

# **TYR-GWYR-GWERYN**

(“Land – Truth – People”)

A Response to the  
United Kingdom Government’s  
Draft 2<sup>nd</sup> 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**

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## Introduction:

This organisation participated in the consultation process preceding the **1st Compliance Report 1999**, and also submitted a critique of the resultant draft, whilst also communicating with the Council of Europe Advisory Committee on the Framework Convention. These submissions, along with all **Cornish** submissions by others at that time, were never discussed but simply, and blatantly, dismissed with the comment:

***"The Government has received representations from a number of individuals from Cornwall, including MPs and MEPs seeking recognition of the Cornish as a national minority under the Convention. We do not consider that the people of Cornwall constitute a 'national minority'. But we are not aware of any rights granted under the Convention which are being denied to any individual in Cornwall." (1st Compliance Report 1999)***

This response, and the following comment below, on the current Draft UK 2<sup>nd</sup> Compliance Report is presented for the benefit of recording the fact that a similarly dismissive response to the recognition of the Cornish National Minority was not unexpected by this organisation and was, indeed, anticipated. It is felt, that a substantive dialogue, with interested individuals and groups, would have accompanied anything other than a summary dismissal. Such a dialogue would have addressed specific reasoning why the Cornish are not afforded the respect and sensitivity, which the Cornish people are entitled to, from a recorded territorial and historical perspective – predating that of the English national majority – and spanning some 2000 years.

The following comment will deal firstly with those Articles, namely 1 and 3, to which the Draft Report makes specific reference to Cornwall/Cornish or have an indirect reference. Further comment will then follow with regard to other Articles where further consideration is, at this time, deemed necessary and appropriate.

## With regard to Article 1:

### FCPNM - 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 co-operation.”*

### Paragraph 11 of the UK 2nd Compliance Report states:

***“Since its last report under the Framework Convention the Government has ratified the Charter on Regional or Minority Languages. The Government has to date recognised seven languages under the Charter: Welsh, Gaelic, Irish, Scots, Ulster Scots, Cornish and Manx.”***

### Tyr-Gwyr-Gweryn comment:

The recognition and inclusion of ‘**Cornish**’ within the Minority Languages Charter is to be applauded. It must be recognised, however, that this was only done following the Government’s initiation of a survey as stated in paragraph 17 below and this was only as a consequence of the existence of the European Charter for Regional or Minority Languages. Was such a survey also carried out on any of the other newly recognised languages?

**Cornish** is one of the indigenous branches of the Brythonic language, along with Welsh and Breton, and directly associated with the territory from which it derives its name, namely, Cornwall. Similarly, the **Cornish** people are associated within that same territory from which they also derive the gentile adjective of ‘**Cornish**’, yet the **Cornish** are specifically excluded by name from the protections offered by the Framework Convention on the Protection of National Minorities.

**a) How can this be in any way considered to be equitable treatment of one of the historic cultural nations of Europe?**

**b) Why should not a similar survey – independently by the Council of Europe - be initiated for the purpose of recognising the Cornish National Minority?**

## With regard to Article 3:

### FCPNM - 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.*

### Paragraphs 14, 15, 16 of the UK 2nd Compliance Report state:

**14 - "The term "national minority" has no legal meaning in the UK and so there is no mechanism under any of the UK's legal jurisdictions to grant "national minority status" to any particular group nor is it proposed to introduce any such mechanism. The UK's discrimination laws protect all individuals from racial discrimination, whether they belong to a "minority" groups or a "majority" group. There is no comprehensive list of "recognised" groups and, in the UK, rights are individual and universal."**

**15 - "The UK therefore ratified the Framework Convention on the understanding that it would be applied with reference to "racial groups" within the meaning of the Race Relations Act 1976, which is to say any groups defined by "colour, race, nationality, national or ethnic origins" - providing of course that they are also in a minority in the UK."**

**16 - "We welcome the Advisory Committee's commendation of this wide interpretation of the Framework Convention. We have noted the Advisory Committee's suggestion as to possible extension of the Framework Convention's application on an article-by-article basis, and also the fact that the Advisory Committee provided no further practical advice on how this could be done without putting the Government in the position of having to pick and choose which minority groups were covered. "**

### Tyr-Gwyr-Gweryn comment:

This stance by the UK Government challenges, and devalues, the very basis for the reasoning and philosophy behind the motivation for, and ultimate existence of, the Framework Convention. If ratification was indeed 'conditional' on such an understanding, then surely this will be recorded and such information transparently accessible within the public domain?

