypes. This causes Cornish people to withdraw, to express themselves differently in everyday life to their nature and to the way in which they express themselves within family groups. This can cause social dysfunction, loss of self-esteem, depression and psychological illness.

Recommendations

1. Evidence and Statistical Data

1.1 We strongly recommend that the Cornish have a dedicated tickbox in all national ethnicity monitoring work including the national census and that the 16+ 1 system of monitoring becomes the 17+ 1 by the addition of a tickbox for Cornish identity. All ethnicity monitoring in Cornwall should include a Cornish tickbox.

The data collected on the Cornish must then be analysed and used in order to enable parity of resource allocation to the Cornish.

1.2 The quality and quantity of information on the Cornish can be improved if the terminology on ethnicity monitoring forms follows that used in the Scottish Census, with 'Cornish' and 'Other British' being used instead of the current practice of using 'Cornish' and 'British'. The format currently in use and which consistently renders low and inaccurate figures for the Cornish has been used since Cornwall County Council agreed the use of a Cornish tickbox in 2003.

1.3 We recommend that a three-yearly survey is held across all the public sector bodies in Cornwall, similar to but building on the previously conducted Quality of Life survey

1.3 The use of census data as a baseline by Cornwall Council and other statutory bodies acts against the Cornish because of the severe undercount. We recommend this is replaced by using the School Census as the more accurate benchmark figure.

1.4 Although the schools have good data this is not being used to provide Cornish pupils and other children growing up in Cornwall with a good quality, properly resourced knowledge of Cornish history and culture. We strongly recommend that every aspect of education provision in Cornwall including the National Curriculum, resource allocation, materials and teacher training take full and just account that the majority group of pupils in Cornwall are Cornish.

2. The fragmentation of Cornish communities, very high levels of in-migration, and corresponding high levels of challenge and low legislative and often economic status for the Cornish all impact on 'the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice' and all need to be addressed and reversed and/or effective mitigation measures applied.

Article 4

1 The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons

belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Current Situation

Equality before the law

There are significant legal aspects and inequalities affecting the Cornish which continually re-emerge in the literature and dialogue of Cornish human rights. The legal framework of the UK has not, to date, provided satisfactory and effective remedies for the protection of Cornish human rights.

1. Race Relations Case Law

Much has been made, particularly prior to FCNM recognition, by the UK Government, Cornwall Council, in the media and throughout discussions relating to Cornish recognition that the Cornish do not have Race Relations Act case law. However, the number of groups that have RRA case law is small and many other groups that have been covered by race protection measures have not been required to go through the courts.

Currently, the following groups have Race Relations Act Case Law:

- Foreigners: R v Rogers
- Africans: R v White
- Jews (ethnic group): R v Governing Body of JFS
- Sikhs (ethnic group): Mandla v Dowell Lee
- Romany Gypsies (ethnic group): CRE v Dutton
- Irish Travellers (ethnic group): O'Leary v Allied Domecq
- English (national origins, not ethnic group) and Scottish (and Welsh, and Irish by default) BBC v Souster

Unsuccessful cases

Europeans

Rastafarians: Dawkins v Department of the Environment (1993)

English ruled not an ethnic group (British Airways v Boyce)

2. Equality Act 2010

The Cornish have the protected characteristic of 'race' within the terms of the Equality Act.

3. The Cornish as an Indigenous/Autochthonous Group

The Cornish are an indigenous / autochthonous group and the only indigenous / autochthonous people within the administration of England.

The indigenous status of the Cornish was implied by Communities Minister Stephen during the Government's announcement of Cornish recognition of 24th April 2014, "The Cornish and Welsh are the oldest peoples on this island".

The previous Labour Government in its response to the United Nations Declaration on the Rights of Indigenous Peoples made of point of refusing to recognise the indigenous status of the Cornish and other British national minorities:

KAREN PIERCE (United Kingdom) welcomed the Declaration as an important tool in helping to enhance the promotion and protection of the rights of indigenous peoples. The United Kingdom regretted that it had not been possible to reach wider consensus on the important text, and that some States with large indigenous populations had felt that they had no recourse but to call a vote on it. Nevertheless, the United Kingdom recognized the efforts that had been made to reflect many concerns raised in negotiations. The United Kingdom was pleased to be able to support its adoption.

National minority groups and other ethnic groups within the territory of the United Kingdom and its overseas territories did not fall within the scope of the indigenous peoples to which the Declaration applied."

<http://www.un.org/press/en/2007/ga10612.doc.htm>

4. Devolved / Autonomous Governments within the British Isles.

The Cornish, as shown in the table below, are the only autochthonous people or national minority (or majority group) in the Islands of Britain not governed, in part at least, by a devolved government. This is exceptionally disadvantageous to the Cornish, to increased economic sustainability and productivity in Cornwall based on inherent strengths, to tailored decision-making, to the development of Cornish culture and the Cornish language, to the development of an education system that incorporates the teaching of Cornish history and culture, to the development of Cornish human rights and to the effective resolution of health and well-being issues pertaining to the Cornish.

The English – the UK Government based in Westminster, England
The Cornish - the UK Government based in Westminster, England
The Scots – the Scottish Government, the Scottish Assembly based in Edinburgh, Scotland
The Welsh – the Welsh Government, National Assembly for Wales based in Cardiff, Wales
Northern Irish - Northern Ireland Executive, Northern Irish Assembly based in Belfast, Northern Ireland
The Manx - the Isle of Man Government based in Douglas, Isle of Man
Jersey – the States of Jersey based in St Helier, Jersey
Guernsey – the States of Guernsey based in St Peter Port, Guernsey

5. National origins

Records confirm nationhood during the pre-Norman Conquest era eg King Doniert or Dungarth (d 876) is referred to in the Annales Cambriae as "rex Cerniu", namely King of Cornwall

On rare occasions Cornwall and the Cornish are included by the state as a constitutional constituent of the British Isles e.g. the Cornish flag was included with the flags of other home nations on the Queen's Royal Barge 'The Gloriana' during the Queen's Diamond Jubilee Thames pageant.

6. The Duchy of Cornwall

The pre-Norman Conquest constitutional rights of Cornwall and the Cornish people were incorporated in and embodied by the Earldom of Cornwall following the conquest of Cornwall in March 1068 and the deposition of the native British leader (usually recorded as Cadoc or Condor). These rights and honours were augmented by the establishment of the Duchy of Cornwall in 1337 and were cemented into existing Constitutional Law with the March 17th 1337 first Duchy Charter by Edward III. The purpose of this Charter/ Act of Parliament was to clarify what constituted the former Earldom of Cornwall and also formally recognise, elevate and enshrine into law, Cornwall's even higher constitutional position as a duchy. The reasons for this elevation from earldom to duchy are given in the Charters.

The powers and rights of the Duke of Cornwall, who is always the male heir to the throne, are briefly outlined in this section of a charter given by Edward of Woodstock, the Black Prince, first Duke of Cornwall:

'King Edward our father gave to us the Duchy of Cornwall, with escheats, forfeitures, and all manner of liberties, prerogatives, actions, rights, and profits whatsoever, with all their appurtenances. As fully and entirely as the same our father could have had if he had retained them in his own hand'.

Grant by the Duke to the Abbott of St German's in the 31st Edward III (1357)

The Duchy of Cornwall Foreshore Case

The Cornwall Foreshore Case was an arbitration case held between 1854 and 1858 to resolve a formal dispute between central UK Government and the devolved arm of government known as the Duchy of Cornwall over the ownership of the foreshore of Cornwall. The Attorney General to the Duchy successfully argued:

"That the Duchy Charters have always been construed and treated, not merely by the Courts of Judicature, but also by the Legislature of the Country, as having vested in the Dukes of Cornwall the whole territorial interest and dominion of the Crown in and over the entire County of Cornwall.

So far as Royal Seignory is concerned, it will scarcely be contended but that the Duke of Cornwall was placed precisely in the position of King. He had all the Crown lands within Cornwall, was entitled to all those feudal services and incidents which attached to those lands, and to all prerogative rights and emoluments, as wardships, marriages, prima seizen, reliefs, escheats &c which belonged to the Crown as the ultimate and supreme lord of the Soil.

It is, moreover, submitted that the three duchy charters are sufficient in themselves to vest in the duke's of Cornwall not only the government of Cornwall, but the entire territorial dominion."

