

*Department of Culture, Arts and Leisure Northern Ireland*

**PROPOSED IRISH LANGUAGE LEGISLATION**

**CONSULTATION RESPONSE**

*BY*

**JAMES H ALLISTER QC MEP**

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## **PREFACE**

In this response we will deal with first the political background giving rise to the Government's commitment to an Irish Language Act and then proceed to our substantive response to the consultation document. Reference shall be made to the UK's implementation of the European Charter for Regional and Minority Languages before concluding with our response to the consultation on what is generously termed an Equality Impact Assessment.

## **OVERVIEW OF THE CONSULTATION PROCEDURE**

It is an essential premise of good government that proposals for legislation are:

- (a) the product of thorough research, thought, preparation and proofing, and
- (b) subjected to rigorous and genuine consultation.

The proposal for an Irish Language Act spectacularly fails on both counts.

By reason of a Freedom of Information Act enquiry it is established that, though a commitment to an Irish Language Act appeared in the "St Andrews Agreement" on 13 October 2006, no documentation existed within DCAL, the responsible Department, addressing whether there was a case for such legislation till 6 October 2006. On that date a scant 2 page briefing was prepared for the Minister. (See **Annex A** for FOI documents). *Patently, no serious thought or preparation went into the subject, confirming the suspicion that this proposal is politically driven.*

When challenged in correspondence (See **Annex B**) about whether the normal expectation of equality and financial proofing was conducted before the commitment to legislation was made, the Minister on 19 January 2007 described the commitment as "high level or framework ones", with equality and financial proofing to follow. Clearly, driven only by the consideration of the *political expediency of meeting a republican demand*, a pledge to legislate was made, without going through any of the recognised and normal evaluation proceedings. Indeed, when pressed to explain what she meant by "high level or framework", the Minister by letter of 5 February 2007 was unable to do so. (See Annex B). On this basis alone, this is a flawed process delivering a deficient product.

The St Andrews Agreement committed DCAL to an Irish Language Act. DCAL, however, is subject to the requirements of Section 75 of the Northern Ireland Act (**Annex C**). It follows that the decision to commit to such an Act required by law both a screening and an Equality Impact Assessment. Such cannot be done retrospectively. Again, there was a fundamental failure to meet the requirements of the law and good practice. *This, therefore, is a proposal which should be withdrawn as being*

*irreparably flawed and produced by a process incompatible with statutory obligation.*

Further documentation obtained pursuant to the Freedom of Information Act (See **Annex D**) reveals that it was not till 14 November 2006 (2 working days after Nigel Dodds MP, Nelson McCausland MLA and Jim Allister MEP met DCAL officials and questioned what equality proofing had been undertaken) that thoughts in DCAL turned to screening or equality proofing, with a warning from the Equality Unit about concern over the ability in the timescale to be sufficiently thorough. Then, on 1 December 2006 it emerges that advice from DCAL Equality Unit has not been heeded and, moreover, that Section 75 was being misinterpreted. On 6 December 2006 The Equality Unit warns that going out to full consultation without considering the equality implications would put DCAL in breach of its equality scheme. The next day it is reported that The Equality Commission advised against the Department's intended course of action.

Six days later the Consultation Paper was published, purporting to include at Annex A what is claimed to be an "Equality Impact Assessment". Given the last minute nature of any consideration of equality proofing, it is no surprise to find in Annex A a document which is pathetic in its composition and conclusion. Indeed, so pitiful is it that at 8.2 it concedes the EIA is incomplete. This does not stop it reaching the derisive conclusion that "the introduction of an Irish Language Bill has the potential to improve good relations" (7.1) and that "no adverse impacts" have been found (6.12). Hereafter in this response we will demonstrate the untenable nature of such assertions. However, at this point the issue is that *pre-emptive conclusions were reached in excessive haste and in consequence restricted the liberty of the subsequent EIA Consultation*, published on 19 January 2007, to approach the matter in an objective and open-minded fashion.

What is on display here is a desperate attempt by a Department, found in disarray over proper equality procedures, to cobble together a fig-leaf of screening and equality impact assessment to cover its nakedness.