Why, within the mass of domestic and wider European legislation, protocols and conventions on race and human rights issues, was there felt to be a need to draw up a distinct "Framework Convention for the Protection of National Minorities" - only for this to be ratified by the UK

Government and simply set aside, by implying that its conditions can be met by complying with **existing** Race Relations Act provisions? What, in truth, was the original motivation and philosophy behind the framing of the Framework Convention?

The whole concept of the Framework Convention derives from the inability of the States' to accept the Parliamentary Assembly of the Council of Europe (PACE) **Recommendation 1201 (1993)** which attempted to provide a definition of "national minorities" **on an additional protocol on the rights of national minorities to the European Convention on Human Rights**. The definition then given was, as follows:

*Section I — Definition*

*Article 1*

*For the purposes of this Convention, the expression "national minority" refers to a group of persons in a state who :*

- *reside on the territory of that state and are citizens thereof ;*
- *maintain longstanding, firm and lasting ties with that state ;*
- *display distinctive ethnic, cultural, religious or linguistic characteristics ;*
- *are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state ;*
- *are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language.*

Also rejected from the recommendation was the inclusion of Article 11, which stated:

*"In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state."*

Surely, this was to protect individuals as being part of a minority national group within, and subject to, the abuse and dominion of a majority national group within the State. It seems too improbable that a consideration of National Minority, as a specific group, was intended to be lost, swept aside, by considering the matter as something presumed to be already covered by numerous well-documented existing recommendations and statutes of a racial/ethnic/human rights nature. A 'national minority' in contrast to that of a 'national majority' can only have one meaning. The UK failure to define this as such can only mean that it is operating within the Imperial concept of a 'British' Nation as the national majority – a total nonsense!

One cannot help feeling that the reasons for the above rejections were precisely the same 'majority nation' self-protectionism as that evidenced by those of the participating (less than pure), Imperial States in agreeing the definitions for the UN Convention on Genocide (1948), when it failed to also include psychological processes of genocide. Perhaps the rejection of

the above PACE attempts to define “national minorities” has been the catalyst – as it was for the Framework Convention - to the continued PACE perseverance in addressing this ongoing abuse of national minorities as reported early in 2006:

*“On 26th January PACE stated that : ‘Everyone should be free to define themselves as a member of a cultural “nation”, irrespective of their citizenship’. At the same time, the parliamentarians said, ‘Council of Europe member states should avoid defining themselves in exclusively ethnic terms, and should do their utmost to help their minorities, a source of enrichment, to flourish’.”*

This current PACE initiative would seem to reflect that there is still a need to sincerely identify minority nations! The situation of Cornwall and the Cornish people is a classic example of the abuse, which a national majority inflicts upon a national minority. I quote Raphael Lemkin’s **own** definition of Genocide - to be contrasted with the rather narrow definition contained within the UN Convention on Genocide.

*"A co-ordinated 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 objective of such a plan would be the disintegration of the political and social institutions of culture, language, national feelings, religion, and the economic existence of the national groups and the destruction of the personal security, liberty, health, dignity and even the lives of the individual 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."*

Lemkin qualifies the process further with:

*"Genocide has two phases: one, the 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."*

All of the above definition are being covertly enacted against the Cornish people and which have consistently been drawn to the attention of the UK Government either directly, or indirectly, for well over 50 years but specifically, over the past decade, with regard to the need to include **the Cornish people** within the protection offered by the Framework Convention. An examination of a sample of online articles and discussions, having some relevance to Cornwall within, for example, the online encyclopaedia Wikipedia, would easily reveal the tenuous position of **the Cornish people**! Much of which discussion, affirms the phases of genocide so succinctly expressed by Lemkin and so sophisticatedly applied by the State.