The constitutional status of Cornwall, although in a more rudimentary form, is most similar to the constitutional status of the Crown Dependencies of the Bailiwicks of Guernsey and Jersey whose Head of State is the Duke of Normandy (who also holds other constitutional roles including that of British Monarch). The Head of State of the Bailiwicks has devolved full democratic powers to the residents with the result that self-autonomy delivers prosperity and social justice unlike the situation in the Duchy of Cornwall whereby the Duke holds all the rights and powers emanating from Cornwall's inherent ancient powers and utilises the advantages and revenue generated for his private means or in meeting duties not to Cornwall but as the heir to the throne (thus removing the tax burden of the upkeep of the heir from the majority population).

The Duchy Charters explain the absence of full legal joinder with England and show that both the governance and legal identity of Cornwall lie within the jurisdiction of the Duchy of Cornwall, which itself, for many purposes, remains extra-jurisdictional to the UK Parliament. These differences between Cornwall and England are the basis for Cornwall's annexation (rather than absorption) and today are evident in the powers, rights and privileges of the Duke/Duchy of Cornwall including those more usually evidenced by the legal conflicts or issues (eg Duke of Cornwall's consent to Parliamentary Bills, tax status, intestacy, duchy leaseholders disputes etc) that will surface because of disalignments in portrayal and actuality of the Duchy. In a strictly legal sense, Cornwall is not a county of England but an administrative entity falling within the Duchy of Cornwall.

Today both the duchy administration and HM Government insist that the duchy is merely a 'private estate' although the Duchy is equally willing to assert it is not a private estate in order to maximise profits.

For more information please see the Duchy of Cornwall website of John Angarrack:

<http://duchyofcornwall.eu/>

Parliamentarians are said to have "great nervousness because it [the Duchy of Cornwall] is so full of matters that are illogical and indefensible and people don't want to disturb it."

<http://www.theguardian.com/uk-news/2015/dec/16/revealed-prince-william-also-receives-highly-sensitive-cabinet-papers>

The Duchy of Cornwall traditionally gained the largest percentage of its income from tin mining revenues and this income has been invested and re-invested in property to the point where currently the Duchy of Cornwall is one of the UK's largest property developers.

Analysis and Recommendations

1. Race Relations Case Law

We are aware that a race relations case for the Cornish is a risk because of the often partisan approach of the UK to race issues. We are also aware that a badly handled or maverick case could be brought to court which would damage the interests of the Cornish should it prove unsuccessful.

We recommend that, at the appropriate time and with proper safeguards, Government and its agencies should facilitate, as for example was done for the Irish Travellers, a successful race relations case to establish the Cornish as a racial group in line with the English, Welsh, Scots and Irish.

2. Equality Act 2010

The Cornish must be included in all relevant documentation, dialogue and policies as having the protected characteristic of race.

3. The Cornish as an Indigenous/Autochthonous Group

We recommend that Government updates its approach in order to recognise and celebrate the indigenous status of British and Irish minority peoples:

- The Cornish
- The Welsh
- The Scots
- The Irish
- The Manx
- Guernsey
- Jersey
- Other Channel Islanders

4. Devolved / Autonomous Governments within the British Isles.

We support Cornwall Council's Case for Cornwall and the opportunities for Cornwall under the Government's new Cornwall Deal as far as they go.

We recommend that the Cornwall Deal is fully implemented and developed, the work within the Case for Cornwall is consolidated, developed and applied and the governance of Cornwall is enabled by Government to move forward to a legislative assembly based on the Welsh process and model, and with the people of Cornwall given the same degree of focus as the people of Wales are given within dialogues of governance and devolution.

5. National origins

We recommend local and central government takes more opportunities to include and celebrate the history of the Cornish nation within British narratives.

6. Duchy of Cornwall

We urge caution in this volatile area which is easily sensationalised because there is a drive to downgrade the powers of the Duchy of Cornwall. Downgrading the constitutional status of the Duchy of Cornwall impacts negatively on Cornwall and would result in a reduction in inherent powers.

The situation may become more unstable still during the process of succession when the eldest son of the current heir will likely become Duke of Cornwall.

A positive dialogue with all parties may be helpful, international input and assistance might bring benefit.

Government should move to recognise the Duchy of Cornwall as a valuable constitutional asset within the British Isles with the potential to function as a mechanism to deliver economic and social benefit to Cornwall.

Cornwall Council should consider ways to gain benefit for Cornwall by making more of its constitutional duchy status including by using the models of Guernsey and Jersey to inform potential developments.

Article 5

1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Current Situation

5.1 With the inclusion of the Cornish within the scope of the Framework Convention, the Government took a very important step in promoting the conditions necessary for the implementation of Article 5. 1.

1. Cornish culture

1.1. Cornwall Council (from 2009) has been notably more supportive than its predecessor Cornwall County Council. Cornwall Council has a £1.8 million budget for Culture and a part of this supports the Cornish Language, the Cornish Mining World Heritage Site office (both statutory obligations) and Cornwall's Museums and Archives.

1.2. Cornish culture is vibrant, popular and varied. Cornish culture has in general developed as a result of committed voluntary input by very many dedicated groups and individuals.

1.3. Funding for Cornish culture has traditionally been very limited and this has constrained the professional development of the sector. Currently there are often pressures to dress up Cornish culture as something else in order to gain funding. Many groups therefore attempt to deliver Cornish cultural events or practices 'on a shoestring'.

Arts Council England is taking steps to provide better for Cornish culture and is producing a report to this effect. The Minutes of the South West Area Council held on 14 May 2014 record "The Area Director noted that Cornish culture and language has recently been given protected status by government. This has been taken into account and acknowledged as part of this work around the proposed portfolio." and on Monday 23 February 2015 record, "The Area Director highlighted Cornish language and identity which is outlined within the priorities".

http://www.artscouncil.org.uk/media/uploads/SW_Area_Council_minutes_140514.pdf

However, Arts Council England funding remains largely inaccessible especially for grass roots projects as there are no funding streams that invite application to Cornish culture, unlike, for example the funding programmes for other minority group eg.

<http://www.artscouncil.org.uk/funding/apply-funding/apply-for-funding/elevate/>

Practitioners report that funding from Creative England for Cornish cultural projects is difficult or impossible to access.

The Heritage Lottery Fund is the main funder for Cornish culture and people are increasingly confident about applying for Cornish projects. However, much of the HLF support coming into Cornwall is for culture that is delivered in Cornwall rather than Cornish culture.

2 Cornish Language

Please see Article 14

3. Traditions

3.1 Cornwall's traditional primary industries including farming, fishing, mining and quarrying have undergone and are undergoing massive change with a huge reduction in the numbers of people employed in the combined sectors. This means that many of the associated traditions are now fragile while many have disappeared.

The Farming and Food sector still accounts for 30% of the employment in Cornwall and is worth £2bn to the Cornish economy. Food production is almost entirely run by people of Cornish ethnic origin and is under pressure from global impacts and housing development. Cornwall Council's Local Plan, driven by direction from central UK Government makes inadequate provision to support agriculture and farmers. Furthermore the future of the County Farms which support entry into the industry do not have, being in public ownership under the administration of Cornwall Council, a secure future guaranteed.

Important work has been done by the organisation Farm Cornwall in providing support and caring advice to the traditional farmers who are the remaining holders of many traditional Cornish ways and practices and ways of thinking. For example, some farmers cultivate the same fields, within the same hedges that have been in constant use since the Bronze Age. We believe this is unique in Europe. Farm Cornwall is the only one of its type in Cornwall and is at the time of writing 'looking down the barrel' for funding renewal.

3.2. Traditional Sports

Cornwall has a number of traditional sports.

3.2.1 Hurling

Traditional Cornish hurling today takes place in only two towns – it used to be more widespread. St Columb has two hurling matches and these are big community events. In St Ives hurling takes place on Feast day and children and young people are the participants. Numbers taking part in St Ives are growing.

3.2.2 Cornish Wrestling

Cornish Wrestling faces considerable pressures and is increasingly fragile. It is a vital part of traditional and historic Cornish identity.

3.2.3 Rugby

Rugby, or a form of the game, originated in Cornwall (Carew 1602) while in the 1908 Olympics the Cornwall RFU team representing Great Britain won the Olympic Silver Medal. Cornwall needs a custom built sports stadium in order to develop the sport further but because of a lack of investment in the sport in Cornwall planning proposals for this have been controversial, tied in with development and no building is in existence yet.