The indecent haste of the Government to press ahead with this ill-conceived notion of an Irish Language Act is further illustrated when a comparison is made with other DCAL consultations on policy and legislative proposals. **Annex E** contains details of all consultation exercises conducted by DCAL, as provided in response to a request by the DUP. It will be observed that on the only previous proposal which DCAL has brought to legislation, The Safety at Sports Grounds (NI) Order 2006, it took 20 months to pass through all processes. Likewise, on non-legislative proposals periods of at least a year are common. Indeed, it will be noted that consultations themselves are generally much longer than the 11 ½ weeks (including Christmas and New Year) permitted here and, importantly, in its other legislation there was an initial consultation, followed by a policy proposal, followed by an opportunity to comment on the draft legislation. *Here, there is no initial consultation, no issues paper, but things moved straight to a non-proofed legislative commitment. Why? The conclusion of political motive, manipulation and chicanery is hard to avoid.*

Just as in the recent High Court Judgement in London on the Government's nuclear power consultation, here we have another example of a consultation process which is "seriously flawed" and "procedurally unfair".

# IRISHLANGUAGE ACT FOR NORTHERN IRELAND -

## CONSULTATION

### **Introduction**

The Minister with responsibility for Culture, Arts and Leisure has sought to contend that the introduction of an Irish Language Act would have a positive impact upon community relations. It is our contention that this claim is not borne out by historical reality nor is it sustainable.

Far from having a positive impact on community relations in Northern Ireland we would contend that legislation granting any form of special recognition for Irish would have a detrimental effect upon community relations; would increase the segregation of our communities and would in all ways run contrary to the creation of a shared future for the people of Northern Ireland. We base our assertion on the way in which the Irish language has been used explicitly as a political tool by Irish nationalists in general and republicans in particular in a systematic campaign to alienate Unionists.

It is our strong contention that on examining the examples of the use and abuse of the Irish language down through the years, no reasonable person could seek to maintain a position which claims that the introduction of such legislation would have anything approaching a positive impact on community relations in Northern Ireland. Throughout the document we will assert that the introduction and implementation of any Irish Language legislation should be a matter solely to be determined by the members of the Northern Ireland Assembly. It is apparent that politics is being played with this issue to a great degree. If devolution is not established, this legislation should not be formulated or brought forward.



### **Background: The close association between Irish Language promotion and Nationalist politics**

The Irish language movement has long had close associations with nationalist and separatist politics going as far back as the turn of the twentieth century. Lisa Goldenberg has claimed “In the final decades of the nineteenth century, the language came to be seen as an important characteristic that distinguished the Irish people from their English rulers....According to OhAdhmaill “it was a natural symbol for Irish nationalists to rally around”<sup>1</sup>. For at least one hundred and twenty years therefore, we can say that the Irish language has been closely identified with and an implicit symbol of nationalist political struggle.

Douglas Hyde, the first President of the Gaelic League in his famous lecture “The Necessity for De-Anglicising Ireland” enunciated a vision of the Irish language and its usage which is explicitly nationalist in its outlook. A close examination of the comments made by Hyde will de-bunk the popular myth espoused by Irish Language enthusiasts that Hyde was a neutral figure on constitutional political questions and that his prime concern was for culture alone. Speaking in 1892 Hyde said “It is a fact and we must face it as a fact, that although they (the Irish people) adopt English habits and copy England in every way, the great bulk of Irishmen and Irishwomen over the whole world are known to be filled with a dull, ever-abiding animosity against her, and right or wrong, to grieve when she prospers and joy when she is hurt”<sup>2</sup>.

As far back as 1892 we can see not only does the Irish language become associated with one particular political position, it also comes to represent the expression of a particularly negative cultural view, in this case anti-Britishness. In the context of this discussion it is certainly possible to “fast-forward” to the present time and see how the hostility of nationalists towards the Union and those who support it is still expressed in this form. Thus we can claim with certainty that the use of Irish was from the earliest times of the Gaelic League seen as an implicit expression of anti-Britishness.