The preamble to the Framework Convention contains, *inter alia*, the following statements, which should be reflected upon when dismissively declaring “*nor is it proposed to introduce any such mechanism*” :

*Wishing to follow-up the Declaration of the Heads of State and Government of the member States of the Council of Europe adopted in Vienna on 9 October 1993;*

*Being resolved to protect within their respective territories the existence of national minorities;*

*Considering that the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent;*

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**Paragraph 17 of the UK 2nd Compliance Report states:**

***17 - "Since the United Kingdom Government ratified the Framework Convention, a number of Cornish organisations and individuals have made representations to the Government arguing that the Cornish should be considered within the scope of the Framework Convention's application in the United Kingdom. The Government therefore included these organisations in its consultation prior to the preparation of this 2<sup>nd</sup> report under the Framework Convention. The Government has considered the arguments put forward for the inclusion, but has not been convinced that a move away from the RRA formula can be justified."(...continued)***

**Tyr-Gwyr-Gweryn comment:**

Notwithstanding the point being made within the Introduction above, a more substantive response would have given reasons why the State *"has not been convinced"*. This would show that things had indeed been considered, rather than just being dismissed, whilst also illustrating transparency in the way that the Cornish are being treated by the State. It would also facilitate an awareness of where, and how, the Cornish people need to develop their arguments. The Cornish people are being forced to go down the road of taking this matter to the courts for a judicial review with the full knowledge that the Cornish people are economically disadvantaged and unlikely to receive a fair hearing within the United Kingdom because of the institutionally driven root cause of the anti-Cornish discrimination – of which more below.

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**Paragraph 17 continues:**

***17 cont. - "The Government considers that the UK's enormous diversity, embracing individuals of many different (and sometimes multiple) ethnic, national, cultural and faith identities is a matter for celebration and a source of national strength. The fact that the UK does not recognise "national minorities" as such has not been a barrier to the UK's many communities being able to maintain their distinct identities." (...continued)***

**Tyr-Gwyr-Gweryn comment:**

Unless, of course, they are 'Cornish' and covertly being mnemonically removed from map and mind!

As in 1999, this organisation again seeks clarification on the uses of “*national*” within this statement? Is the refusal to do the obvious and define “national minority”, considered to be inappropriate within a political environment of Government that has a distinct preference for promoting the flawed concept of a British nation? How do we know that the Cornish Case has genuinely been considered, in the absence of any specific points being made to counter the Cornish argument?

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**Paragraph 17 continues:**

***17 cont. - "The Government is very much aware of the strength of feeling about Cornwall's separate identity and distinctiveness. In this context the Committee may wish to note that, in 2002, the Government recognised the Cornish language under Part II of the Charter for Regional or Minority Languages. The Advisory Committee may also wish to note that, in June 2005, the Government announced the provision of £240,000 over three years to support implementation of the adopted Cornish Language Strategy. This funding is part of a package totalling £600,000, including EU Objective 1 funding approved in January 2006, and support from Cornwall County Council. This funding has enabled the appointment of a full time Cornish Language Strategy Manager to take forward development and implementation of the Strategy. The Government Office for the South West commissioned the independent academic study in 2000, which helped to inform the Government's decision to give official recognition, was a member of the Strategy Group, and is working with the Cornish Language Partnership to take forward the Strategy in line with Charter commitments."***

**Tyr-Gwyr-Gweryn comment:**

The recognition of the Cornish Language in 2002 represents the only concession that the UK Government has made to the Cornish historical, geographical and cultural identity and ‘Cornish’ Rights. For which we are truly thankful! Whilst this is fundamentally important, it is but the tip of the iceberg as to what needs to be addressed!

The Objective 1 funding does not reflect an interest in the Cornish as a national minority nor indeed under any other description. This funding is purely an indicator of how Cornwall has been economically mismanaged and marginalized within the State. The Jury is still out as to whether it was, in part, a means of subsidising an external ‘English’ Regional Development Agency and a Government Office for the South West (of England!). Time alone will tell whether this has been used to benefit, in any way, the Cornish national minority.