3.2.4 Cornish Pilot Gig Racing

Cornish pilot gig racing which originated in Cornwall is thriving and is now a popular international sport with an ever-increasing World Championships held annually on Scilly.

3.3. Festivals

The popularity of established festivals such as Helston Flora with its ancient Furry Dance and Hal-an-Tow performance, and Padstow May Day plus the development of newer or re-established festivals such as Montol, Golowan, St Piran's celebrations etc illustrates the strength and energy of Cornish culture and the desire by Cornish communities to maintain an environment that is culturally compatible. Most events are delivered with low levels of funding because Cornish culture does not fit the requirements of central funding streams.

3.4 Musical Traditions

Cornwall has numerous musical traditions, including:

3.4.1 Traditional Cornish Pub Singing

Cornwall has a distinct popular choral tradition which is experiencing a strong revival thanks to the 'Shout Kernow' movement which, in 2015 alone has involved research, information collation, a book, regular sessions, talks and a course on Cornish pub singing.

3.4.2 Male Voice Choirs

In general the Cornish male voice choir movement remains strong although Newlyn Male Voice Choir closed in 2014.

3.4.3 Cornish Carol Tradition

The Cornish carol tradition with its complex and sophisticated carols written by influential and prolific composers like Thomas Merritt is now fragile. What were formerly big annual community events in large Methodist Chapels are now in need of supportive input. PhD research being undertaken on the Cornish carol tradition in the Cornish diaspora regions of Australia, USA, South Africa etc is helpful.

4. Cultural Heritage

Indigenous Cornish cultural heritage and especially living intangible heritage is in a much stronger place than ten years ago under the New Labour Government and a small but growing number of people find employment within the sector.

A new heritage forum 'Heritage Kernow' which draws together Cornwall Council members and officers, organisations and specialists has recently been formed under the leadership of Cornwall Council and is in the process of developing further. This is an initiative that follows an invitation from Government within the Cornwall Devolution Deal (2015) to create a Cornish Heritage Environment Forum <https://www.cornwall.gov.uk/media/13409340/20150715-cornwall-devolution-deal-final-reformatted-pdf.pdf>

This arrangement falls short of the proposal within Cornwall Council's Case for Cornwall (2015) which was:

"Transfer English Heritage powers and resources to enable us to have greater local control over our heritage assets.

Cornwall Council is responsible for the appropriate care of the largest collection of designated sites and structures in the direct ownership of any local authority. Approximately 5% of Cornwall is a World Heritage Site. We want to explore opportunities to increase local powers and resources to address anomalies in defining heritage significance, streamline planning processes and maximise opportunities to integrate heritage into social and economic regeneration."

<https://www.cornwall.gov.uk/media/11539861/Case-for-Cornwall-March15-web.pdf>

We understand that the devolution of powers from Historic England were regrettably blocked primarily through the agency of one of Cornwall's Conservative MPs during the Cornwall Devolution Deal negotiations.

5. Museum Sector

There are almost 70 museums in Cornwall, 33 of these are accredited. These accredited museums attract approximately 1.1 million visitors each year. They are supported by over 2000 volunteers and 240 FTE jobs. The Cornwall Museums Partnership is supported by Cornwall Council through the Cornwall Museums Strategy <https://www.cornwall.gov.uk/media/3624814/Cornwall-Museums-Strategy-final.pdf>

There are issues with the ethical inclusion of Cornish people and their views in the management, delivery and interpretation of the history and heritage of Cornwall and the Cornish people by

Cornwall's museum sector. The implementation of the Framework Convention for the Protection of National Minorities by Cornwall's museum sector and its associated monitoring is inadequate.

Although the museum sector holds the tangible treasures and artefacts of the Cornish people the story of Cornwall and the Cornish people is seldom told with authenticity and adequate resource allocation by Cornwall's major museums. Interpretation and representation in the smaller and industrial/mining museums is more genuinely authentic and inclusive of the Cornish.

Article 5.2

In providing protection for the Cornish under the terms of the FCNM, Government has reduced pressures applied by the Labour Government of 1997 – 2010 which were aimed at assimilating or even, some felt at the time, annihilating the Cornish.

Nevertheless, in practice, the Cornish are strongly subject to assimilation into the majority population and their culture. This is because of a very high level of in-migration into Cornwall as a result of Government housing policies, inadequate educational resources of Cornish matters, pressures for people belonging to the Cornish National Minority to leave Cornwall for economic or educational reasons and an overwhelming focus by the media on the majority culture.

Recommendations

1. We recommend government establishes a structure for funding and supporting Cornish culture and heritage similar to that existing in Scotland with dedicated funding streams and support agencies.
2. We recommend government investigate dedicated allocated funding for Cornish culture from the Treasury or the Department for Media, Culture and Sport.
2. Better evidence on the Cornish (as users, visitors, job applicants etc) and increased research by the Heritage Lottery Fund, Arts Council England, museums and other culture providers etc is required in order to include the Cornish within culture provision, understand the needs of the Cornish section of the population in culture provision and support the development of Cornish culture.
3. We recommend the understanding and implementation of the FCNM by all members of the Cornwall Museums Group, and especially the larger museums in Cornwall, the ethical inclusion of the Cornish people as interpreters of Cornwall's history and heritage and more evidence and understanding of the Cornish and their needs in delivering Cornish heritage.

For Cornish Language please see Article 14.

Article 6

1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Current Situation

1. The Cornish still continue to face a high level of prejudice in the national media with the casting of negative images of the Cornish and Cornish culture and the Cornish language. BBC Radio Cornwall presenters have stated they 'stir things up' between the Cornish and non-Cornish peoples.

2. Equality and Diversity

Traditionally, Equality and Diversity professionals in Cornwall have taken an often hostile approach to issues around Cornish identity and have excluded the Cornish from resource allocation within their remit. The sector remains generally unsympathetic to the Cornish today and is one of the most challenging fields to tackle.

Equality and Diversity representatives may not only exclude the Cornish in delivering equality work but pro-actively seek to undercut or oppose potential avenues of opportunity for the Cornish.

The Equalities environment in Cornwall has been described as 'English people talking to English people' about minorities.

In recent weeks a more sympathetic approach has been taken by the Cornwall Council Equality team which in general has allocated few resources to Cornish equality issues and following an event on 1st March it has been agreed to include the implementation of the FCNM as one of Cornwall's Equality Objectives for the next four years.

3. Hate Crime

Devon and Cornwall Police are increasingly sympathetic to Cornish issues and accept hate crime reports. We understand 'Cornish is being recorded under the category of 'Race' but they [the Police] do not have a code they could give out to the public for use, the codes are for internal use only' which makes this important area difficult to track and gain evidence on for civil society.

Recommendations

1. For media please see Article 9
2. Equality and Diversity

At the core of many of the challenges presented by this sector is the inadequate statutory protection for the Cornish and we recommend Government increases protection measures for the autochthonous minorities of Britain like the Cornish to provide legislative parity with other groups.

We recommend there should be some foundation work done and training provided to Equality representatives so they may better understand the needs of members of the Cornish National Minority.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Current Situation

1. Because of high rates of in-migration of people of non-Cornish origin and out-migration of people of Cornish origin, because of big changes or collapse of traditional primary industries such as mining, farming, fishing and quarrying, because of high levels of tourism and second-home ownership many traditional Cornish communities have broken down. This is especially difficult in formerly relatively isolated coastal communities such as St Ives, Padstow, Mousehole etc where freedom of association, freedom of expression for Cornish people is not now readily possible due to rapid changes in the proportions of the population. There are multiple, often connected reasons including tourism, lifestyle promotion, second home and multiple property ownership, homes bought for investment instead of as homes, development, art institutions/galleries, retirement etc. Distressing accounts of loss of community and ways of life are quite common.

No mitigation measures or strategy have been put in place and the State can take a very pro-active stance in using Cornwall as 'tourist bait' for State reasons as in the recent use of Cornwall during the Chinese State visit of October 2015 (special live performance by the Poldark actors for the President of China and Prince William, special visit to the Eden project, St Michael's Mount floodlit in red).

Recommendations

1. Government should resource evidence gathering and mitigation measures to better understand and counteract the effects of community breakdown and social network fracturing on Cornish people.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Current Situation

1. Non-conformism, as opposed to Anglicanism, was traditionally strong in Cornwall and is declining in Cornwall (as elsewhere).
2. The Cornish have no more barriers to manifesting religious beliefs in the UK than the majority of citizens.

Article 9

1 The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems that persons belonging to a national minority are not discriminated against in their access to the media.