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<sup>1</sup> Goldenberg, L. *The Symbolic Significance of the Irish Language in the Northern Ireland Conflict*. pp.15. The Columba Press. Dublin. 2002

<sup>2</sup> MacPoillín A (Ed.). *The Irish Language in Northern Ireland*. pp. 36. The Ulach Trust. Belfast 1997.

Not only did Douglas Hyde express his anti-English sentiment in this way, he also made reference to the position of Ulster Protestants, in terms which can only be described as racist. Speaking at the turn of the twentieth century, Hyde said: “In two points only was the continuity of Irishism (sic) in Ireland damaged. First in the north-east of Ulster, where the Gaelic race was expelled and the land planted with aliens, whom our dear mother Erin, assimilative as she is, has hitherto found difficult to absorb...in spite of the little admixture of Saxon blood in the north-east, this island, is and forever will remain, Celtic to the core”<sup>3</sup>

Although Hyde maintained throughout his time in charge of the Gaelic League that he wished it to remain a non-political organisation focused purely on culture, it became apparent even at this early stage that the link between the Irish language movement and nationalist politics had become more and more strongly established. By the time of the 1915 Ard-Fheis, when the league passed a motion devoting itself to “solely realising the dawn of a free Gaelic-speaking Ireland”, the link had been firmly and resolutely established. Writing privately in 1918, Hyde was forced to admit that the Gaelic League had become a body “to which no Redmondite and no Unionist can any longer subscribe”<sup>4</sup>

In more recent times the usage of the Irish language has been acknowledged as an implicit endorsement of nationalist political agitation. Goldenberg claimed that the signing ceremony of the 1985 Anglo-Irish Agreement represented this reality starkly stating, “Although the agreement didn’t contain anything that dealt specifically with linguistic rights, it did address the issue of identity and cultural heritage. In a moment symbolic of a new political era, Irish Taoiseach FitzGerald and British Prime Minister Thatcher signed the Agreement at Hillsborough Castle on November 5<sup>th</sup> 1985. The Taoiseach signed his name in Irish and part of his speech was in Irish. He declared that nationalists could now hold their heads up high. It was a triumph for constitutional nationalism and simultaneously a devastating moment for unionists. According to Ruane the speech in Irish “symbolised a rejection of British culture and

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<sup>3</sup> MacPoillín A (Ed.). *The Irish Language in Northern Ireland*. pp. 37. The Ultach Trust. Belfast 1997.

<sup>4</sup> MacPoillín A (Ed.). *The Irish Language in Northern Ireland*. pp. 42. The Ultach Trust. Belfast 1997.

implied an affirmation and legitimisation of the whole history of Irish nationalist rebellion”<sup>5</sup>

The period after the Anglo-Irish Agreement saw a rapid expansion in the provision of Irish medium education. Since 1990, Irish medium schools have been opening at a rate of six to seven per year<sup>6</sup>. According to Gabrielle Maguire, who conducted a survey in 1991 on why parents sent their children to these schools, political motivations are to the forefront: “(It was a) source of motivation and decision. Parents sought a sense of belonging to the Irish nation rather than merely being seen as members of a British province”<sup>7</sup>.

This comment indicates the clear and present connection between political nationalism and the Irish language which was fomented as far back as the 1890’s and has continued right up until the present time. It is clear from even this cursory glance over the use of Irish for the last 110 years that the promotion and advancement of the language is viewed as part of the struggle towards a United Ireland by nationalists – a struggle that was provided a rallying point in the language, that was conferred legitimacy by the use of the language and that has at its heart the deployment of the language as an explicit rejection of British/Unionist culture. No reasonable person today could attempt to claim that nationalist politics and the promotion of the Irish language are two divisible aims. They are clearly two sides of the same coin.