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**Paragraph 18 of the UK 2nd Compliance Report states:**

***"The Advisory Committee may wish to note that the ethnic identity questions to be included in the 2011 census will be subject to review and consultation by each of the UK administrations. This will help to ensure that the questions are acceptable and relevant when 2011 is reached. Bearing in mind the statistical purpose of the census, the value of comparability with previous data and the availability of space***

***on the form it may not be practical nor necessary to have all identities pre-listed. The review may involve research (to improve understanding of a range of related issues, such as language, religion and discrimination), consultation and piloting. As each UK administration is conducting a review independently and to different timetables, it will be necessary to ensure that joined up working takes place in order to achieve harmonisation across the UK censuses where possible, whilst ensuring that the needs of individual administrations are met.”***

### **Tyr-Gwyr-Gweryn comment:**

This touches on another matter of great concern and seems to be worded in a manner that suggests the application of limits to questions of ethnicity and related information. How else can a State Government determine the true nature of the State and its indigenous ‘national minorities’ – not to be confused with ethnic/racial minorities – other than such a definitive survey as the 2011 Census? It is disturbing to note that “*the value of comparability with previous data*” is a consideration for this limitation, because this implies that a new collection of data, for example, ‘Cornish’ has ‘no value’. Such a decision would allow the State to continue its misrepresentation, and state of ‘denial’ of the Cornish national minority

The 2001 Census carried a question that, for the first time, permitted the Cornish people to record themselves as ‘Cornish’, but only after first causing them to deny that they were “British” and having to write ‘Cornish’ in a box labelled “other”. There was no transparent facility of a simple tick box ‘Cornish’ nor any officially promoted publicity, or guidance, on this NEW ability to record oneself as ‘Cornish’. Consequently, the initial information will not represent the true picture but a sincere and proper continuation, and promotion, of this facility would do so. The Cornish people (and the Council of Europe) desperately need this to record the process of cultural genocide at work.

People, generally, have little understanding of such technical words as ‘ethnicity’ but have no problem when asked to identify themselves as ‘Cornish’, ‘English’, etc. Time will tell whether, within the 2011 Census, the State intends again to make us, the Cornish, invisible or have a proper right as one of the indigenous peoples of Britain – a true national minority! - to record our identity in an unambiguous way together with other related statistics, for example, language.

## With regard to Article 4:

### FCPNM - 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.”*

### **Tyr-Gwyr-Gweryn comment:**

It would seem to be impossible for the State to provide equality before the law for the Cornish national minority since it is itself culpable of the institutionalised discrimination against the Cornish national minority. The root cause, in fact, of the symptoms of alienation that we are compelled to work within today by our territory being classified as an ‘English’ (sic) administrative county within ‘England’ (sic). There is an administrative county of Cornwall – formerly referred to as the vicecomitatus – but this is legally and inalienably within the **suppressed** Duchy of Cornwall constitution.

This institutionalised misrepresentation is the shared responsibility of the UK Government, the Sovereign and the heir to the throne. The latter, as the ‘Duke of Cornwall’, is constitutionally our legitimate Head of State. It must be possible to track back to some point where this was ‘severed’ from the Duchy and, if this was done by some legitimate means, then the Duke of Cornwall is within his rights to have this legitimately restored to the Duchy of Cornwall. Were this ‘severance’ may be proven to have ‘just happened’ then the Duke is equally at liberty to have it restored. It is this, crucially, that is needed to restore our ‘Cornish’ legitimacy.

There was the 1st UK Compliance Report comment that the Cornish need to take their case to the courts in order to be classified as a ‘national minority’. Such an approach would invariably raise questions about our suppressed Cornish Constitution of Royal Duchy and the obvious lies, promoted officially, to maintain that perceived criminal act of deception with its dismissive and potentially disastrous consequences for the Cornish national minority. The Cornish national minority are, it seems, considered dispensable to the personal interests of the Crown and the Heir to the throne. How can such iniquity engender any degree of respect?

## With regard to Article 5:

### FCPNM - 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.”*

### **Tyr-Gwyr-Gweryn comment:**

A crucial part of the essential elements of identity is the ability to consolidate and derive strength and confidence from the full range of attributes that constitute a ‘national minority’ – conveniently not defined by the UK State. The State is, by design, unwilling to acknowledge that the prevailing conditions within Cornwall are repugnant to the rights of the Cornish people and impose disproportionate effort by the Cornish people to maintain their Cornishness against the coercive actions of the State. Institutionally driven actions by the State, calculated to undermine Cornishness as part of its Anglification of Cornish territory and covert assimilation of the Cornish people into the majority group, viz. English!

