

# CORNISH NATIONAL MINORITY REPORT 2

## Derivas Minorita Kenedhlek Kernewek 2

[illegible]

Cernyw  
Cornoalha  
Cornouailles Cornwall  
Chorn Корнуэлл  
Kernow  
Kornouάλλη  
Kornbretaland  
Корнуол  
Cornualles Kornualles  
Cornualla 康沃尔  
Kornvola  
Cornualha  
Kornwalia  
Kornvalis  
Chòrn  
Korniska  
Curnuvagghia  
Cornovaglia  
Kerneve-Veur

# CONTENTS

4	Acknowledgements
5	Foreword
6	Executive Summary / Berrskrif Pennweythresek
8	A National Minority
8	<i>Self-identification</i>
9	<i>Religion, language, traditions and cultural heritage</i>
10	<i>Long-term association with a specific territory</i>
12	<i>Observations</i>
14	Barriers
14	<i>Maintaining a distinct identity</i>
15	<i>Celebrating a distinct identity</i>
16	<i>Asserting a distinct identity</i>
18	<i>Observations</i>
20	Benefits of Inclusion
20	<i>Visiblity</i>
22	<i>Inclusiveness</i>
23	<i>Coherence</i>
24	<i>Observations</i>
25	References

## ACKNOWLEDGEMENTS

The Joseph Rowntree Reform Trust Limited very generously provided financial assistance towards the production of this report.

The Leader of Cornwall Council Alec Robertson CC and many staff at the authority have provided unstinting and generous support. Gorsedh Kernow, The Federation of Old Cornwall Societies and Celtic Congress (Kernow) have all provided support.

Sincere thanks are extended to all those who have so patiently offered their advice and assistance: Claire White, Dan Rogerson MP, Andrew George MP, Dick Cole, Jenefer Lowe, Adam Killea, Julian German, Bert Biscoe, Will Coleman, Alastair Quinnell, Peter Burton, John Angarrack, Colin Murley, Mary Neale, Miranda Bird, Bernard Deacon, Stephen Horscroft, Paul Masters, Annie Moore and the membership of the Cornish Constitutional Convention.

Many individuals and organisations have provided information and data for the report.

## FOREWORD BY THE POLITICAL LEADERS OF CORNWALL COUNCIL

The Cornish National Minority Report 2 conveys a picture of a British minority culture, characterised by its own language, with a lengthy and honourable history of distinctiveness within the narrative of the United Kingdom as it has evolved over the past 1000 years.

The Cornish have contributed to the spread of ideas, the development of technologies and social change, to the evolution of democracy, of science and the arts, and have helped to build great societies such as America and Australia. That contribution continues as the challenges of climate change, the opportunities of new technologies, creativity and space exploration harness the talents of this enquiring, creative and spiritually energetic People.

The mobility and tenacity of the 19th century Cornish may have laid the foundations of the modern global economy. Wherever the Cornish go, and whilst they remain in their eponymous land, they dance, write, exercise, compete, organise, think, commemorate, celebrate, endure and achieve in their own distinctive cultural way. Over the past decade the Cornish have applied regeneration programmes to address structural weaknesses – such as a lack of a university, poor broadband provision, poor skills and low incomes – to create

a new platform for economic success. Despite this major achievement, and with future opportunities firmly in mind, the exclusion of the Cornish from the measures of equality remains a significant impediment.

It is an anomaly – some say an injustice – in a society that extols the merits of equality and tolerance, for the identity of the Cornish, the People at the heart of this long and proud story to remain unrecognised, unequal and uncounted, at the outset of the 21st century.

The Cornish National Minority Report 2 aims to update and extend the case advanced since the UK's ratification of the Framework Convention for the Protection of National Minorities for recognition of the Cornish as a cultural minority, for inclusion under the auspices of the Convention, and for the UK to be more flexible in its selection of minorities in British society to be protected by the Convention.

We commend this Report and call on those who hold the key to assuring the future dignity of visibility, the celebration of attainment, the realisation of ambition and the durability of this most attractive, inclusive and outward-looking British culture, to *include the Cornish*.



**Alec Robertson**  
*Leader*  
*Conservatives*  
*Leader of*  
*Cornwall Council*

**Doris Ansari**  
*Leader*  
*Liberal Democrats*

**John Wood**  
*Leader*  
*Independents*

**Dick Cole**  
*Leader*  
*Mebyon Kernow*

**Jude Robinson**  
*Member*  
*Labour*

## EXECUTIVE SUMMARY

National minority status will enable the Cornish to play a full and active part in British society, contributing to the diversity of the United Kingdom

- Within the spirit of the Framework Convention, implicit through its Articles, the Cornish constitute a national minority.
- The Cornish, like the Scottish and the Welsh, possess an historic national identity and national origins.
- There are barriers to the Cornish being able to maintain and celebrate their distinct identity.
- In attempting to overcome these barriers the Cornish have encountered a legal conundrum whereby they can only bring a case under the Equalities Act if they are a recognised 'racial group', but case law will only identify Cornish people as a 'racial group' once the Cornish successfully prosecute a case of racial discrimination.
- The UK Government has relied on the 'racial group' criterion to define national minorities. The 'racial group' criterion is viewed by various organisations as too narrow and unreflective of the purposes of the Framework Convention.
- National minority status will legitimise the Cornish in the eyes of statutory bodies and decision-makers. It will ensure that the Cornish are not impeded from maintaining and celebrating their distinct identity.
- National minority status will confer upon the Cornish the dignity of visibility. It will deliver tangible social, cultural and economic benefits for the Cornish and the United Kingdom.
- National minority status will enable the Cornish to play a full and active part in British society, contributing to the diversity of the United Kingdom.
- National minority status for the Cornish will bring coherence to UK Government policy. It will address the current anomaly whereby Cornish national and ethnic identity is officially recognised for the purposes of the Census, but the Cornish people have yet to be recognised as a national minority.