Goldenberg stated “Politics and the Irish language have become quite inseparable....Whereas previous revivals were largely Protestant and middle-class, it is interesting to note that the latest revival is grassroots and principally among ordinary working-class nationalists. They want to speak Irish because of deeply held beliefs and a sense of identity, rather than out of academic interest”<sup>8</sup>

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<sup>5</sup> Goldenberg, L. *The Symbolic Significance of the Irish Language in the Northern Ireland Conflict*. pp.26. The Columba Press. Dublin. 2002

<sup>6</sup> Goldenberg, L. *The Symbolic Significance of the Irish Language in the Northern Ireland Conflict*. pp.30. The Columba Press. Dublin. 2002

<sup>7</sup> Goldenberg, L. *The Symbolic Significance of the Irish Language in the Northern Ireland Conflict*. pp.30. The Columba Press. Dublin. 2002

<sup>8</sup> Goldenberg, L. *The Symbolic Significance of the Irish Language in the Northern Ireland Conflict*. pp.40. The Columba Press. Dublin. 2002

### **Departmental Question responses:**

It is our contention that the absence of a question on whether or not Northern Ireland actually needs an Irish Language Act is indicative of the approach adopted by the government on this issue, with a pre-determined, politically-motivated outcome. It is clear that government has conceded that there *will be* an act and what we are now discussing is the shape and future form of that act. We reject such a determinist approach – we detect no great clamour of public support for the introduction of such legislation, even within the nationalist community and are disappointed that the government did not allow a fundamental question such as that outlined above to be put to respondents.

#### ***1. Which of the above approaches is the most suitable for the development of Irish language legislation in Northern Ireland?***

In examining which of the outlined options (1. rights-based approach, 2. an approach based on detailed duties on public bodies, 3. an approach based on language schemes and 4. an approach based on a combination of the above), we cannot recommend any as a way forward. The proposals outlined all have massive public resource implications (provision of translations services, cost of enforcement via an oversight commissioner/board etc.) and in our opinion will deliver such a minimal return and will ferment undesirable divisions that we do not find ourselves in a position to support any of them. We regret the failure to properly cost these options.

We have no doubt that there are a small number of dedicated Irish language enthusiasts who would like to see such a situation arise whereby local authorities and government departments are required by law to communicate in Irish where it is so requested, but we are not satisfied that sufficient demand for this service exists even within the 168,000 people in Northern Ireland who identified themselves as having some knowledge of the Irish language. “Some knowledge” of course embraces many with the most fleeting comprehension.

Indeed, it is apparent that POBAL, an organisation which in our view meets the definition of a small but dedicated interest group, have had a direct and disproportionate influence on the formation of the Department's discussion document. However, the same discussion document concedes that the number of Irish speakers has risen only by 1% between the 1991 and 2001 census<sup>9</sup>. This being the case we see no need whatsoever for such draconian and heavy-handed legislation to be introduced. We fail to see how a situation which creates an unnecessary layer of public bureaucracy and which will increase the costs to the rate/taxpayer should be created. We do not deny the right of people, who wish to speak, learn or practice Irish to do so, but any of the four options outlined above places, in our view, an unnecessary degree of obligation to facilitate such use in every-day life, when such a situation does not already exist. English is the every-day language of almost everyone in Northern Ireland; it is absurd and unnecessarily costly therefore to accommodate the demands of a small minority of enthusiasts in this way.

Furthermore, we reject wholesale, the very notion which lies at the heart of this proposed legislation, namely "the enhancement and protection of the development of the Irish language is an important and significant matter for Northern Ireland"<sup>10</sup>. *At a time when European funding is falling to minimal levels, when the industrial sector of Northern Ireland is declining and when there is a crisis of confidence in the future of our agricultural sector, it is inconceivable to us that government should be devoting so much of its time and energy to the introduction of any language scheme*, least of all one based on any of the four options outlined in the discussion paper.

The reality of the situation is however, that the introduction of this legislation, based on any one of the models outlines represents the elevation of one culture, namely the "Nationalist/Republican/Catholic" (a term used by the department) culture, to a place which is unmerited and totally unnecessary. The St. Andrews Agreement, which is only an agreement between two governments, brought forth this ill-conceived proposed legislation, as a concession to political nationalism, not because of any huge

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<sup>9</sup> Department of Culture, Arts and Leisure. Consultation Paper on Proposed Irish Language Legislation for Northern Ireland. pp.5. 13 December 2006.