2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Current situation

1. The positive and authentic portrayal of the Cornish people and the broadcasting of Cornish history and culture from a Cornish perspective is rare in public service media or any media.

2. BBC Charter review.

The governance and funding of the BBC is set out by Royal Charter. The charter is reviewed by government every ten years and is currently being renewed.

Following consultation Cornwall Council has made representation to the Department of Culture, Media and Sport which includes the following proposals:

It is vital that the BBC continues to be underpinned by its six public purposes. We consider the most important purpose of the BBC is to 'represent[s] the UK, its nations, regions and communities' (public purpose no. 4).

The Charter Review is a high profile opportunity for the BBC to:

- Demonstrate its commitment to representing the diverse communities across the UK by acknowledging the recognition of the Cornish as a protected national minority in the UK;
- State how it is going to fulfil its obligations under Article 9 of the Framework Convention for the Protection of National Minorities; and
- Outline how it will provide Cornwall with the same level, and type, of support it provides to other protected national minorities (the Welsh, Scottish and Northern Irish).

To do achieve more with less, we would like to work with the BBC locally and nationally to achieve the following three ambitions.

Ambition 1: Programming that reflects the reality for Cornwall – whether online, TV or on radio. This would be demonstrated by:

- More news reporting on local issues covering major events
- Programming that provides more regular output in Kernewek (Cornish language) – Kernewek is a protected language under the European Charter for the Protection of Regional or Minority Languages
- Programming that reflects both the heritage of Cornwall and popular culture.
- BBC Charter Review Consultation Response from the Members Working Group on Cornish Minority Status 5 08 October 2015
- Programming that demonstrates to the rest of the UK that Cornwall has more to offer than an amazing holiday destination
- Programming that portrays the Cornish people in a balanced way, not only in historical drama but also in current affairs and contemporary culture.

Ambition 2: Develop BBC TV programming in Cornwall. This would be demonstrated by:

- Distinctive programming, expanding the Cornish slots on Inside Out and Politics SW
- Establishing a BBC Kernow
- Funding for Cornish language programmes (with English subtitles)
- Funding to provide English-language television programmes emanating from Cornwall

Ambition 3: Build upon other media opportunities

- Continue to build on the good work of BBC Radio Cornwall by developing more unique programming bespoke to Cornwall
- Develop online resources (including via IPlayer)

<https://www.cornwall.gov.uk/media/15197973/bbc-charter-review-response-submitted.pdf>

3. There is currently a body of work underway making the case to the Department for Culture, Media and Sports for a BBC Kernow to provide a platform for Cornish views:

- Give Cornish language and culture the equal status, recognition, respect and prominence in public service broadcasting that it deserves.
- We believe the Cornish should have equal status with the other indigenous languages and cultures of Britain.

- We want BBC Kernow | Cornwall to sit in its rightful place alongside BBC Cymru and BBC Alba on the iPlayer.
- We want appropriate commissioning and editorial processes to be established within the remit of the BBC Royal Charter from 2017 to develop and grow Cornish language and cultural programming.
- Every culture should have their own voice represented in the world's media, particularly in public service broadcasting.

The BBC has issued a statement saying that there are no current plans to establish a BBC Kernow.

4. Portrayal of the Cornish in the media. The majority of portrayals of the Cornish in the media are negative. Discriminatory and inaccurate caricature, negative stereotyping and the use of non-Cornish actors with inauthentic accents to play Cornish people with a lack of intelligence and social skills is prevalent in almost all drama or comedy featuring 'Cornish' people. This is usually combined with an overemphasis on the elements of the environment of Cornwall that attract the 'tourist gaze'.

Recommendations

1. We recommend the DCMS accepts the proposals and recommendations made by Cornwall Council in respect of the BBC Charter review.
2. The BBC should establish a BBC Kernow to provide a platform for the Cornish language, Cornish culture and history and to give a voice to the Cornish people.
3. Negative portrayals of, and prejudice against, the Cornish on the media should be treated with zero tolerance. Positive portrayals and role models for younger Cornish people should feature far more often.

Article 10

1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Current situation and Recommendations

Please see Article 14

Article 11

1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Current Situation

1. Since 2009 Cornwall Council policy is that bilingual signage is standard for new and replacement street signs. In February 2014, the 1,000th road sign was translated into Cornish. Currently approximately 14% of the street names in Cornwall are bilingual. Bilingual town, village and parish names are provided as a matter of choice.

Some parish councils (eg St Hilary, Carn Brea) commission bilingual parish boundary stones.

The Cornwall Council crest / logo has been bilingual since the inception of the Unitary Authority. This logo is shown throughout eg on the Cornwall Council website, vehicle branding etc.

Naturally in Cornwall many place and family names are Cornish and these are retained for personal and business use.

An increasing number of businesses use Cornish in branding and identity.

The new Truro police station has dual language signs and it is now policy that all new police buildings in Cornwall will have signage in Cornish. Devon and Cornwall Police say existing buildings will have dual signage only when the signs need replacing.

The Cornwall Fire and Rescue Service uses bi-lingual signage

The Cornish language is used on new GWR Night Riviera livery.

Some new housing developments use Cornish house and street names. Sometimes this only follows a concerted campaign by people developing the Cornish language eg Wain Homes changed the name of an estate in Truro from Woodleigh Grange to Penn-an-Dre as a result of pressure by Councillors and Gorsedh Kernow.

Every street name in a 4,000-home Duchy of Cornwall development at Newquay will combine the Cornish language and the legends of King Arthur and will use only the Cornish language name.

Comment

1. We welcome the increased use of the Cornish language in signage and elsewhere.

Recommendation

1. Government needs to fund the Cornish language and increase the status of the language through legislative measures to enable more signage in Cornish.

Article 12

1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Current Situation

1. The National Curriculum for England which is a requirement for all local-authority-maintained schools in England including those in Cornwall makes no mention of Cornish history or culture:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210969/NC_frame_work_document_-_FINAL.pdf

2. Some schools in Cornwall teach their pupils elements of local history but very few, if any, give a sound education or even an overview of the distinct history and culture of Cornwall and the Cornish people.

3. The teaching of Cornish history and culture is dependent on pro-active leadership within individual schools and this is a matter of chance.

4. There are very few good quality resources available to use as materials to teach the history of Cornish history, culture and other aspects relating to Cornwall

5. Provision is better in primary schools who may subscribe to the paid-for Sense of Place programme run by a private Community Interest Company.

6. Secondary schools receive donations of a fairly limited amount of Cornish history and culture reference books from the registered charity Cornish Quest.
7. A digital re-launch of Kernow Bys Vyken/Cornwall For Ever, a book that was distributed to all school children in 2000 is underway. The website will host links to sources, orgs, general cultural/historical info, multi-media and feedback. The project is jointly funded by the Heritage Lottery Fund and private subscribers. The budget is only adequate as a first step towards creating a much more extensive central history and culture site, hosted eventually and maintained by Kresen Kernow, the new Heritage Lottery funded National Library for Cornwall currently being built.
8. The Institute of Cornish Studies is the only dedicated Higher Education department for Cornish history and social sciences and is part of Exeter University and based at Penryn Campus, Penryn, Cornwall. Funding in the past came from Exeter University and Cornwall Council (50:50). Currently funding has ceased from Cornwall Council as a result of the savings required by central Government and there is no specific university funding of individual tutors attached to specific courses. The Institute is under considerable financial pressure and has not been able to replace tutors who have recently retired.
9. The recruitment of students by Falmouth and Exeter Universities from outside Cornwall, especially the 'Home Counties' with a relatively small number being accepted from Cornwall means that the percentage of Cornish students on the two Falmouth campuses is low. The Graphic Design department is of international standing but only takes approximately 2 out of 100 students from Cornwall while most of the students in the newly formed Celtic Society are Welsh or Scottish because there are few Cornish students to draw from. This pattern is reflected in the teaching staff – for example, in one block of an estimated 100 teaching staff / tutors only one is a born and bred Cornishman.