## BERRSKRIF PENNWEYTHRESEK

Savla minorita kenedhlek a re dhe'n Gernowyon an gallos dhe wari rann leun ha byw yn societa predennek, ow kevri dhe dhiverseth an Ruvaneth Unys

- A-bervedh spyrys an Kevambos Framweyth, res dh'y gonvedhes der y Erthyglow, an Gernowyon a furv minorita kenedhlek.
- An Gernowyon, kepar ha'n Albanyon ha'n Gembroyon, a's teves honanieth kenedhlek istorek ha dalethvosow kenedhlek magata.
- Yma lettow a lest an Gernowyon a ventena ha golya aga honanieth dhiblans.
- Ha'n Gernowyon ow hwilas fetha an lettow ma, re omgavsons yn ankombrynsi ma na yllons i dri kas yn-dann an Reyth Parder saw mars yns i aswonnys avel 'bagas hilyek', mes na wra laha-gas aswon tus kernewek avel 'bagas hilyek' saw wosa an Gernowyon dhe dharsewya yn sewen kas a dhisfaverans hilyek.
- Governans an RU re worfydhyas yn breusverk 'bagas hilyek' dhe styrya minoritys kenedhlek. Kowethasow divers re gonsydras breusverk 'bagas hilyek' dhe vos re danow ha na dhastewyn porposys an Kevambos Framweyth.
- Savla minorita kenedhlek a wra lahelhe an Gernowyon yn lagasow korfow reythennek ha gwrioryon-erviransow. Y hwra surhe nag yw lestys an Gernowyon a ventena ha golya aga honanieth dhiblans.
- Savla minorita kenedhlek a wra ystynna dhe'n Gernowyon an dynita a weladewder. Y hwra delivra prow tavadow socyel, gonisogethel, erbysiethek rag an Gernowyon ha rag an Ruvaneth Unys keffrys.
- Savla minorita kenedhlek a re dhe'n Gernowyon an gallos dhe wari rann leun ha byw yn societa predennek, ow kevri dhe dhiverseth an Ruvaneth Unys.
- Savla minorita kenedhlek rag an Gernowyon a dhre kesklenans dhe bolici Governans an RU. Y hwra dyghtya an digomposter a-lemmyn mayth yw aswonnys honanieth kernewek kenedhlek hag ethnek yn sodhogel rag porposys an Niveryans, mes an Gernowyon yw hwath dhe vos aswonnys avel minorita kenedhlek.

## A NATIONAL MINORITY

Within the spirit of the Council of Europe Framework Convention for the Protection of National Minorities, the Cornish qualify as a national minority. They exhibit a strong sense of national and ethnic identity. Their language, with its associated traditions, is a clear identifier of cultural distinctiveness. Like the Scottish and the Welsh, the Cornish possess a demonstrable historic national identity.

- For pragmatic purposes, the Framework Convention does not provide an explicit definition of the term ‘national minority’. However, implicit through its Articles, are the following key attributes of a national minority:
  1. Self-identification (Article 3.1)
  2. Religion, language, traditions and cultural heritage (Article 5.1)
  3. Long-term association with a specific territory (Articles 10.2, 11.3, 14.2)
- For example, in the 2007 Cornwall-wide *Quality of Life Tracker Survey*<sup>1</sup> 25.9% of the 3,222 respondents gave their ethnic origin as Cornish (with ‘Cornish’ being provided as a tick box option). Extrapolated across the population of Cornwall this figure would suggest that as many as 129,000 people consider themselves Cornish – nearly four times as many as suggested by the 2001 Census.
- The Cornwall *Pupil Level Annual Schools Census* (PLASC), requires schools to collect detailed information about pupils, including their self-identified ethnicity. The percentage of school children self-identifying as ‘Cornish’ as opposed to ‘English’ or ‘British’ in the 2010 PLASC was 37%. Extrapolated across the population of Cornwall this figure would suggest that as many as 200,000 people consider themselves Cornish – over five times as many as suggested by the 2001 Census.

The Cornish possess these key attributes.

### SELF-IDENTIFICATION

- Prior to the 2001 Census of England and Wales, the Cornish campaigned for the inclusion of a Cornish ‘tick box’. The Cornish were allocated an ethnic code (as were the Scottish, Irish and Welsh) and given the opportunity to self-identify by ticking ‘Other’ and writing in the word ‘Cornish’ in answer to the ethnic group question.
- Around 34,000 people in Cornwall, and a further 3,500 in the rest of the UK recorded their ethnic group as Cornish in the 2001 Census. Authorities in Cornwall believe that this figure significantly under-represents the number of people who consider themselves to be Cornish.
- The campaign to include a Cornish ‘tick box’ in the 2011 Census was led by Liberal Democrat MP Dan Rogerson. Over 4,000 people backed the campaign through social media websites, and over forty MPs lent their support in the House of Commons. The Cornish have again been given the opportunity to self-identify by ticking ‘British’ or ‘Other’ and writing in the word ‘Cornish’ in answer to the national identity and ethnic group questions.

---

<sup>1</sup> Cornwall Strategic Partnership November 2007



Young children reading one of the 'Porth' series of Cornish language story books, the flagship resource for teaching Kernewek in schools.



## RELIGION, LANGUAGE, TRADITIONS AND CULTURAL HERITAGE

- The Cornish language, Kernewek, is a key indicator of Cornish national identity. Cornish, Welsh and Breton, developed from an indigenous British language, and were mutually intelligible in the early medieval period. Cornish and Welsh developed differently as the British-speaking population became separated by an English (Anglo-Saxon) speaking population.
- In 2005 the UK Government included Kernewek under Part II of the *European Charter for the Protection of Regional or Minority Languages* and recognised the importance of the Cornish language “for Cornish identity”.<sup>2</sup> There are no official statistics for the number of people who speak Kernewek today. Conservative estimates put the number of fluent speakers at around 300, and those with some knowledge of the language at between 4,000 and 5,000. The Cornish language finds expression through place and personal names across Cornwall.
- The Cornish have a rich history of religious traditions. The religious plays of medieval and early modern Cornwall were written in Kernewek and performed in open-air rounds known as *plen-an-gwari*, examples of which can still be found at St Just in Penwith and Perran Round near Perranporth. The *plen-an-gwari* is a uniquely Cornish cultural monument and is not found elsewhere in the United Kingdom. In Cornwall today, religious expression is dominated by the practice and traditions of non-conformism, in particular Methodism. Per head of population, Methodist Church attendance is three times higher in Cornwall than England.<sup>3</sup>
- Cornish national identity is keenly expressed in the observance of celebrations such as *St Piran's Day* (March 5<sup>th</sup>). Cornish Members of Parliament have called for the day to be made an official public holiday for Cornwall. Originally associated with Cornish miners, St Piran is regarded as the national saint of Cornwall. His banner, a white cross on a field of black, is recognised the world over as the national flag of Cornwall. The flag is displayed throughout the year at events as a symbol of national identity and as a competitive international brand marque.
- Sport is a powerful indicator of cultural distinctiveness for the Cornish. Traditional sports such as hurling, Cornish wrestling and Cornish pilot gig racing are very popular and unique to Cornwall. Some 45,000 Cornish people travelled to Twickenham to attend the 1991 Rugby County Championship Final (10% of Cornwall's population), vastly outnumbering opposition supporters; “*There is no more elemental force in British rugby than the Cornish hordes on an away-day adventure*” (Independent – 1999).