<sup>10</sup> Department of Culture, Arts and Leisure. Consultation Paper on Proposed Irish Language Legislation for Northern Ireland. pp.3. 13 December 2006.

public demand for any of the approaches outline in the document. We are indeed perturbed by the lack of an Equality Impact Assessment being carried out before the consultation process was launched. Indeed it is worth examining the comments of Sinn Fein politicians on the issue to see just how closely their demands have been mirrored in the four options outlined in the paper.

In a press statement released on 13<sup>th</sup> December 2006, Caitriona Ruane said: "Sinn Féin has consistently raised this issue with the British Government and, at St. Andrews, the British Government committed itself to introduce an Irish Language Act. Irish language speakers in the north are entitled to the same rights and entitlements as everyone else. Of course, there will be resistance to an Irish Language Act but it is essential that this consultation process delivers maximum protections and fundamentally ensures that there are sufficient resources to promote Irish. Sinn Féin also want to see a specific commitment to an Irish Language Commissioner similar to the one operating in the south to ensure that there is an end to the piecemeal approach and foot dragging that has characterised the implementation of previous commitments to the Irish language."<sup>11</sup> That the four outlined options in the paper so accurately reflect the demands made by Sinn Fein on the issue is vindication of our assertion that this exercise is being conducted as a means of satisfying not public demand, but republican political pressure for the introduction of such legislation.

The DUP has been entirely consistent in our opposition to the elevation of the Irish language into a place which it does not merit within our society. Nelson McCausland has already highlighted the fact that *the government spends £18million annually on Irish Language projects, and the Department has publicly admitted such. This being the case, we are at a loss to understand why government should add many more millions to that figure by forcing local authorities and public bodies to comply with the heavy-handed proposals contained in the discussion paper.*

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<sup>11</sup> Ruane, C. <http://www.sinnfein.ie/news/detail/17128>. 13 December 2006.

***2. If a combined approach is the preferred option, what combination of rights and/ or duties and/ or language schemes is most suitable?***

We oppose any scheme which places any legal responsibility on any public body to communicate in Irish. We oppose the creation of an Irish Language Commissioner whose job it would be to force public bodies and statutory agencies to communicate in Irish. We do not accept that sufficient demand exists for this scheme and believe firmly that it will be costly, divisive and unnecessary and will only serve to add another layer of bureaucracy to our public administration, at a time when the government is supposedly committed to down-scaling the size of public administration.

The introduction of any of the four options outlined above will represent yet more investment in Irish on the part of central government, which presumably will fund the post of a Commissioner, whilst placing a burden on local government to draw up and implement Irish language policies where no demand exists for such policies.

***3. Is it necessary for Irish language legislation to create a new regulatory body?***

No it is not. Government already invests a significant level of resources in the Irish language, whether it is through cultural activities or Irish medium education. Significant resources from the European Union, particularly the PEACE programme have also been directed towards this sector. This is of course in stark contrast to the paltry levels of funding awarded to the Ulster-Scots sector, which is representative of the cultural traditions of the majority community in Northern Ireland. A regulatory body, which will be charged with ensuring that public sector bodies fulfil new requirements to support the Irish language and/or use it on a regular basis is not only too heavy-handed an approach to deploy in this regard, it will also place an additional financial burden on the tax-payer which should not exist. Public sector bodies and statutory agencies conduct their business perfectly adequately through the medium of the English language; forcing them to do otherwise in order to pander to a blatantly political agenda is unacceptable.

***4. If so, what type of regulatory body would be most suitable?***

The creation of an Irish Language Board and an Irish Language Commissioner are both equally unsuitable for the reasons outlined in previous answers.

***5. What functions should such a body have?***

None.