Comment

1. "There has never been a greater need for education in Cornwall to impart real Cornishness into pupils - for only by this means will the Cornish have an opportunity to meet the difficult challenges that lie ahead and survive into the future as a self-identifying entity." John Angarrack 2016

"Our present history curriculum is designed and made in Westminster, and there is no room on the school timetable for our Cornish national history; local historical studies yes, but not our national history. Now we are a nation it is very important that the Cornish national history is taught in schools, and that Cornish children learn Cornish history." Grand Bard Maureen Fuller 2015

"Cornish history should be taught in schools. Children are thoroughly taught English history but Cornish history is absent from the curriculum of most schools. All children need to know about their heritage and our Cornish children should be taught about the past so they understand why things today are as they are, All children should be taught the history of where they live and given a sense of place. Let Cornish history be taught in all Cornish schools. It is the right of all Cornish children." Grand Bard Maureen Fuller 2012

"I believe that local children – and adults for that matter – do benefit from understanding more about the land in which they live, and what made it the place it is today. There is so much to learn about and understand and treasure. This could include Cornwall's Celtic origins, the Cornish language, mining, the mass emigration of Cornish men and women; the achievements of its people – engineers and inventors such as Richard Trevithick and Henry Trengrouse, scientists like Humphry

Davy and John Couch Adams, social reformers and radicals such as Emily Hobhouse and William Lovett; and the struggles of the ordinary people of Cornwall who lived through the social and economic upheavals of times past.” Councillor Dick Cole, Leader, Mebyon Kernow: The Party for Cornwall.

“Following on from the Cornish recognition in the Framework Convention for the Protection of National Minorities (FCNM) the Cornish school curriculum must be changed. Perhaps to the extent of a Cornish National Curriculum, now I don't mean science should be the prism of Cornish scientists and lessons revolving around Davy, Trevithick and Couch Adams, or literature be dominated by Du Maurier, Quiller-Couch and Golding. But nevertheless Cornish inclusion in the Framework binds education authorities to change things and these changes are significant.

Where does the Cornish story in history fit in to the history of England? Well it doesn't fit in that well. This is one of the reasons we are different. The history of the English people, begins with the Anglo Saxon invasions, the formation of a unified kingdom from the seven kingdoms that were, before England ever existed. Various battles with the Vikings and the Danelaw. At this time the Cornish were already resident in Britain and descend from the ancient Britons of course the stories intertwine but there are different dynamics. For the English this was the founding moment in the history, their Plymouth Rock if you will, but for the Celts like the Cornish this was a much different story, one of invasion and the loss of traditional lands, Plymouth Rock was taken from us.

But the FCNM means that history has to be taught differently and indeed subjects have to include Cornish beyond history. Explicitly stated is culture, language and religion as well. It remains to be seen how this might fit in.” Councillor Rob Simmons 2014.

Recommendations

1. Government needs to integrate all aspects of Cornish history, culture, language and other elements into the National Curriculum so that they are taught not just in Cornwall but across the UK.
2. Education providers need to increase the analysis and use of ethnicity data on Cornish pupils and students in Cornwall in order to make better provision for Cornish pupils, including in the teaching of Cornish history and culture, and to analyse their achievement.
3. High quality resources on Cornish history, heritage, culture and environment from a Cornish perspective must be developed and made available by the state.
4. Currently only 10% of the teachers in Cornwall are estimated to be of Cornish ethnic background. Succession planning should be put in place to raise this percentage so that it is the same as the number of children in schools who are Cornish.
5. Exeter and Falmouth Universities must address their provision for Cornish students and increase recruitment of students from Cornwall.

Article 13

1 Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2 The exercise of this right shall not entail any financial obligation for the Parties.

Current Situation

A private Community Interest Company pre-school Cornish language Movyans-Skolyow-Meythrin provides bilingual Cornish/English language educational opportunities for children of nursery school age in Cornwall between the ages of 2 and 5 years.

Recommendations

We recommend that Government facilitates a system similar to the Breton Diwan system, bearing in mind that currently it would be an exceptional challenge for a private school to be established for children of Cornish background in which they could learn a substantial amount of Cornish history, culture, 'sense of place', the Cornish language and other subjects taught placing Cornwall and the Cornish at the centre of the narrative.

Article 14

1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Current Situation

1. The revitalisation of the Cornish Language is an international success story. The online language course 'Say Something in Cornish' now has over 1,000 registered users, many language classes are reporting a strong increase in members and the amount of literature in Cornish is steadily increasing. Social media has assisted the resurgence of the language and the annual Speak Cornish week is popular and busy, especially with young people and this year saw 250 short films put online.

2. The management and developmental structure for the Cornish Language is undergoing extensive change which have brought some uncertainty and some opportunities. These changes were brought about by a report by IAITH commissioned by Cornwall Council which reviewed language policy and planning. The recommendations of the report were accepted by the Cornish Language Partnership in March 2015 and control of the language has now passed directly to Cornwall Council. Cornish Language Partnership - in place for 10 years and significantly raised the status and profile of

Kernewek. The aim under the new system is to steer funding to third party organisations – private, public and voluntary sectors.

The Cornwall Council Cornish Language Plan adopted by Cabinet on 4th November 2015 (from page 27) <https://democracy.cornwall.gov.uk/documents/g6320/Public%20reports%20pack%2004th-Nov-2015%2010.00%20Cabinet.pdf?T=10>)

This replaces and augments the Cornwall Council Cornish Language Policy <https://www.cornwall.gov.uk/media/7935253/Cornish-Language-Policy.pdf> .

The Language Plan is aimed at increasing the use of Cornish within the Council and through the Council's work with partners and clients. "Measures include providing strategic leadership, promoting awareness with other public bodies and government departments, drawing up work programmes and working in partnership with Cornish language organisations and other stakeholders to achieve objectives." Implementation will not be instant but will be rolled out according to resources.

The content of the Cornish Language Plan is:

- Internal signage
- Bi-lingual email sign offs and business cards
- Use in documents as standard
- Encourage use by reception staff
- Enable correspondence in Cornish with responses in Cornish
- Develop use of Cornish on the website
- Develop guidance for use of Cornish in printed material
- Language and culture awareness training for staff and Members
- Use Cornish in Council-led projects where appropriate

Strategic development includes "to pursue the drafting of a Cornish Language Act, in order to put Cornish on the same footing as other UK Celtic languages."

4. As part of the restructuring an Akademi Kernewek has been established. This is an arms-length independent body linked to Cornwall Council. It is funded by the Council and its remit is set by the Council. It is in the process of being established as a Charitable Incorporated Organisation.

The role of an Akademi Kernewek

- To provide advice and guidance on corpus planning issues
- To provide advice for Cornwall Council in its role as lead body for promotion of the language
- To provide advice and guidance around corpus planning issues to other organisations such as educational establishments, the media, public organisations and private companies.

5. Funding for the Cornish Language

The Council, in conjunction with one of Cornwall's Conservative MPs was close to getting a 5-year funding deal included within the Deal for Cornwall, but was eventually unsuccessful, largely through the agency of another of Cornwall's Conservative MPs.

Government through the Department of Culture, Media and Sport has funded the Cornish Language but to a much lesser degree than other national minority languages. However, no funding has been received from this current government and the situation as of 1st March is of great concern. One very serious concern is the lobbying by the MP for SE Cornwall against funding for the Cornish language.

Cornwall Council contributes £30,000 pa to resource two paid staff to develop the Cornish Language.

Recommendations:

Broad recommendations in respect of the Cornish language:-

1. Government needs to provide an immediate five-year settlement to fund the Cornish language.
2. Fair funding for the Cornish language, and parity with the funding to the other native British languages.
3. Recognition under Part III European Charter for Regional and Minority Languages
4. A Cornish Language Act
5. A properly funded independent organisation to oversee the implementation of an agreed Cornish Language Strategy - or in the event that responsibility is left with Cornwall Council there should be an independent language commissioner to ensure compliance.
6. The status and support structures for the Cornish language should be developed so that the machinations of a very tiny number of elected representatives cannot inhibit its development and delivery to the current extent.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Current Situation

1. The percentage of the population of Cornwall who are of Cornish origin fell below 50% around the turn of the millennium ie 15 years ago. Today over 82% of Cornwall Council's workforce is recorded as being of non-Cornish origin. According to Census 2011 (accepted as an inaccurate undercount), over 86% of the population has no ethnic Cornish background.

A combination of factors has negatively impacted on the possibilities of the effective participation by Cornish people in cultural, social and economic life and in public affairs. This may be seen, for example in the small proportions of Cornish people in the higher tiers of employment, especially management, compared to the higher proportions of Cornish people in the lower tiers- when the management in an organisation is not Cornish and the lower tiers are. It may also be seen in the voluntary and cultural sector where paid employment, as opposed to voluntary roles, are predominantly filled by people of non-Cornish background.