<sup>2</sup> Hansard - 5 November 2002

<sup>3</sup> English Church Census 2005

- Participation in traditions and Cornish cultural life is lively both in Cornwall and around the world where Cornish emigrants settled in numbers, as evidenced by the Cornish Associations throughout North America, Australia, New Zealand, South Africa, Cuba and Mexico. The Cornish Gorsyth, re-established in 1928, is closely associated with the Gorsedds of Wales and Brittany and confers honours on people for services to Cornwall and Cornish culture. The Federation of Old Cornwall Societies, was established in 1924, and today forty Old Cornwall Societies work together to collect and maintain “*all those ancient things that make the spirit of Cornwall - its traditions, its old words and ways, and what remains of its Celtic language and nationality*”.

#### LONG TERM ASSOCIATION WITH A SPECIFIC TERRITORY

- The Cornish call their territory *Kernow* a term believed to have been in use for at least 2000 years. The name Cornwall, like Wales, is derived from the Saxon word *wealh* meaning foreigner (the *Corn* element possibly meaning peninsula, thus *peninsula of foreigners*). In early English references, Cornwall is sometimes described as *West Wales*.
- The territorial boundary as it stands today was first recorded in 936AD when King Hywel of Cornwall and King Athelstan of Wessex agreed the east bank of the Tamar as the border between the two territories. The Normans

maintained the territorial integrity of Cornwall in 1068 with the creation of an Earldom, and the territory was bestowed with a unique and distinctive constitutional position in 1337, through the creation of the Royal Duchy, with a Stannary Parliament and Courts. Beyond the sixteenth century laws were still applied in ‘*Anglia et Cornubia*’.

- At least thirty different languages across the world have their own word for Cornwall - a practice only reserved for historic nations (English counties only have transliterations of their names).

Kernewek (Cornish) – Kernow

لاونروك (Arabic) – ةيبرعلا

Asturiano (Asturian) – Cornualles

Brezhoneg (Breton) – Kernev-Veur

Català (Catalan) – Cornualla

Castellano (Castilian) – Cornualles

Cymraeg (Welsh) – Cernyw

Euskara (Basque) – Kornualles

Français (French) – Cornouailles

Gàidhlig (Scots Gaelic) – A’ Chorn

Italiano (Italian) – Cornovaglia

Latina (Latin) – Cornubia

Occitan (Occitan) – Cornoalha

Polski (Polish) – Kornwalia

Português (Portuguese) – Cornualha

Sicilianu (Sicilian) – Curnuvagghia

- In 2000, the Cornish eschewed Cornwall's integration into the Government's proposed 'greater South West' region and actively campaigned for their own assembly. The cross-party *Cornish Constitutional Convention* collected over 50,000 individually signed declarations supporting the establishment of a Cornish Assembly. This level of response represents over 10% of the Cornish electorate. This remains one of the largest expressions of popular support for devolved power in the whole of the United Kingdom.
- In 2011, the Cornish nationalist political party Mebyon Kernow celebrated its sixtieth anniversary. Mebyon Kernow believes "*that the historic nation of Cornwall, with its own distinct identity, language and heritage, has the same right to self-determination as Scotland and Wales*". In the 2009 European Parliamentary elections, Mebyon Kernow received nearly 15,000 votes, and in many areas of mid and west Cornwall polled 10%. Despite standing for seats in an electoral region which also included the entire south west of England and Gibraltar, and despite being denied Party Political Broadcasts, Mebyon Kernow succeeded in out-polling the Labour Party in Cornwall.
- Cornish national identity, and its long-term association with a specific territory, was the impetus for the *Keep Cornwall Whole* campaign. The cross-party campaign was organised in response to the *Parliamentary Voting Systems and Constituencies Bill* which, if

left unamended, would create a parliamentary constituency breaching Cornwall's historic boundary. Supported by all six of Cornwall's MPs, Cornwall Council and a large number of Town and Parish Councils, the campaign sought to maintain Cornwall's territorial integrity on the grounds of historic national identity. In debating the Bill in the House of Lords, Lord Teverson remarked, "*Cornwall sees itself as the fourth Celtic nation of the United Kingdom. It has a strong and separate historical tradition*".<sup>4</sup>

## OBSERVATIONS




- Within the spirit of the Framework Convention, implicit through its Articles, the Cornish qualify as a national minority.
- When given the opportunity to self-identify, the Cornish exhibit a strong sense of national and ethnic identity. They have long campaigned for their identity to be officially acknowledged and respected.
- The Cornish language, its literature and associated religious and cultural traditions, demonstrate cultural distinctiveness.
- There are identifiable historical and geographical elements which reveal the Cornish were regarded as a nation by themselves, the English state, and by other territories across Europe. The Cornish, like the Scottish and the Welsh, possess an historic national identity and national origins.