***6. Who should be responsible for appointing the body?***

All matters pertaining to the promotion and development of the Irish language should be left solely to the Northern Ireland Assembly to determine. It has become clear, both on reading the consultation paper and from utterances made in the public domain, that the type of Irish Language legislation envisaged by the Department has been crafted in such a way that will not command widespread cross-community support, regardless of which of the four options are chosen. All characteristics of this legislation, be it format, implementation, or oversight, should be left to the members of the Assembly to determine. We believe that undue haste in forcing this legislation through has been shown. This is characterised by the shoddy nature of the various assessment and proofing exercises carried out by the Department. To elaborate on that previously mentioned, the Minister, in correspondence with Jim Allister, admitted as much when she stated “As I’m sure you will appreciate the commitments made as part of the St. Andrews Agreement were high-level or framework ones, some of which require to be fully developed as part of Government’s policy development process”<sup>12</sup>. This was the Minister's response as to why the government proceeded to publish this consultation paper without any financial or equality proofing. Waiting until the Assembly is in a position to draft the legislation and carry out the necessary proofing exercises would ensure maximum public confidence, something which the Department has singularly failed to attain.

Moreover, in undertaking to promote an Irish Language Act, Government shows a preference to nationalist interests and demands. Whereas in the St. Andrews Agreement, “concessions” such as water rates and the retention of academic selection were made conditional on the return of devolution at Stormont, the Irish Language Act will proceed without devolution. This discriminatory treatment of Unionists has

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<sup>12</sup> Eagle, M, MP. Correspondence with Jim Allister MEP. 19 January 2007.



been the hallmark of the political process up until the present day. ***Indeed, the threat of an Irish Language Act is still being used as a “stick” to compel Unionists into devolution. In the interests of even-handedness we oppose any legislation touching upon the Irish Language until devolution is restored.***

***7. If prescribed duties approach or that of a language scheme is adopted, where should the ministerial role lie?***

As our view is clear - that the Northern Ireland Assembly and not the central government should bear the sole responsibility for drafting this legislation - we revert to previously provided answers.

***8. Should enforcement powers include a ministerial power to make binding directions and/or a power to make a compensation scheme?***

No. Statutory agencies and public sector bodies should be free to implement their own policy in relation to the Irish language. It is inconceivable, however, that the forced implementation of centrally-dictated policies, whether it be by a direct-rule Minister or one at Stormont, would make the running of government/public administration any more efficient. There are virtually no citizens who require the day-to-day use of Irish for the transaction of business or the ordering of services such as those provided by their local council. Forcing stakeholders down a road of coerced bilingualism is both unnecessary and costly and will do nothing to aid the smooth running of public bodies. On the contrary, we would contend that it will only serve to add to confusion and red-tape. There can be no question of public sector bodies being bound by a Minister or the courts to implement a bilingual policy.

***9. Should a provision on the status of the Irish language be included in an Irish Language Act?***

As the Irish language movement is bound so closely with political nationalism there can be no question whatsoever of Irish becoming an official language in Northern Ireland. Our view is that the recognition of Irish afforded under the European Charter for Regional and Minority Languages is perfectly sufficient. This charter recognises the existence of the language and its importance to many people; it also affords the language a degree of public recognition. Furthermore, as demonstrated at pages 19-31 below, under the Charter immense promotion of Irish has already taken place.

***10. If provision is included what should that provision be?***

Answered above.

***11. Where in the Act could a provision on status be located, i.e. in the long title or in the body of the legislation?***

The provision of the European Charter for Regional and Minority Languages is perfectly sufficient. New legislation is not necessary at this stage. Any provision on status or indeed the creation of any additional legislation should be a matter for the Northern Ireland Assembly.

***12. What further provision should be made in Irish language legislation for Irish medium education?***

We already fully meet our obligations under the European Charter for Regional and Minority Languages. Irish medium education should be subject to the same criteria as State schools when determining sustainability and/or eligibility for funding. The decision taken by the erstwhile Minister for Education, Martin McGuinness, to re-write the criteria in order to fund Irish medium education where there was clearly insufficient demand was totally undemocratic and discriminatory. The scale of the lack of demand for Irish medium education is evidenced by the fact that in the recent Bain Review on school provision, no fewer than six Irish language schools in Belfast have been earmarked for closure.

***Children should be treated equally and afforded equal opportunities and rights: bending the rules to favour politically-motivated interests is incompatible with that vision.*** There should be no special provision made for Irish medium education which would not be equally available to English-speaking children, who comprise the vast, vast majority of the school population.