The housing market has created a system which instead of working for the Cornish works against them with the result that homes are unaffordable for young Cornish families while being much more affordable for in-migrants who have sold houses in higher wage areas.

2. Cornwall has had successive waves of political and economic mis-management by central government and today its GDP is the second lowest of all the regions in Northern Europe and currently falling. Cornwall Council and central government have agreed the Cornwall Deal to begin a process of devolution of powers to Cornwall.

Recommendations

1. Government needs to create the conditions where training, succession planning measures, positive action* if required and fair funding for culture and Cornish civil society are targeted at the Cornish in combination with an increase in legal protections and increased status to enable the effective participation of the Cornish in cultural, social and economic life and public affairs, particularly those in Cornwall.

* Positive action' means the steps that an employer can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs.

2. Government should facilitate the Cornwall Deal to the maximum and move to the next stage of increasing devolution to Cornwall, informed and developed through meaningful consultation with Cornish people.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Current Situation

1. Government inspired population growth in Cornwall in the last 50 years is three times the growth in England, four times that of Wales and 73 times that of Scotland [CPRE]. Cornwall Council has supported and facilitated this high growth strategy. The resultant high in-migration means that the Cornish are the only ethnic group in Cornwall whose percentage of the population is falling. Unlike other groups who have other centres of population and territorial homelands, the Cornish only have Cornwall as their homeland.

1.1 Population growth over last 50 years (1961-2011).

Cornwall's population has grown by over 197,000 over the last 50 years (1961-2011), as shown in the following diagram:

Population of Cornwall

Year	Population of Cornwall	Change
1961	342,300	
1971	381,700	+39,400
1981	418,600	+36,900
1991	461,800	+43,200
2001	501,300	+39,500
2011	539,900	+38,600
2021	590,800	+50,900
2031	637,400	+46,600

Population growth in Cornwall compared to elsewhere in the UK

The population growth of the different nations of Great Britain since 1961.

Population 2010 (1961=100)

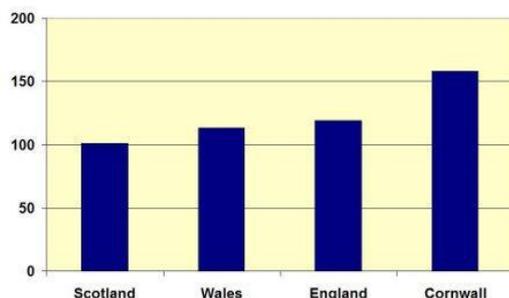


Fig: Dr Bernard Deacon

The growth in population of Cornwall, as a result of migration (from England) is:

- more than three times that of England,
- over four times that of Wales and
- 73 times faster than Scotland.

There are 46 (1973 base) counties in England. Cornwall has grown faster than 40 of these, including all the counties in south west England (Cornwall 58%, Devon 37% for example).

Since 1961 the number of people living in Cornwall has risen at a rate that is much faster than that of the UK, and faster than most equivalent areas outside parts of south east England and Cambridgeshire. All of this rise is explained by movement to Cornwall from other regions of the UK and two thirds of migrants come to Cornwall from south east England.

In each of the last two 20-year periods (the period of the Local Plan) the population increase has been just under 80,000.

Projected Population Growth

<http://www.cornwall.gov.uk/localplancornwall>

A number of projections in population growth in Cornwall from the current 539,000 show an increase of between 500,000 and 724,000 extra residents within a century if the Local Plan is applied.

- At the absolute growth rates of the past 40 years the population of Cornwall will be 939,900 by 2111.
- An assumption of population growth using the ONS (Office for National Statistics) predicted absolute 20 year growth figure for each succeeding 20 year period in the next century shows a rise to 1,024,000.
- 97,500 extra people that the ONS predicts for the next 20 years will require around 42,000 houses . However, the Council proposal for a minimum 47,500 housing target is equal to a 111,000 population growth which implies the Council is planning for at least 1,049,900 people by 2111.
- Taking the average 18.65% growth rate of the three 20 year periods between 1971 and 2031 and extrapolating that forward, the population of Cornwall becomes 1,263,000 by 2111.

1.2 The Cornish in the Context of Population Growth: The Effect of Past and Future Rises in Cornwall's Population

The result of this rise in population due to in-migration is that over the last fifty years the Cornish have gone from a majority in their homeland to a minority. In 1960, the population of Cornwall was 340,000 with approximately 75% of the population being of Cornish origin. Since then, the number of people in Cornwall of Cornish origin has declined from approximately quarter of a million to around 180,000. In percentage terms, this means that the percentage of people who are Cornish within Cornwall has, over the last 50 years, fallen from around three quarters in 1960 to approximately one-third today. This has to be put in the context of Cornwall being the sole territory, anywhere, in which the Cornish are a distinctive and identifiable population. As a result of high in-migration, the Cornish are now a minority group within Cornwall, having previously been in the majority until the 1990s.

- The 1951 Census showed the proportion of Cornish-born in the population was around 75 per cent.
- Net in-migration to Cornwall began in the early 1960s.
- 1982/83 - the last relevant, properly conducted survey (Perry et al) in seven wards found 57 per cent were Cornish born and 43per cent in-migrants.
- Cornwall's population has grown by over 197,000 over the last 50 years (1961-2011). 'All of this rise is explained by movement to Cornwall from other regions of the UK and two thirds of migrants come to Cornwall from south east England.' ('Population change in Cornwall since 1801' Dr Bernard Deacon).
- The 1983 survey implies a fall from around 70-75 per cent at the time of the 1951 Census to 55-60 per cent. As net in-migration did not begin until the early 1960s this had occurred in little more than 20 years, a drop of around 15 percentage points at a time when the population rose by 22 per cent. This in turn might suggest that for every one per cent rise in the population the proportion of native Cornish falls by around 0.7 per cent. Using this as a base we could calculate the proportion of native Cornish in the population in 2012 to have fallen by maybe another 17 per cent, to be as low as 40 per cent. ('The land's end: The Great Sale of Cornwall' Dr Bernard Deacon)

- In-migration to Cornwall since 1960 has had a strongly adverse influence on the ability of the indigenous Cornish people to maintain a sustained and sustainable population.
- Further in-migration to Cornwall in commensurate or increased numbers, in comparison to the last 50 years, will increasingly marginalise the Cornish within Cornwall including in political, social, cultural and economic spheres and limit the ability of the indigenous population to influence these spheres.
- The Cornwall Council Local Plan which plans for a minimum of 47,500 new houses (+ the increase required by the Inspector) will facilitate in-migration, and will accommodate people moving into Cornwall. It is estimated that the equivalent of 80% of the new houses will be taken by those moving to Cornwall from outside.

1.3 Disadvantages to the Cornish of altering the proportions of the population

- Social, cultural, political and economic marginalisation.
As the majority population increases in size as a result of in-migration, the chances are that the Cornish will be increasingly marginalised. Incrementally, this is likely to have a knock on effect on the ability to access resources and opportunities. Marginalisation may be experienced in several spheres, and dispossessed groups are often marginal not only in terms of geography but also in social, political and economic terms. 'Those in control at the centre often will use economic inducements to encourage the marginal person to move away, assimilate and thus lose their identity.'
- Disenfranchisement
If, as is planned in the Local Plan there is a continuing and growing influx of people from outside Cornwall, the diminishing proportion of the population who are Cornish will have a pro rata diminishing influence on the democratic process within Cornwall.
- Assimilation
Assimilation takes place when a minority is not able to resist the removal of its distinctive traits, and eventually gives up all aspects of its special identity.
- Beliefs, feelings, emotional connection
What and how people feel is one of the most important things about culture and identity, and many of the Cornish, who have a proud and passionate connection to Cornwall feel a sense today of being 'wiped out'. This is reflected in the reality of a diminishing ratio of people of Cornish origin to other people in Cornwall.
- Negative impact on cultural development
Today, because of a high degree of voluntary input, Cornish culture is developing. In-migrants to Cornwall often go through an 'induction process' in which time and effort is invested in them, in different ways, in order to assist their acclimatisation to the different environment of Cornwall. With a smaller population of people who are Cornish by origin, as planned by the Core Strategy, this process will be less effective, will draw very considerably on the resources of the individuals who give this assistance, and is less likely to result in the continuing development of Cornish culture. This will impact negatively on community cohesion and economic factors alone, as well as encouraging the decline of a culture that is comfortable for Cornish people.