<sup>4</sup> Hansard 25 January 2011

## A QUOTED HISTORY OF CORNISH NATIONAL IDENTITY

c.860	<b>Kenstec, bishop-elect to the nation of Cornwall, in the monastery which in the British language is called Dinurrin.</b> <i>Part of Bishop Kenstec's submission to the See of Canterbury</i>
1337	<b>Edward ... to be Duke of Cornwall, over which awhile ago Dukes for a long time successively presided as chief rulers.</b> <i>Creation of the Royal Duchy of Cornwall</i>
1497	<b>Speak the truth and only then can you be free of your chains.</b> <i>Thomas Flamank, a leader of the Cornish army which marched on London - the last non-English speaking army to do so.</i>
1535	<b>Britain is divided in four parts; whereof the one is inhabited of Englishmen, the other of Scots, the third of Welshmen and the fourth of Cornish people, which all differ among themselves, either in tongue, either in manners, or else in laws and ordinances</b> <i>Anglica Historia' Polydore Vergil – Historian to Henry VIII</i>
1549	<b>And so we the Cornish men (whereof certain of us understand no English) utterly refuse this new English.</b> <i>Cornish reaction to the imposition of the English Book of Common Prayer. Thousands of Cornish were later killed for their resistance to the Prayer Book.</i>
1568	<b>The Cornishmen being the last remnants of the old Britons, as they are the stoutest of all the British nations, so they are accounted to this day the most valiant in warlike affairs.</b> <i>A Breviary of Britain Humphrey Lluyd</i>
1646	<b>I answered a common murmuring amongst them, that their country was never conquered.</b> <i>Hugh Peters – Parliamentarian and preacher</i>
1892	<b>A division of races, older and more original than that of Babel, keeps this close, esoteric family apart from neighbouring Englishmen.</b> <i>Across the Plains, Robert Louis Stevenson</i>
1902	<b>Cornwall is a land inhabited by a very distinctly marked race. Anyone who crosses the Tamar, travelling westward, realises he is passing into a region quite different from the one he is leaving, and is going among a people that, even at the beginning of the twentieth century, has by no means lost its special characteristics of speech and custom.</b> <i>Reverend A B Donaldson – The Bishopric of Truro</i>
1989	<b>The concept of the Duchy rests on the existence of a separate and ancient territory of Cornwall. That separate territory has never been assimilated formally into England</b> <i>Mr Recorder Paul Laity</i>

## SCOTLAND, WALES AND CORNWALL COMPARED

HISTORIC, GEOGRAPHIC AND POLITICAL ATTRIBUTES OF A 'NATIONAL MINORITY'	ALBA SCOTLAND 	CYMRU WALES 	KERNOW CORNWALL 
<b>Distinct Celtic language</b>	✓ <i>Gàidhlig</i>  Protected under Part III of the European Charter	✓ <i>Cymraeg</i>  Protected under Part III of the European Charter	✓ <i>Kernewek</i>  Protected under Part II of the European Charter
<b>Historic parliament</b>	✓ Last met 1707	✓ Last met c.1410	✓ Last met 1753
<b>Distinct constitutional status reflecting former national origins</b>	✓ Kingdom	✓ Principality	✓ Royal Duchy – A palatine state extra-territorial to the English Crown <sup>5</sup>
<b>Leading nationalist political party</b>	✓ SNP	✓ Plaid Cymru	✓ Mebyon Kernow
<b>National and ethnic identity recognised for purposes of the Census</b>	✓	✓	✓
<b>Foreign language names for nation</b>	✓ e.g. <i>Éccose</i>	✓ e.g. <i>Pays de Galles</i>	✓ e.g. <i>Cornouailles</i>

<sup>5</sup> See the 'Cornish Foreshore' arbitration – The Duchy of Cornwall v. The Crown 1855 - 1858

## BARRIERS

The UK Government has stated that exclusion from the Framework Convention has not impeded the Cornish from maintaining and celebrating their distinct identity.<sup>6</sup> The Cornish assert that they are impeded from maintaining and celebrating their distinct identity.

### MAINTAINING A DISTINCT IDENTITY

#### *Cornwall County Council and The Audit Commission*

As a direct result of requests from members of the Black and Asian community within Cornwall, Cornwall Council (and the former County Council) has, since 2003, included categories on its own ethnic monitoring forms which allow people to identify themselves as Cornish and Black or Asian or Chinese.

In 2006, Cornwall County Council was obliged to undertake the collection of ethnicity data on behalf of the Audit Commission and the Department for Communities and Local Government, as part of the *Best Value Survey*. The County Council fully intended to undertake that collection using its established categories of Cornish and Black or Asian or Chinese, but was instructed not to do so by the Audit Commission. Further, the Audit Commission made clear, that if it did not comply with this instruction, the County Council's performance indicators, and consequently its Comprehensive Performance Assessment rating, would be compromised.

In short, in delivering an established policy, designed to meet the expressed needs of a section of the Cornish community, **Cornwall County Council faced a downscaling of its quality status, and as a consequence, a loss of funding.**

Contrary to the Government's assertions in the second UK State Report (2<sup>nd</sup> Cycle), this action represented a direct barrier to people in Cornwall maintaining their distinct Cornish identity – a barrier they would not face were they to enjoy inclusion under the Framework Convention.

### Relevant Articles in the Framework Convention

- **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 exercise of the rights which are connected to that choice.**
- **Article 4.2 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.**

---

<sup>6</sup> UK State Report (2nd Cycle), 2007



## CELEBRATING A DISTINCT IDENTITY

*University College Falmouth and Legacy Trust UK*

Legacy Trust UK is a charitable trust established at the behest of the UK Government in 2007. It is the principal funder of the London 2012 Cultural Olympiad and has a remit to help communities across the country build a lasting legacy from the London 2012 Olympic and Paralympic Games. Funding from Legacy Trust is intended to act as a catalyst to link grassroots activities across the UK into the Olympic programme, so that people from all walks of life – not just athletes and sports fans – can be a part of this once in a lifetime event.

In March 2010, University College Falmouth (UCF) submitted an expression of interest under the Legacy Trust UK Community Celebrations programme. That grant programme aimed to create high-profile, spectacular and innovative celebrations in communities across the UK. The expression of interest from UCF was entitled *An Gwary Meur* (The Great Play), and proposed a spectacular event which would blur the boundaries of theatre and sport, participant and audience, story-telling and physical endeavour.

