

Brexit and its consequences for the autochthonous regional or minority languages of the UK



Professor Diarmait Mac Giolla Chríost, Cardiff University, Wales, UK
and Dr Matteo Bonotti, Monash University, Australia

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This report comprises a very brief overview of the potential implications of Brexit for the autochthonous regional or minority languages of the UK, noting that there are a range of issues in the areas of law and of public policy, as well as in terms of values.

At the time of writing, the particular form of Brexit remains uncertain. Therefore, it is impossible to articulate the precise implications that Brexit might have for the autochthonous regional or minority languages of the UK, namely the Irish language in Northern Ireland (NI), Welsh in Wales, Scottish Gaelic in Scotland, Scots in Scotland, Ulster Scots in NI, and Cornish in Cornwall, England. That said, we are able to outline some possible implications.

Depending on the shape Brexit takes, there will be a range of implications for the statutory status of these languages and the protections afforded to them by law. For example, if, as seems likely, the UK withdraws from the jurisdiction of the Court of Justice of the European Union (CJEU) then this will mean that the various language rights, protections and freedoms afforded to EU citizens by EU law, as reflected in the body of EU case law in this area, will be lost to the speakers of the Cornish, Irish, Scots, Scottish Gaelic, Welsh and Ulster Scots in the UK.

While it appears, at present, much less likely that the UK will withdraw from the Council of Europe, and in particular the jurisdiction of the European Court of Human Rights (ECHR), the current Prime Minister of the UK has previously expressed her desire to do so. Such a move would have much graver implications for speakers of the autochthonous regional or minority languages of the UK. For example, it would entail the UK's withdrawal from the European Convention on Human Rights, the European Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages.



This would have limited implications for the Welsh language and for Scottish Gaelic as the statutory provision made for both of these languages in UK domestic law (viz the Gaelic Language [Scotland] Act 2005, in the case of Scottish Gaelic; and in the case of Welsh, the Welsh Language [Wales] Measure 2011, the National Assembly for Wales [Official Languages] Act 2012, the Welsh Courts Act 1942, the Welsh Language Act 1967, and the Welsh Language Act 1993) is beyond that which may be claimed under the Convention or the Charter.

There are broader implications for the Cornish language and for Scots in that neither of these languages enjoy any particular statutory recognition or protection under UK domestic law. Instead, the statutory support provided to the Cornish language and to Scots is derived from the UK's commitment to those languages under the Charter and, in the case of Cornish, to the recognition of the Cornish people as a national minority under the Framework Convention.

Similarly, but much more problematically given the regional political situation, withdrawal from the ECHR would have broad implications for the Irish language and for Ulster Scots in NI. For example, the UK's commitment to the Charter in respect of these languages is made under a political agreement (the Belfast Agreement, or the Good Friday Agreement) that is written into international law. Yet, neither language enjoys protection under UK domestic law, leaving speakers of those languages peculiarly vulnerable. In these circumstances, there is a pressing need for language legislation in NI.

Brexit will have a range of implications for the autochthonous regional or minority languages of the UK in the field of public policy. The implementation of EU public policy in a number of domains has, in practice, provided both direct and indirect support for these languages. For example, the EU's Common Agricultural Policy is deemed by many commentators to be especially significant for sustaining the largely rural Welsh-speaking heartland of west and north Wales. Similarly, this part of Wales fell within the target area for the EU's Objective 1 Programme (superseded by the EU's convergence objective / Structural Funds and the Cohesion Fund), aimed at the economic regeneration of marginalized regions.

However, it is difficult to assert with any confidence whether such support has, in fact, been instrumental in sustaining the linguistic vitality of the communities associated with the autochthonous regional or minority languages of the UK. Indeed, a number of authoritative criticisms have been made of the effectiveness of these public policy initiatives. Coincidentally, the size of the rural populations of Welsh-speakers in Wales and of Scottish Gaelic speakers in Scotland has declined despite the support of EU programmes. Of course, one could very reasonably argue, albeit counterfactually, that in the absence of this support the decline would have been much greater.



The EU provides a context in which public discourse frames linguistic diversity, bilingualism and multilingualism as a public good. This is in contrast to the historical practice of the UK as a unitary state with tendencies towards linguistic homogenization, in favour of the English language. Brexit will cause the EU's values to become much less relevant to public discourse in the UK. As a result, the distancing of the UK from the EU is likely to have the effect of rendering linguistic diversity, bilingualism and multilingualism less visible, less well understood, and less accessible, as a public good.

Moreover, there is clear empirical evidence from several sources that the Brexit referendum, as an event, was the cause of a spike in hate crime in the UK. Some commentators have suggested that this could entrench inimical attitudes to linguistic difference. However, the empirical evidence, again from several authoritative sources, also suggests that the spike caused by Brexit fell back rapidly and had wholly dissipated before the end of 2016. Subsequently, a new spike in hate crime resulted from the high-profile terrorist attacks in the UK (Westminster Bridge, Manchester Arena, London Bridge and Finsbury Park Mosque) during the first half of 2017.

Despite Brexit, it is likely that European networking on the part of language interest groups will continue, as will international networking, as a means of sharing ideas and good practices. That said, one of the obvious implications of Brexit is that Brussels, as the key arena for lobbying activity in relation to EU law and public policy, will become largely irrelevant to the lobbying of interest groups and organizations associated with the autochthonous regional or minority languages of the UK. //

Further reading:

Mac Giolla Chríost, D. & Bonotti, M. (2018)

Brexit, language policy and linguistic diversity Palgrave Macmillan.

<https://www.palgrave.com/de/book/9783319787251>

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