1.4 Academic Analysis: Dr Bernard Deacon

'The difficulties of inducting a new population into awareness and respect for the unique heritage of the place they have chosen to reside in will become ever more difficult if Cornwall becomes less distinctively 'Cornish'. Both less Cornish in terms of the environment around us; supermarkets, housing estates and industrial units tend to look the same whether they're in Cornwall, Canterbury or Caithness. And less 'Cornish' in terms of its society. The decline in the proportion of native Cornish has to be halted and reversed – and within the next generation if we are to have any chance of retaining a Cornwall that is still in some way recognisably Cornish. If we allow the Cornish to become an interesting historical relic, a minority group consigned to the museum shelves and the local histories, then we wittingly or unwittingly throw away our link to two thousand years of the past and give up a critical weapon in the struggle to obtain the right to make our own decisions about what sort of Cornwall we want here – in Cornwall.'

Political Analysis: Councillor Bert Biscoe

'Cornwall has experienced a very high level of inward migration in the past generation. This has caused many tensions, not least a very strong sense of dispossession amongst Cornish people, not of property (which they have sold and bought as much as anyone) but of context, of places, of quietness, of innocence, or inherited lore, artefacts and customs which are dismissed, removed or derided by people and institutions who choose to not inform themselves or to consider indigenous feelings or reactions before taking actions – this can be as simple as demanding provision of a street-light to removing trees and rook colonies, to denying resources to traditional feasts and happenings, to imposing cosmopolitan dismissal of philosophy, ethics and customs by force majeure – 'there's more of us than of you'.

For the Cornish indigenous minority experiencing population increase, the experience of absorption, challenge, dispossession, experience of different social behaviours and assumptions are all challenging and affect confidence, self esteem and socio-economic performance - this is a key factor for which careful and effective strategies have never been considered and are in urgent need of being so.'

Cornwall Council has to date refused to include mitigation measures or accommodation within the Local Plan despite much lobbying and campaigning by organisations, representatives including Parish Councils and individuals. Their response to Bewnans Kernow is: "The conversation proposed by BK would be more constructively focused on the further development of the Council's strategy and activity for the Cornish National Minority status".

2. Cornwall's Territorial Boundary

The Government is preparing to enact the Parliamentary Voting System and Constituencies Act 2011 which, despite blanket opposition from Cornwall will almost certainly seek to remove Cornwall's ancient border with England for the purposes of redrawing parliamentary constituencies. The primary reasons for doing this are to reduce the number of MPs in the House of Commons and to make it easier for the Conservative party to win future elections. This is seen as gerrymandering. If this amalgamation and the creation of a 'Devonwall' constituency is achieved, the long-standing rights and freedoms of the Cornish and the understanding of Cornwall as a distinct territory will be restricted.

Comment and Analysis

1. Cornwall is the traditional homeland of the Cornish, and the Cornish do not exist as an identifiable and coherent group anywhere else in the world. The Cornish now form a very large minority in Cornwall, having previously been a majority. None of the English counties have a similar situation with regard to a minority. Cornwall has a unique demographic environment which entails a special care and responsibility for maintaining the homeland of the Cornish National Minority in a sustainable fashion.

1.2. The Cornwall Local Plan (agreed by full Council) for a minimum of 47,500 new houses will facilitate in-migration, and will accommodate people moving into Cornwall or buying second homes. It is estimated that 80% of the equivalent of the new units will be taken by those moving to Cornwall from outside.

1.3. The Inspector following the Local Plan Hearings of May 2015 now recommends a 7% increase on the number agreed by Cornwall Council, writing in his recommendations: "for Cornwall I consider that the 7% I am requiring to recognise second homes/holiday homes"

<https://www.cornwall.gov.uk/media/12843214/ID05-Preliminary-Findings-June-2015-2-.pdf>

The Inspector disregarded written and oral evidence provided by Bewnans Kernow and others. The submission on behalf of the Cornish was strongly opposed during the Hearing made by Bewnans Kernow to the Inspector by Cornwall Council.

http://www.bewnanskernow.org/uploads/2/3/1/8/23183698/bk_local_plan_april_2014.pdf

1.4. In-migration to Cornwall has had a strongly adverse influence on the ability of the indigenous Cornish people to maintain a sustained and sustainable population.

1.5. Further in-migration to Cornwall in commensurate or increased numbers, in comparison to the last 50 years, will increasingly marginalise the Cornish within Cornwall. Marginalisation will affect the political, social, cultural and economic spheres, and will increasingly limit the ability of a diminishing indigenous population to influence these spheres.

1.6. Cornish culture and Cornish distinctiveness powerfully strengthen community cohesion and are key economic drivers in Cornwall.

1.7. The Cornish are supported and protected by a legislative and policy framework. The Cornish have full National Minority status and are protected within the Framework Convention for the Protection of National Minorities. The Cornish have the protected characteristic of 'Race' under the Equality Act 2010 due to "ethnic and national origins". Compliance by authorities and monitoring of this will be part of the stronger legislative framework now provided for the Cornish.

1.8. Cornwall Council has a requirement to assess and mitigate against the negative impacts on the Cornish of its Cornwall Local Plan.

1.9. Government advice and research indicate that excellent councils are consistently found to have a robust and effective approach to EqIAs.

1.10. Throughout the Local Plan process consultation of those representing the interests of the Cornish minority has been inadequate and ignored.

1.11. No strategic mitigation measures to offset potentially very considerable negative impacts on the Cornish resulting from the Cornwall Local Plan have been included.

Bewnans Kernow Report on Cornwall Council Local Plan 2014

http://www.bewnanskernow.org/uploads/2/3/1/8/23183698/bk_local_plan_april_2014.pdf

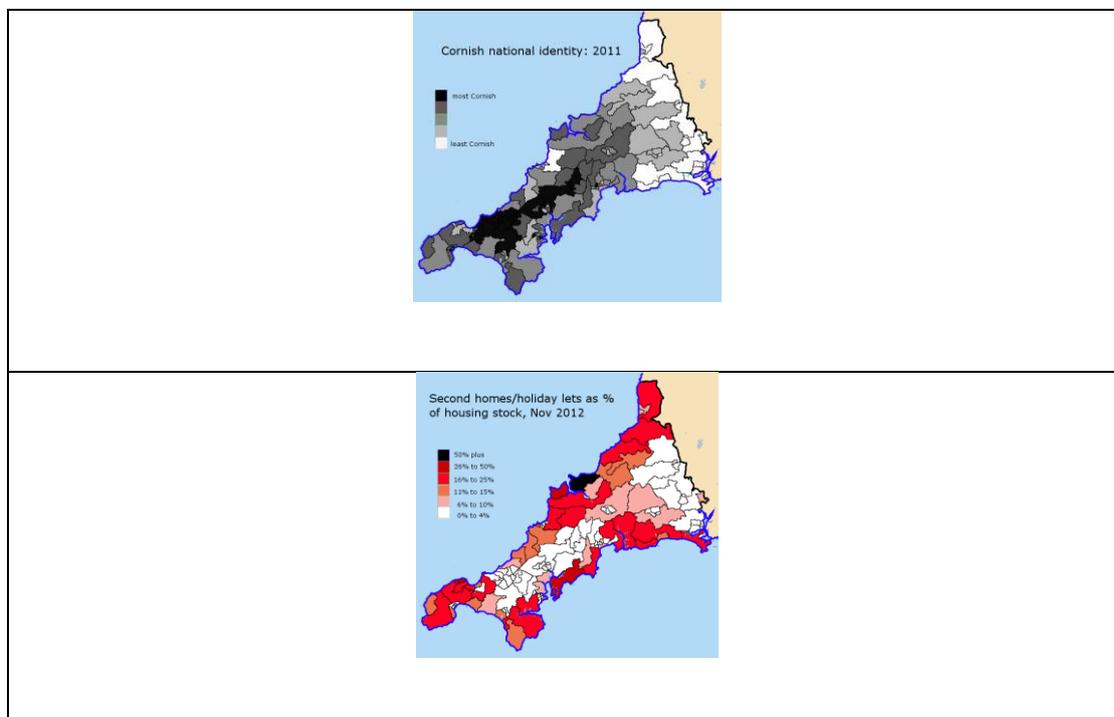
Research and analysis by Dr Bernard Deacon:

<https://cornwalldevelopersparadise.wordpress.com/about/>

Dr Bernard Deacon: The Cornish, state housing policy and the FCNM

<https://cornwalldevelopersparadise.wordpress.com/2016/03/02/the-cornish-state-housing-policy-and-the-fcpnm/>

Maps showing Cornish national identity and second homes in Cornwall 2011(Dr Bernard Deacon)



Recommendations

1. The Cornwall Local Plan should be revised to make it compliant with the Framework Convention for National Minorities and other Equalities requirements.