Naturally, the expression of interest had a distinctly Cornish flavour and drew upon the traditions of Cornish medieval theatre and Cornish sport. It also enjoyed the support of a wide range of partners including the Cornwall Pilot Gig Association, Cornish Wrestling Association, Cornwall Rowing Association, Cornwall Rugby Football Union, the Cornwall Cultural Partnership and the Cornish Language Partnership.

Ultimately, the expression of interest was rejected by Legacy Trust UK on the grounds that it did not demonstrate a strong fit with the needs of the South West region – criteria which were not in the original call for proposals. Put simply, the expression of interest failed because it was distinctly Cornish. **The legacy for Cornish communities is that their distinct culture will go unrepresented in the ‘national celebration’ of the 2012 Olympics.**

Contrary to the Government’s assertions in the second UK State Report (2<sup>nd</sup> Cycle), this action represented a direct barrier to people in Cornwall celebrating their distinct Cornish identity – a barrier they would not face were they to enjoy inclusion under the Framework Convention.

### Relevant Articles in the Framework Convention

- **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.**
- **Article 3.2 Person 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.**
- **Article 4.2 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.**

## ASSERTING A DISTINCT IDENTITY

- The Government's interpretation of 'national minority' is based on the definition of 'racial groups' as set out in the Race Relations Act 1976 (now the Equalities Act 2010), *a group of persons defined by colour, race, nationality (including citizenship) or ethnic or national origins*. The Government has maintained that *"it is the sole responsibility of the courts to determine in case law the various groups to be racial groups within the meaning of the...Act"*.<sup>7</sup>
- The Government has stated that should an individual of Cornish origin successfully bring a case under the Equalities Act, then

the Cornish would fall under the scope of the Framework Convention.<sup>8</sup> Where the Cornish have encountered barriers to maintaining and celebrating their distinct identity, they have attempted to take cases to court.<sup>9</sup> However, requests for assistance from the Commission for Racial Equality (now the Equality and Human Rights Commission) to prosecute such cases have been refused on the grounds that *settled case law does not identify Cornish people as belonging to a distinguishable racial group*.<sup>10</sup> Yet, case law will only identify Cornish people as belonging to a distinguishable racial group once the Cornish successfully prosecute a case of racial discrimination.



The Children's Dance at the Helston Furry. The Furry is another important Cornish cultural event and includes a performance of the *Hal-an-Tow* mystery play.

<sup>7</sup> UK Comments (1st Cycle), 2002

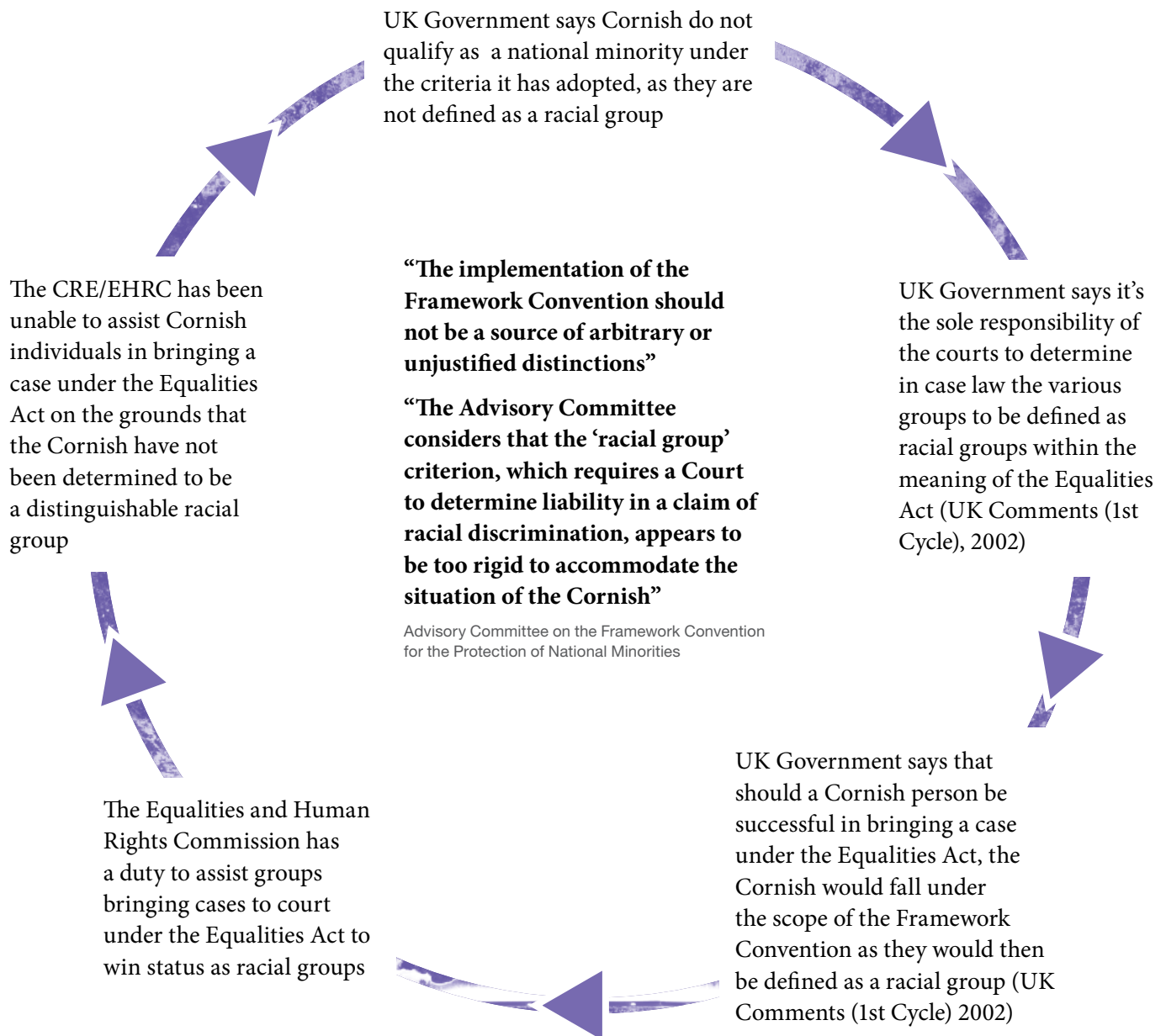
<sup>8</sup> UK Comments (1ST Cycle) 2002; Ian Naysmith DCLG by telephone to Ian Saltern - 26 Jan 2011

<sup>9</sup> Scat t'Larrups - John Angarrack, 2008

<sup>10</sup> Ibid.