***13. What provision on street names might be included in Irish language legislation?***  
None. Local Councils already have relevant powers.

## **APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL AND MINORITY LANGUAGES**

### **Introduction**

The European Charter for Regional and Minority Languages (ECRML) is a European Treaty which was adopted in 1992 under the auspices of the Council of Europe. Its main aim is to protect and promote historical regional and minority languages in Europe. The languages to which the Charter applies must either have a territorial basis and therefore be spoken by populations of regions or areas within the State or be used by linguistic minorities within the State as a whole.

The Republic of Ireland has not been able to ratify this Charter in respect of the Irish language (although in effect being a minority language) as Irish is in fact considered to be the official language of the Republic of Ireland. The United Kingdom, however, ratified the Charter in respect of Irish in Northern Ireland.

The Charter sets out a number of actions which must be implemented by State authorities to protect and promote the regional and minority languages. These actions are to be applied in the fields of education, judicial authorities, public services, the media, cultural activities, economic and social life and transfrontier exchanges.

### **UK Government's commitment**

Following the ratification of the Charter, the UK Government has wide-ranging obligations to meet, which are set out below. In the consultation document there is scant mention of these matters.

### **Article 8 – Education**

With regard to education, the Parties undertake, within the territory in which such languages (Irish) are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- to make available pre-school education or a substantial part of pre-school education in Irish to those pupils whose families so request and whose number is considered sufficient;
- to make available primary and secondary school and technical and vocational education or provide for the teaching of Irish to those pupils whose families so request and whose number is considered sufficient;
- to allow the provision of university or other forms of higher education in Irish or grant facilities for the study of Irish as a university or higher education subject;
- to offer Irish as a subject of adult and continuing education;
- to make arrangements to ensure the teaching of the history and the culture which is reflected by Irish;
- to provide basic and further training of the teachers required to implement the above actions.

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

#### **Article 9 – Judicial authorities**

The Parties undertake to make available in Irish the most important national statutory texts and those relating particularly to users of Irish, unless they are otherwise provided.

#### **Article 10 – Administrative authorities and public services**

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- to ensure that users of Irish may submit oral or written applications in Irish;
- to allow the administrative authorities to draft documents in Irish.

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- the possibility for users of Irish to submit oral or written applications in Irish;
- the use, by regional authorities, of Irish in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Irish.

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

- to allow users of Irish to submit a request in Irish;
- translation or interpretation as may be required.

The Parties undertake to allow the use or adoption of family names in Irish, at the request of those concerned.

## **Article 11 – Media**

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- to make adequate provision so that broadcasters offer programmes in Irish;
- to encourage and/or facilitate the broadcasting of radio programmes in Irish;
- to encourage and/or facilitate the production and distribution of audio and audiovisual works in Irish;
- to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Irish;
- to apply existing measures for financial assistance also to audiovisual productions in Irish;

- to support the training of journalists and other staff for media using Irish.

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

## **Article 12 – Cultural activities and facilities**

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- to encourage types of expression and initiative specific to Irish and foster the different means of access to works produced in Irish;
- to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of Irish and (its) culture in the undertakings which they initiate or for which they provide backing;

- to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of Irish, as well as of the language(s) of the rest of the population;
- to encourage direct participation by representatives of the users of Irish in providing facilities and planning cultural activities;
- if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in Irish.

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph. The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

### **Article 13 – Economic and social life**

With regard to economic and social activities, the Parties undertake, within the whole country:

- to facilitate and/or encourage the use of Irish by means other than those specified in the above sub-paragraphs.

### **Article 14 – Transfrontier exchanges**

The Parties undertake:

- to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

### **Assessment of implementation in 2003**

In the first periodical report presented to the Council of Europe on the implementation of the ECRML in 2002, it is stated that "the Irish language movement in Northern Ireland is essentially revivalist. **The last native speakers of Irish died in the 70s...**" Points made about Ulster Scots, also considered a regional or minority language in this context, state that "the Ulster-Scots language movement involves both native speakers *and* revivalists. The Ulster-Scots language is still *actively spoken* and transmitted intergenerationally in various parts of Northern Ireland." This introductory remark already confirms our belief that the Irish Language Act is not being implemented out of necessity but to satisfy another agenda, namely that of the Republican movement.