1.2. Bewnans Kernow recommends and strongly requests Cornwall Council include the following Strategic Policy, either as a stand-alone Policy or within an appropriate Policy in the Cornwall Local Plan:

Policy

Proposals should be sensitive to the impact on those people in our Community who belong to the Cornish National Minority, and on Cornish culture. New development proposals must show best

solution in maintaining the current ethnic balance between the Cornish and the non-Cornish, in retaining a sustained and sustainable population of people who describe themselves as having Cornish identity/origin, in supporting the development of Cornish culture and in protecting Cornish heritage.

1.3. It is recommended that, given its context – the homeland of a unique ethnic group and with a recent history of very rapid relative growth in overall population and housing stock – that Cornwall is treated as a special case by Government.

1.4. It is recommended that the housing target in Cornwall Local Plan is considerably reduced to and that the Cornwall Local Plan is revised to reduce the degree to which in-migration is facilitated in order to maintain the current balance in the population in Cornwall between those who are Cornish and those who are not.

1.5. It is advised that Cornwall Council gains a much more comprehensive understanding of the Cornish population. This should be developed as a result of a wide range of interactions and evidence gathering practices combined with effective analysis and benchmarking against other minorities.

1.6. It is recommended that a range of strategies, policies and mitigation measures which operate on a number of levels including the strategic level are developed and used to offset potential adverse impacts to the Cornish.

1.7. Representative Cornish organisations should be included at all times in Cornwall Council consultations as a matter of course, and their input evidenced and acted on.

2. Should government seek to withdraw administrative boundaries for the purposes of parliamentary constituencies Cornwall should be made a special case like the Isle of Wight and three other special cases, or five large constituencies should be formed from the territory of Cornwall. This would maintain co-terminosity with Cornwall Council, the Local Enterprise Partnership, the Government Devolution deal to Cornwall, the Duchy of Cornwall's territorial ownership of Cornwall and most other administrative delimitations. The ancient border between Cornwall and England must be retained.

Article 17

1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Current Situation

1. The Cornish have a large diaspora as a result of high levels of emigration. A key indicator of Cornish identity is having relatives in or near the former mining areas of Australia or the US. During the 19th century Cornwall was one of the major emigration regions of Europe and throughout the 20th and 21st centuries the Cornish have emigrated due to inadequate educational or employment opportunities.

2. Census 2011 shows that almost every town in the UK has at least 1-2 Cornish residents.

3. Little or nothing is done by the State to facilitate connections between the Cornish people who live in Cornwall and the non-resident Cornish nor to recognise and accommodate the culture and identity of Cornish people living in the UK away from Cornwall.

4. The Cornwall and West Devon Mining Landscape World Heritage Site have the strategic goal of linking people and places with Cornish heritage internationally:

“Supporting the addition of transnational sites to the Cornish Mining WHS is a strategic goal of the current WHS Management Plan, which runs to 2018. Creating a transnational nomination is quite a long drawn out process, not least due to the fact that in order to achieve it the national Governments of each of the several potential candidate’s locations have to approve, research and develop and then submit their nomination. It is not something that the CMWHS can do for them, as they are sovereign states with their own relationship with UNESCO. It also requires the support of the UK Government.

We have links with a number of countries, and the various candidates are at different stages in the process. Despite our substantial budget cuts this year, the CMWHS Partnership are still resolved to supporting partner countries in working their way through the UNESCO nomination system, and we are studying other transnational nominations to better achieve this.” CMWHS office.

5. Cornwall Calling is part of Invest in Cornwall, a European Convergence and Cornwall Council Funded Project supported by Cornwall Development Company. The strong impression is given by the website that public resources are being employed to attract people with no knowledge of Cornwall to in-migrate to Cornwall:

If you’re thinking of moving to Cornwall, Cornwall Calling can help you find out just what Cornwall has to offer in terms of business, innovation, lifestyle, culture and heritage.

We will provide you with relevant information about the lifestyle choices you might need to make.

If you’ve recently been on holiday to Cornwall, you can understand why so many people chose to move to here. <http://www.cornwallcalling.com/>

Recommendations

1. Recognition and facilitation of Cornish identity in the UK outside Cornwall including through the provision of a Cornish tickbox on all national monitoring work (with the ONS national census) and the inclusion of Cornish history and culture in the school National Curriculum.

2. The establishment of a government-funded UK-wide organisation similar to and with analogous functions to the Irish in Britain organisation which, as a charitable company, derives the majority of its income from the Irish Government.
3. The Cornwall Calling programme to be revised to target Cornish returners. Many Cornish people believe that the message is being given by Cornwall Council and its statutory partners that non-Cornish people rather than Cornish people are preferred as residents of Cornwall.

Article 18

- 1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
- 2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Current Situation

1. Cornish Mining World Heritage links as in Article 17.
2. The Cornwall Brussels Office represents the interests of Cornwall in Brussels through policy influence, intelligence and profile.
 - Providing timely intelligence and information on key strategic policy issues for example on the EU budget, the future of cohesion policy, the future of R&D programmes or on maritime policy.
 - Influencing policy developments and acting as the 'Cornwall voice' in Brussels co-ordinating focussed lobbying in key areas of interest for Cornwall Council, Combined Universities in Cornwall and the Cornwall and Isles of Scilly Local Enterprise Partnership.
 - Maximising Cornwall's engagement with EU funding opportunities, including for the Cornish language.
 - Representation and advocacy on key areas of interest such as linking Cornwall to other useful EU networks (CPMR, EURADA, ERRIN).
3. Cornwall Council hosts the Finistere-Cornwall Cooperation Officer as part of cooperation between the Council and Conseil General du Finistere. The six areas for co-operation between the councils are local economic development, culture and regional languages tourism, youth, agriculture and blue growth.
4. Cornwall has been a full observer member of the British-Irish Council since 2010 due to the Cornish language falling under the Council's areas of work.
5. Cornwall Council and Cornish organisations support the Cornish delegation to the Festival Interceltique de Lorient. This year, 2015 was the Year of Cornwall and the Isle of Man and the cultures of both regions were prioritised.

Recommendations

1. Cornwall to have an MEP dedicated just to Cornwall. Luxembourg, which is the same size as Cornwall has six MEPs.
2. Funding for the Cornish Mining World Heritage Site Office has been cut by 40%. Resourcing should be sufficient to enable Cornish Mining WHS to satisfactorily support partner countries in working their way through the UNESCO nomination system to create an international network of Cornish Mining World Heritage Sites.
3. The Cornwall Brussels Office to use the framework Convention to secure rights and resources for the Cornish National Minority.
4. Cornwall to be given full member status of the British-Irish Council.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Current Situation

As of March 2016 the government has only marginally implemented the principles enshrined in the FCNM with respect to the Cornish and in this has focused almost exclusively on matters of culture.

Recommendations

We reiterate that current compliance is inadequate and government needs to respect and implement the principles enshrined in the present framework Convention with respect to the Cornish.

Article 20

In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

Current Situation

Cornwall Council has been very quick to highlight Article 20 as a means of disregarding concerns raised and information provided around the Local Plan and its mass-development programme. During the Hearings of the Local Plan Inspector held in May 2015, and in response to the Inspector's

request for 'The Council to explain carefully its understanding of the requirement of Article 16 of the Charter, which is highlighted in several representations' the short response of Cornwall Council to the Inspector included:

"Under Article 20 in exercising the rights and freedoms flowing from the principles any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities."

Analysis and Recommendations

We believe Cornwall Council does not demonstrate good faith in raising Article 20 and that it adopts a narrow interpretation of the framework Convention by seeking to exclude contested and controversial policies such as the Local Plan.

Conclusion

We strongly welcome the inclusion of the Cornish under the auspices of the framework Convention and the recognition of the Cornish as a National Minority. This is an extremely significant development for the Cornish people and a major human rights achievement of the Coalition Conservative – Liberal Democrat government. Government now needs to proceed with the meaningful implementation of all Articles of the framework Convention and to monitor their effectiveness in order to protect the Cornish as a National Minority and enable full and effective participation of the Cornish people in cultural, social, economic and public life.