## ASSERTING A DISTINCT IDENTITY - A VICIOUS CIRCLE



- Other groups have circumvented this conundrum. It has been determined that the Scottish, English and Welsh, who also originate from what were formerly independent nations, are defined as racial groups by virtue of their ‘national origins’. In a 1971 House of Lords ruling, Lord Simon (somewhat unscientifically) adjudged the Scots to be a nation because of,

*inter alia*, their “frugal living and respect for learning”, the English because of their “gifts for poetry”, and the Welsh because of their “fortitude in the face of economic adversity”. Had Lord Simon called to mind the *inventive genius* and *strong Methodist tradition* of the Cornish, he might well have adjudged them to be a nation also.



King Doniert's Stone is a ninth century cross which commemorates Dungarth, King of Cornwall who died 876AD.

- The grounds for 'national origins' were again defined by the Employment Appeal Tribunal in 1997, following the case of *Northern Joint Police Board v Power*. It ruled:

*The Scots and the English are separate racial groups defined by reference to their 'national origins'. Whether a group could be defined by reference to its national origins depended on whether there were identifiable elements, both historically and geographically, which at least at some point in time reveal the existence of a nation. It can hardly be doubted that the same rule would apply to the Welsh. On the other hand, purely regional identities would not fall within the definition. There would appear to be room for argument... so far as the Cornish are concerned.*<sup>11</sup>

- The Cornish case for national origins is a strong one exhibiting '**identifiable elements, both historically and geographically, which at least at some point in time reveal the existence of a nation**'. However, the fact that the Cornish have not yet been adjudged to have 'national origins', and must gain determination that they constitute a 'racial group' before being able to take a case of discrimination to court, adds additional, arbitrary and seemingly insurmountable hurdles to the current process of inclusion under the Framework Convention, effectively denying inclusion to the Cornish.

- It should be noted however, that there is a precedent for bypassing this process. The Government determined the *Irish Traveller* community to be a racial group in Northern Ireland through direct legislation prior to court determination.<sup>12</sup>

#### OBSERVATIONS

- There are barriers to the Cornish being able to maintain and celebrate their distinct identities.
- In attempting to overcome these barriers the Cornish have encountered a legal conundrum whereby they can only bring a case under the Equalities Act if they are a recognised 'racial group', but case law will only identify Cornish people as a 'racial group' once the Cornish successfully prosecute a case of racial discrimination.
- The UK Government has relied on the 'racial group' criterion to define national minorities. The 'racial group' criterion is viewed by various organisations as too narrow and unreflective of the purposes of the Framework Convention.

<sup>11</sup> On *Industrial Relations and Employment Law* - Harvey 1991

<sup>12</sup> Race Relations Act (Northern Ireland) Order 1997 (No. 869 (N.I.6))

### ‘WHAT ABOUT ENGLISH COUNTIES?’

In the past, concerns have been raised by the UK Government that inclusion of the Cornish under the Framework Convention might encourage people in English counties to seek inclusion. However, the Cornish can demonstrate national origins which differ entirely from English county identities.

- Cornwall has historic national origins coterminous with a distinct territory for over 1,000 years.
- Unlike Cornwall, no English county has been shown on maps or recorded by historians as being one of the four constituent nations of Britain.<sup>13</sup>
- Unlike Cornwall, no English county has its own name in over 30 different languages of the world.
- Unlike Cornwall, no English county boasts a distinct language recognised by the United Nations, the Council of Europe and the UK Government.
- Unlike Cornwall, no English county can boast 80% of its place-names in a distinct Celtic language.
- Unlike Cornish, English county identities are not recognised as ‘national’ or ‘ethnic’ for the purposes of the 2011 Census.
- Most importantly, unlike the Cornish, people living in English counties have not campaigned to be recognised as a national minority under the Framework Convention.

Sebastian Munster's map of 1550 showing Anglia, Corneuell, Hibernia, Scotia and Wallia.



Map taken from *Our Future is History - Identity, Law and the Cornish Question* - John Angarrack 2002, and, in turn, can be seen in *Antique Maps* - Carl Moreland & David Copeland 1989.

<sup>13</sup> For example: *Hereford Mappa Mundi* c.1300; Maps of Sebastian Munster 1538,1540 &1550; George Lily 1556; Girolamo Ruscelli 1561; Johannes Honter 1561; *Anglica Historia* - Polydore Vergil 1535; *A Breviary of Britain* Humphry Lluyd 1568 *A Survey of Cornwall* Richard Carew 1602

## BENEFITS OF INCLUSION

Inclusion under the Framework Convention will confer upon the Cornish the dignity of visibility. It will encourage inclusiveness and strengthen Cornish confidence, culture and business. It will bring a coherence to Government policy and will emphasise the Government's commitment to empowerment, freedom and fairness.

### VISIBILITY

- National minority status will confer upon the Cornish the dignity of visibility. It will acknowledge that Cornish language, culture and heritage are the products of *Cornish people* – a group with historic national origins no less deserving of official recognition than the Welsh or the Scottish.

***Wherever possible, we want people to call the shots over the decisions that affect their lives.***

Coalition Agreement 2010

- Information collected through the Census “has enabled national and local government and health authorities to allocate resources and plan programmes”<sup>14</sup> for national minorities and racial groups. Likewise, national minority status for the Cornish will create a mandatory requirement to analyse national and school census data to identify particular needs, for instance with regard to housing, employment, education, health and social care. This will assist local authorities in planning and targeting the delivery of policy, improving quality of life and delivering efficiencies.

