

Submission to the Smith Commission

Yes Alba
NA GÀIDHEIL AIRSON NEO-EISIMEILEACHD



Submission to the Smith Commission by Yes Alba

Yes Alba is a campaign network, based in Glasgow, but with over 30,000 supporters across the country and overseas. We campaigned for a Yes vote, however, we accept the result of the referendum and the main interest of our submission lies in ensuring that the new constitutional arrangement is cognisant of the needs of Gaelic speakers and of Gaelic as a minority language.

Our submission is based on the reversing language shift principles pioneered by Joshua Fishman which are well established in academia and in practice across the globe. These principles influenced the 2005 Gaelic Language (Scotland) Act, passed by Holyrood, and the 1993 Welsh Language Act, passed at Westminster. They state that to reverse language shift from the minority language, work has to be undertaken to ensure the continued inter-generational transmission of the language. Strategies to achieve this can be forward on four fronts: language status, language usage, language acquisition and the corpus of the language. Therefore the language should be afforded a status which increases awareness and the visibility of the language and encourages its use in everyday life; more opportunities should be created for speakers to use the language; new opportunities and techniques should be encouraged for language learning and academic work should support this by ensuring the linguistic tools available to a majority language are created for the minority one (grammars, dictionaries etc.). These principles will guide the response below.

Problems of the 2005 Legislation and Reserved Bodies

In order to ensure Gaelic is more frequently seen and used in public life (status and usage planning), the 2005 Act enables Bòrd na Gàidhlig to call on Scottish public bodies to create Gaelic language plans and provide a basic level of service in the language. What has become apparent since the passing of the Act is bodies governed by the reserved legislation, such as the DVLA, do not provide services to Gaelic speakers. Therefore a Gaelic speaker can request a Welsh language driver's licence but not a

Gaelic one. This contrasts with the increasing level of Gaelic engagement evident from devolved public bodies that have been requested to draw up language plans. This situation contradicts the aim of the 2005 Act, that Gaelic and English should have equal esteem in Scotland.

The comparison with Wales is instructive, as a Welsh language act was passed by Westminster prior to devolution whereas a Gaelic language act was not. Other examples of how the disconnect between the devolved legislation and the reserved bodies plays out in everyday life would be bilingual signage for MOD installations in Welsh-speaking areas, but not in Gaelic-speaking ones or road signage, such as the "Slow | Araf" signs on the road in Wales, but no such similar measure in either the Gaelic communities of Scotland or the country as a whole.

We are aware that a number of other submissions to the committee have raised issues of Gaelic legislation and reserved agencies, and that it has also featured in an early day motion (Tom Harris MP #2822) at Westminster. We believe that this is an issue of substance that the commission can address fairly simply by following best practice from Wales, and which would be of benefit to Scotland's Gaelic community. The legislation creating the new devolutionary settlement at Westminster should therefore acknowledge the Gaelic Act, and implement its goals with regards to agencies related to reserved powers, affording the Scottish Parliament some legal rights to hold those agencies to account for their work in Scotland. This would highlight in an emblematic manner the ability of any new devolutionary settlement to ensure better co-operation between the two legislatures, their existing legislation and their respective agencies. If we continue to operate in a system where public services reserved to Westminster do not react to developments in Holyrood then Gaelic will continue to lose out.

There are issues of funding that may complicate matters slightly as Bòrd na Gàidhlig is funded by the Scottish Government who are responsible for the language. So as not to have Scottish taxpayers pay for their services twice it would be important to examine whether Westminster should contribute to

the Bòrd's funding so that work with the reserved agencies can be undertaken or whether Westminster itself should fund those language plans, via those agencies directly. The Welsh example would perhaps provide a precedent for the best way to achieve this, in practice.

Bilingual Ballot Papers

Gaelic is both a *de jure* and *de facto* national language of Scotland, with half of all Gaelic speakers living outside its 20th century Highlands and Islands heartlands. We support the devolution of governance of elections so that both the status and usage of the language can be enhanced by its use on bilingual ballots. As happens with minority languages across the world this can be achieved with minimal expense and effort, and can be overseen by the Electoral Commission.

Promotion of Gaelic Language and Culture overseas

Whilst we recognise that international affairs shall in all likelihood remain at Westminster under an enhanced devolutionary package the promotion of Gaelic amongst the diaspora is of growing importance to the language's continued resurgence at home. We believe there should be more influence from the Scottish Government on the overseas activities of our diplomatic and cultural bodies. This should entail some accountability to the Scottish Government from the FCO, whilst acknowledging that their main responsibility will be to Westminster. Interest in the language provides a market for Gaelic language materials far in excess of the domestic market. British officials, especially in nations with sizeable populations of Highland descent (e.g Canada, Australia, New Zealand and the U.S amongst others) should be aware of the language and its role in strengthening cultural connections overseas. Gaelic is taught at university level in most of these countries and the FCO should be aware of the importance of strengthening cultural ties as a part of its wider diplomatic efforts. This would follow the example of the Republic of Ireland which continues to promote Irish overseas.

The Scottish Government should therefore be allowed an increased say in the cultural efforts of our diplomats and cultural agencies overseas. This will involve some accountability for international matters, specifically those relating to cultural matters, being granted to Holyrood.

Broadcasting

There is a strong case for devolving control of broadcasting from a Gaelic perspective. Having legislation and regulation of broadcasting at Holyrood would ensure that Gaelic is prominent amongst considerations for any future legislation affecting this sector. This would ensure the continued success of BBC Alba, Radio nan Gàidheal and the BBC's online Gaelic content, all of which are vital to reversing language shift by promoting the usage, acquisition and status of the language.

Economic Development in the Western Isles and the West Highlands

Ensuring a stable population in fragile rural areas is vital to language revitalisation efforts as this can act as a basis for intergenerational transmission in the community. The traditional heartlands of the Gaelic language continue to suffer from outmigration and lack of opportunities for economic development. The people of the Western Isles have continued to make the case for substantial investment in the grid infrastructure to ensure that the renewables potentials of that region is utilised. This would have employment benefits for the islands, creating and retaining skilled jobs for the local population. Given that the current situation appears to be failing to ensure that this potential is unleashed the case for devolution of further energy powers appears a strong one.

There are similar problems evident from reserved powers on telecommunications and postal services. We support the maximum amount of devolution required to enable the Scottish Parliament to deal with the issues facing rural Scotland. This would strengthen a new devolutionary settlement, by ensuring that the body with the knowledge required

to deal with the challenges facing our rural communities, namely the Scottish Parliament, is empowered to deal with them. Given these services are no longer provided by state providers, and successive Westminster governments have promoted competition in these sectors, there already exists a variety of different providers, who successfully operate under different regulatory systems across the globe. Scotland should be able to tailor its own approach to these services, to the benefit of our fragile communities.

In conclusion we wish the commission well in your endeavours. The aims of the commission are best served by being confident in putting power closer to the people. This will allow legislation and regulation that is more aware of the circumstances within Scotland and improve the ability of minorities, such as the Gaelic-speaking community, to influence the legislation that affects their lives.

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