## With regard to Article 6:

### FCPNM - 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.”*

### **Tyr-Gwyr-Gweryn comment:**

It is only necessary to analyse the reception that the Cornish people receive when attempting to promote specifically Cornish Rights issues to see that the actions of the State has engineered and engendered a total lack of respect for ‘Cornish’ opinion. The only way that the Cornish can achieve any sort of credibility is for the State to take the effective measure of restoring, rather than hiding, our Cornish legitimacy! The simplest way for this to be achieved would be by a process of Truth & Reconciliation.

The Cornish national minority would like to see some “effective measures” taken with regard to their claim for their inalienable right for recognition, rather than the processes of alienation and genocide which is all too prevalent. Within the 1<sup>st</sup> Compliance Report in 1999, it was noted that *“we are not aware of any rights granted under the Convention which are being denied to any individual in Cornwall.”* A good start would be to apply the philosophy contained within Article 6

## With regard to Article 12:

### FCPNM - 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.”*

### **Tyr-Gwyr-Gweryn comment:**

It would have been useful for the State to include here what it is doing to put the Cornish people and their territory into the ‘national’ curriculum. Cornish children are not being taught anything about Cornish history, culture, geography or language except by an occasional goodwill gesture from certain individuals. It is a serious crime against the rights of the Cornish national minority that we have systematically been:

- a) intellectually deprived of knowledge of Cornwall and the Cornish people, and
- b) ‘let down’ in the provisions covered by item 2 relating to this deficiency.

The failure of ‘b’ confirms the existence of ‘a’ and our need, and right, to be included within the protection of the Framework Convention..

There is a need to differentiate here between that part of the national curriculum, which may be classed as ‘local’ knowledge and erroneously imparted as being that of the ‘national majority’(the English), and a true ‘Cornish’ education unambiguously presented as the history of a ‘national minority’ (the Cornish) within its ‘genuine meaning’ as one of the four indigenous peoples of Britain. Until the Cornish national minority are afforded their rights, the educational establishment will be seen to represent just another manifestation of the State’s discrimination and prejudice against the Cornish national minority, with the consequential alienation that this generates.

## With regard to Article 16:

### FCPNM - 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.”*

### **Tyr-Gwyr-Gweryn comment:**

In addition to the failure to provide a Cornish education for Cornish children, the State, by its institutionalised misrepresentation of Cornwall and the Cornish national minority, has presided over a range of processes that have seen the fragmentation and devastation of the Cornish administrative infrastructure, the economic and political marginalisation of the Cornish national minority, and a disproportionate post war colonisation of Cornwall by, mainly, English people (a national majority) to the effect that the Cornish are now estimated to be only about 40% of the population. A recent survey, in fact, indicated that only 35.1% of the population in our Cornish Duchy now describe themselves as Cornish, rather than English or British.

An academic analysis of Cornwall carried out by the Cornish Social and Economic Research Group (COSERG) in 1988 (“Cornwall at the Crossroads?” ISBN 0 9513918 0 1) within a section identified as “ethnocide by default”, estimated that in 1961 about 80% would have considered themselves to be Cornish. By 1981 this was estimated to be 55% and by 2001 this was anticipated to be as low as 45% and decreasing. This organisation points once again to the discussion above with regard to Lemkin’s definitions of genocide and demands that the United Kingdom Government gives proper, and transparent, humanitarian consideration to its known culpability in this process and its responsibilities in protecting the Cornish nation and its rights.

With the average wage within our Cornish Duchy some 20% below the UK average and house pricing amongst the highest – a subject also covered in the above analysis 20 years before it became identified as a UK wide problem! – the Cornish national minority is also being deliberately economically marginalized and disadvantaged.

The failure to restore the legitimate constitution of our Cornish Duchy has been a significant factor in the removal of work opportunities from Cornwall to the English cities of Plymouth and Exeter and thus exacerbating the haemorrhage of our most vital resource and future. However the State seeks to wriggle out of its responsibilities, let it please bear in mind Lemkin’s observed ‘techniques’ of genocide!

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