***We want people to be empowered, knowing the chance to change things in their neighbourhood or in the country as a whole is in their hands.***

Liberal Democrat Manifesto 2010

- The Cornwall *Pupil Level Annual Schools Census* (PLASC) figures demonstrate that whilst nearly 40% school children self-identify as Cornish there is no mandatory requirement for schools to deliver Cornish history or the Cornish language within their curricula. The success of the school curriculum in Scotland has been alluded to in the UK third State Report (3<sup>rd</sup> Cycle):

***Learning Scots can provide opportunities for children and young people to become confident individuals, giving them knowledge of cultural heritage and a national perspective, both important in helping develop self-awareness and confidence.***

***The draft experiences and outcomes on literacy and Gaelic provide opportunities to enable learners to develop an awareness of the contribution of Gaelic culture to Scotland's identity as a nation.***

- Around 40% of schools in Cornwall currently participate in a place-based learning initiative called *Sense of Place* which helps teachers and pupils to explore themes relating to Cornish identity. Under the Framework Convention, all Cornish school children would be guaranteed “measures to foster knowledge of their culture, history, language and religion” (Article 12), and would enjoy opportunities to learn about and celebrate their unique national heritage.

<sup>14</sup> UK State Report (3rd Cycle), 2010



- National minority status will deliver wider benefits for Cornish culture. It will bring a level of validation and recognition, allowing Cornish cultural practitioners and groups to compete on a level playing field for funding and development. In turn, that will lead to a strengthening of Cornish culture and identity, greater self-confidence and social cohesion.
- National minority status has the potential to have significant impact on Cornwall's future economic prosperity. Many businesses draw

on Cornish identity as an internationally recognised trade marque and as a legitimate minority the Cornish will be able to build this brand in a positive and distinctive way,

***We want Cornwall to be given greater recognition within the UK, manifesting in the form of equal opportunities to develop and enjoy economic progress.***

Cornwall Youth Forum -  
Young People's Manifesto for Cornwall 2005

***Dignify the Cornish with recognition under the Framework Convention - it's good for business.***

Kevin Lavery,  
Chief Executive Cornwall Council 2010

The internationally famous 'Obby 'Oss May Day festival at Padstow. With possible pre-Christian origins, the festival marks the coming of summer and is an important element of the Cornish cultural year.



## INCLUSIVENESS

- The Cornish strongly contend that ‘the Cornish question’ is not simply an issue about themselves, but one that poses a challenge about equal respect for all cultures within a modern multi-cultural society.

***A civilised society should be judged on the way that it treats its minorities – whether Cornish or someone else.***

Ranjit Sondhi 1995

- National minority status will enable the Cornish to play a full and active part in British society, contributing to the celebrated diversity of the United Kingdom. It will bring an end to years of frustration and engender secure self-identities. The energy directed at gaining recognition will be redirected to support an outward-looking society, better able to understand and engage with other cultures and minorities within the UK, across Europe and around the world.

***A confident sense of self worth in being Cornish puts us in a good position to understand other minorities and have a positive approach to multi-culturalism.***

Racial Equality in Cornwall, Kennedy, 1995

- National minority status will give the Cornish opportunities to explore the inclusive nature of their national identity. The 2011 Census will provide people with the option to record multiple identities such as ‘British *and* Cornish’ for the first time. Importantly, it will also provide an opportunity for people to record their ethnicity as Mixed Cornish, Asian Cornish and Black/African/Caribbean Cornish.

***I don’t feel English, I feel Cornish. Cornish Fijian that’s what they call it.***

Josh Matavesi was born in Cornwall to a British mother and Fijian father and made his debut for Fiji against Scotland in November 2009.  
International Rugby Board - 2010

- National minority status will enable Cornwall to provide an empowering place to live for young people of all backgrounds. Cornish young people will find that their culture and identity is visible, legitimate and respected at school and in the workplace.

***If Cornwall and its people are to keep their Cornishness, it will need all the optimism, confidence, determination and skill that you – the next generation – can muster.<sup>15</sup>***

HRH The Prince of Wales, Duke of Cornwall

---

<sup>15</sup> Cornwall for Ever! - Kernow Bys Vykken 2000

## COHERENCE

- National minority status for the Cornish will bring coherence to UK Government policy. It will address the current anomaly whereby Cornish national and ethnic identity is officially recognised for the purposes of the Census, Cornish language and heritage is internationally recognised and protected, but the Cornish people have yet to be recognised as a national minority. This causes confusion for decision-makers. National minority status will send a clear message to Government departments, agencies, public bodies, quangos and the media that the Cornish are a legitimate minority.

***I think Cornish national identity is very powerful.<sup>16</sup>***

Rt. Hon David Cameron MP

- Recognising the Cornish as a national minority will meet the Government's aspiration to re-empower people and will underline its commitment to "*turning old thinking on its head and developing new approaches to government*".<sup>17</sup> It will also be in keeping with the recent decision to award Cornwall and the Isles of Scilly their own Local Enterprise Partnership (LEP); a decision which acknowledged Cornwall's "*real imagination and initiative*"<sup>18</sup> and "*cultural identity and cohesion*".<sup>19</sup>

***We will transform Britain by returning power to the people – whoever they are, wherever they live, however they choose to make their positive contribution to society. No group, no minority, will be left behind on the road to a better future.***

Conservative 'Contract for Equalities'  
Manifesto 2010

---

<sup>16</sup> Western Morning News, November 2010

<sup>17</sup> The Coalition: Our programme for Government, 2010

<sup>18</sup> Business Secretary Rt. Hon. Dr Vince Cable MP - October 2010

<sup>19</sup> Empowering Enterprise - The Case for a Cornwall & Isles of Scilly Local Enterprise Partnership

- National minority status will consolidate and extend the cultural, social and economic benefits that have accrued from official recognition of the Cornish language under the *European Charter for the Protection of Regional or Minority Languages*. The Government's decision to ratify the Cornish language under Part II of the Charter has led to the formation of the *Cornish Language Partnership*. As a result, there has been a significant increase in use of the language in social, education, business and local authority settings. Granting the Cornish official status as a national minority will add further impetus to the flowering of cultural confidence, participation and self-expression.

