

TYR-GWYR-GWERYN

(“Land – Truth – People”)

A Response to the
United Kingdom Government’s
Draft 3rd Compliance Report

With regard to the

Council of Europe’s

Framework Convention

For the

Protection of

National Minorities

and the UK State’s continuing refusal

to acknowledge and include

the

Cornish National Minority

Submitted to: Mr. Neil Harris: neil.harris@communities.gsi.gov.uk

Cc Stéphanie Marsal: Minorities.fcnm@coe.int

Julia Goldsworthy: info@juliagoldsworthy.org

Alan Phillips, when addressing the 10th Anniversary Conference on the FCNM, had this comment to make with regard to monitoring/evaluation – “*It also provides an incentive for some States to intensify their discussion and activities with national minorities. However one key component is the participatory component in determining the impact of the convention.*”

With this 3rd reporting cycle, this organisation, on behalf of the Cornish national minority, would like to record, yet again, that the process is not only failing the Cornish national minority but also lacks transparency. We also express the concern that there appears to be no obvious scope for continuity of action, nor consultation, between the 5 yearly monitoring cycles. We would also request that all previous submissions be brought forward, within this 3rd cycle, for re-evaluation by the United Kingdom Government, to whom this submission, and request, is specifically addressed.

This organisation has always maintained that the Cornish national minority are facing a deliberate policy of genocide by the Government of the United Kingdom, which has now become institutionalised within the general population of these islands. This will, of course, be denied. However, we cite the following factors, which we believe come together to support this view:

1) Raphael Lemkin’s definition of Genocide (*Axis Rule in Occupied Europe. 1944*), namely:

- a) *“Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.*
- b) *Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain or upon the territory alone, after removal of the population and the colonization by the oppressor’s own nationals.”*

2) That the treatment of the Cornish national minority both post war and historically, as with others elsewhere, is an indicator of why, for instance, the United Nations Convention on Genocide restricted its definition to ‘physical’ acts of genocide - We contend that A H Evans alluded to such an indicator, with his reference to ‘danger of being scorched’ within his critical examination of “English Historians & Welsh History” 1975, when commenting upon the amount of factual history available to other peoples:

- a) *“The Celtic peoples are not nearly as fortunate in this respect as, for example, the*

Greeks or the Hans, nevertheless, the factual material which has come down the dyffrans of time about the Gauls, the Irish, the Scots, the Manx, Bretons, Cornish, and Welsh, is sufficient for the purpose of writing a coherent history, one which will withstand the closest of examinations by "outside interests", by historians who are not too close to the fire of internal French and British politics, who are in no danger of being scorched by the ever increasing struggles of the Celtic peoples to free themselves from foreign domination."

3) That the Framework Convention is an inevitable process that unwittingly, or wittingly, sets out to redress the inherent shortcomings of the UN definition of genocide.

- a) Given the troubled events within post war Europe and, closer to home, the growth of nationalism of the Celtic minority nations within the United Kingdom multi-national State, the articles of the FCNM clearly set out to address, and pre-empt, the principle causes of dissent by a set of legally binding guidelines. The Cornish are the only national minority (proper definition) to be specifically excluded, yet there are no substantive reasons, nor transparent comment, as to why this should be the case. Despite written representations by the Advisory Committee FC, and the CRE, the failure to openly respond to this by the United Kingdom Government, when replying to the ACFC 'Opinion' is, in our opinion, a clear indication of the previous observations.

4) There are a number of principal factors, which may be examined, to show the nature of how this is being achieved with regard to the Cornish national minority. For expediency, this submission represents only a short summary of a much broader consideration, namely:

- a) A suppression of the truth regarding the *de jure* constitutional position of Cornwall as a Royal Duchy that is distinct from England and which, as a Dominion territory of the Crown, should be considered, and respected, as a Crown Dependency, or Protectorate. The misrepresentation of the Duchy of Cornwall as a 'private estate' and, allegedly, nothing to do with the territory of Cornwall is an integral part of this suppression, which is repugnant to the interests and rights of the Cornish national minority. There are also, potentially, other legal implications.
- b) The consequence of this suppression of the truth (or an integral part of it?) was, the passing of an Act of Parliament, in 1888, that constitutionally implies that Cornwall is merely an administrative county of England, when, in truth, it forms an integral part of the *de jure* constitutional Duchy of Cornwall. The law courts will follow the law as passed by the State's legislature irrespective of whether it may eventually be proven to be 'bad law'. Therefore, the Cornish would never, under normal circumstances be considered to be a national minority, without independent "outside" intervention.
- c) A further consequence of this suppression of the truth (or an integral part of it?) was, the Government's Education Act 1870 for 'England', within which there was neither concern nor protection 'built in' for the special needs of Cornwall, or the Cornish identity beyond the laudable pursuit of general education. A process, that more than anything else, has become a coercive, and covert, process of Anglification acting, as it does, upon young vulnerable minds. Whilst it will be argued that the introduction of a National Curriculum provides a certain flexibility to include 'local' studies, in practise this can only ever be introduced in a random fashion and invariably at the whim of an occasional individual's interest. The failure to provide a universal 'Cornish' educational

curriculum seriously undermines, and inexorably confuses, Cornish people's perception of themselves, their territory, and their identity by removing the crucial factors that provide genuinely objective knowledge of their history, consolidation of their identity, and essentially, a confidence in that identity. Its evil endeavour is to break their link and continuity with a unique Cornish past and territorial relationship, and undermine a valuable national consciousness. This part of the process was described by Marc Ferro as "The Use and Abuse of History" – or how the past is taught [to children]! (1981/2003).

- d) Other externally imposed factors, which acted against how the Cornish people perceived themselves, was the fragmenting of their relationship to Cornish territory and creating an environment whereby this relationship was insidiously marginalized and re-directed. There are many examples that can be brought forward to illustrate this point, for example: a) an essentially hostile audio, visual and fragmented news media, with no single point of Cornish reference; b) the State's pre-occupation with establishing a meaningless South West of England Region within which the territorial Duchy of Cornwall is subsumed, rather than a positive response to a legitimate Petition for a devolved Assembly; and, c) not forgetting the marginalizing process to deny the territorial Duchy of Cornwall obtaining its own Cornish European Constituency.
- e) The Cornish national minority are, deliberately, the invisible people and the hidden nation, because there is no attempt by the State to facilitate an unambiguous monitoring system for us to be included. We are again denied access to a specific tick box on the proposed 2011 population Census Form and there appears to be no sincere application of the Cornish right to record ourselves as 'Cornish' on various public organisation forms, such as hospitals, police, school etc.
- f) We now exist, by State actions and policies, as a minority within our own historic territory, and the current corrosive process, unless stopped, can only destroy us. There is only one definition that fits that scenario, and the events that have brought us to this desperate point!

Again for expediency: We cite, in particular, that the Cornish national minority are deliberately being discriminated against by the United Kingdom Government, with regard to many of the articles of the FCNM, yet it is clear that the presentation of the Cornish Case has previously been summarily dismissed. Significant evidence has been produced to support the Cornish arguments as part of the 1st and 2nd monitoring cycles, with no evidence, or feedback, to even show that it has ever been read. There would appear to be no reason for us to expect any of the respect that the FCNM calls for even within this cycle, but it is essential to record the above, for the benefit, and evaluation, of the ACFC. We are only seeking the respect, recognition and equality that seem to be given freely to just about every other 'minority' (ethnic & national) within the United Kingdom.

E. J. Pengelly
Kernow GB

Coordinator "Tyr – Gwyr – Gweryn"

Email: TGG@kernowtgg.co.uk
Tel: 01209-820644

17th November 2009