#### **United Nations definition of 'national minority'**

*...a group of citizens of a State, consisting of a numerical minority and in non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law.<sup>20</sup>*

#### **OBSERVATIONS**

- National minority status will confer upon the Cornish the dignity of visibility. It will deliver tangible social, cultural and economic benefits for the Cornish and the United Kingdom.
- National minority status for the Cornish will bestow legitimacy in the eyes of statutory bodies and decision-makers. In turn this will ensure that the Cornish are able to maintain and celebrate their distinct identity unimpeded.
- National minority status will encourage an inclusive and outward-looking society, and enable the Cornish to contribute to the celebrated diversity of the United Kingdom.
- National minority status for the Cornish will bring coherence to UK Government policy. It will address the current anomaly whereby Cornish national and ethnic identity is officially recognised for the purposes of the Census, Cornish language and heritage is internationally recognised and protected, but the Cornish people are yet to take their rightful place as a national minority.

<sup>20</sup> UN Doc E/CN.4/Sub.2/1985/31 & Corr. 1



## REFERENCE

- Advisory Committee on the Framework Convention for the Protection of National Minorities Second Opinion on the United Kingdom 2007
- Advisory Committee On The Framework Convention For The Protection Of National Minorities Opinion On The United Kingdom 2001
- Angarrack J – *Our Future is History – Identity, Law and the Cornish Question* 2002
- Angarrack J – *Scat t’Larrups - Resist and Survive* 2008
- Boysen T – *A comment on the reports on the impact assessment of the Framework Convention for the Protection of National Minorities in the State Parties* 2008
- Comments of the Government of the United Kingdom on the Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection Of National Minorities in the United Kingdom 2007
- Comments of the Government Of the United Kingdom on the Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in the United Kingdom 2002
- Conservative *Contract for Equalities* Manifesto 2010
- Conservative Manifesto – *Invitation to Join the Government of Britain* 2010
- Cornish Constitutional Convention - *The Cornish Assembly – The Next Push* 2009
- Cornwall Council – *Empowering Enterprise – The Case for a Cornwall & Isles of Scilly Local Enterprise* 2010
- Cornwall Council – *Corporate Equality and Diversity Framework* 2010
- Cornwall County Council – *One Council One Cornwall - Our proposal for a single Council for Cornwall* 2008
- Cornwall *Pupil Level Annual Schools Census*
- Cornwall Strategic Partnership *Quality of Life Tracker Survey* 2007
- Cornwall Youth Forum – *Young People’s Manifesto for Cornwall* 2005
- Council of Europe Committee of Ministers Resolution Cm/Rescmn (2008)7 on the Implementation of the Framework Convention for the Protection of National Minorities By the United Kingdom 2008
- Council of Europe Committee of Ministers Resolution Rescmn (2002)9 on the Implementation of the Framework Convention for the Protection of National Minorities by the United Kingdom 2002
- Council of Europe Framework Convention for the Protection of Nation Minorities
- Council of Europe Framework Convention for the Protection of National Minorities Explanatory Report
- Deacon B - *The Cornish and the Council of Europe Framework Convention for the Protection of National Minorities* 1999
- Deane T and Shaw T – *Folklore of Cornwall* 2003
- Deshenes J – *UN Sub-Commission on Prevention of Discrimination and Protection of Minorities Proposal concerning a definition of the term “minority”* UN Doc E/CN.4/Sub.2/1985/31 & Corr. 1
- English Church Census 2005
- Equalities Act 2010
- European Charter for the Protection of Regional or Minority Languages

- Government Office South West *Objective One Programme for Cornwall and the Isles Of Scilly Final Programme Report for the Programming Period 2000 To 2006* 2010
- Harvey – *On Industrial Relations and Employment Law*, 1991
- Independent
- Jenkin A K H – *Cornwall and its People* 1945
- Liberal Democrat Manifesto – *Change that works for you* 2010
- Malloy T et al – Institute for Minority Rights – *Indicators for Assessing the Impact of the FCNM in its State Parties* 2008
- Payton P – *A Vision of Cornwall* 2002
- Payton P – *Cornwall for Ever! – Kernow Bys Vyken* 2000
- Petto M et al – *A Vous la Cornouailles*
- Reading P - Commission for Racial Equality - *Shadow Report of the United Kingdom's Second Report to the Council of Europe under the Framework Convention for the Protection of National Minorities* 2007
- Race Relations Act (Northern Ireland) Order 1997 (No. 869 (N.I.6))
- Report Submitted By The United Kingdom Pursuant To Article 25, Paragraph 1 of The Framework Convention For The Protection Of National Minorities 1999
- Royal Commission on the Constitution (Kilbrandon Commission) 1973
- Second Report Submitted by the United Kingdom Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities 2007
- Stoye M – *Cornwall – A Neglect Nation?* 2011 [http://www.bbc.co.uk/history/british/empire\\_seapower/cornish\\_nation\\_01.shtml](http://www.bbc.co.uk/history/british/empire_seapower/cornish_nation_01.shtml)
- Stoye M - *West Britons - Cornish Identities and the Early Modern British State* 2002
- The Coalition: Our programme for Government, 2010
- The Cornwall and West Devon Mining Landscape World Heritage Site Nomination Document Part 2 – *Justification for Inscription* 2006
- Third Report Submitted by the United Kingdom Pursuant To Article 25, Paragraph 1 of the Framework Convention for the Protection Of National Minorities 2010
- Thomas H M – *The English and the Normans: Ethnic Hostility, Assimilation, and Identity 1066-c.1220* 2005
- Tims C and Wright S – *Demos - Bidding for a competition that doesn't exist! How Cornwall imagined a Region of Culture and found a new future – A brief report outlining the findings of the Cornwall Region of Culture Campaign* 2008
- Western Morning News
- Williams D – *A Strange and Unquenchable Race - Cornwall and the Cornish in quotations* 2007
- [www.irb.com](http://www.irb.com)
- [www.realbusiness.co.uk](http://www.realbusiness.co.uk)



Johannes Honter's map of 1561 showing Anglia, Cornubia, Scotia and Wallia as the constituent territories of Britannica.

Map taken from *Our Future is History - Identity, Law and the Cornish Question* - John Angarrack 2002, and, in turn, can be seen in *Antique Maps* - Carl Moreland & David Copeland 1989.