Furthermore in this report, it states that at the time (2002), "the UK Government and the Northern Ireland Assembly are committed through the Belfast Agreement to recognise the importance of respect, understanding and tolerance in relation to linguistic diversity including in Northern Ireland the Irish language and Ulster-Scots." Although this commitment took into consideration Ulster-Scots, Unionist Parties, whilst recognising the substantial number of speakers, did not campaign for this language to be made official, understanding only too well the costs and implications of advancing such a language.

We turn now to consider the actual implementation of the Charter in Northern Ireland and the steps which the UK Government has taken to ensure a high level of participation in the process. Following the summary of each Article, a short comment is made on the evaluation of the UK's implementation as stated in the report of the Committee of Experts from the Council of Europe whose task it is to make recommendations for the improvement of implementation.

### ***Article 8 - Education***

Under Article 8, many steps have been taken to encourage and further the knowledge of Irish. Among those were the 468 places funded for Irish-medium pre-school education/playgroups and Irish-medium nurseries which were made eligible for



grant-aid. Grant-aid status has been further approved for Irish-medium primary schools as it has been for some secondary schools. In the sector of technical and vocational education, the Further Education (FE) colleges offer Irish language courses at various levels and the Department for Education and Learning (DEL) and the Belfast Institute for Further and Higher Education provide funding for a *Jobskills*-based Irish language vocational training programme. University students at Northern Ireland's two main universities are provided with facilities for the study of Irish and, additionally, DEL provide targeted financial support to students in higher and further education, including students of Irish. Finally, the curriculum in Northern Ireland includes a scheme for cultural heritage, a common programme of study for teaching history and training for aspiring teachers of Irish.

**On every account, bar one in which the Committee of Experts assessing this report required more information, the UK considered each undertaking in the field of education to be fulfilled.**

#### ***Article 9 - Judicial Authorities***

Several key texts have been made available in Irish thus meeting the obligations of the Charter as agreed by the UK Government.

**"During the "on-the-spot visit" the Committee of Experts was informed that translation of statutory texts is an on-going work, and that gradually more such texts will be translated and made available in Irish." The Committee of Experts therefore considered this undertaking fulfilled.**

#### ***Article 10 - Administrative authorities and public services***

Departments of the Northern Ireland Executive and their associated bodies facilitate customers wishing to conduct their business in Irish, orally or in written form. Internal translation services allow letters to be received in Irish and the Northern Ireland Court Service facilitates customers who wish to undertake business in Irish, through means of a telephone answering service and the translation of correspondence.

Government departments have published several key documents in Irish including the Programme for Government and the Good Friday Agreement. The Northern Ireland Court Service also translated its draft Equality Scheme into Irish.

Regarding the use of Irish in debates in the Assembly, a provision exists for its use. An Irish speaker has been employed as a full time official for translation and interpretation and in local Councils, Newry and Mourne District Council provides a bilingual translation service for use by all members in all Council committees.

The request to have street names and place names in Irish was equally satisfied in 2002. There are no restrictions on this taking place but it does state in the report that "Councils must have regard to the views of the residents living in the premises of that street." The fact that street names have not been widely published in Irish would indicate that there is resistance to this action and that the population see no need for this kind of expenditure. Furthermore, the Ordnance Survey of Northern Ireland's cultural map and gazetteer of Ireland North already includes settlement names in English and the authenticated Irish form. This official recognition should suffice.

In terms of translation and interpretation in public services, much had been provided by 2002. The report states that the Linguistic Diversity Branch in DCAL facilitates translation requests for other government departments and associated bodies. DCAL further arranged a review of Irish language translation/interpretation requirements in the Northern Ireland Civil Service to be carried out and received bids for funds to establish a Central Translation Service. The Police Service of Northern Ireland (PSNI) trains a number of officers each year in the Irish language and there are Irish speaking officers who visit and address children in Irish in Irish speaking schools.

Finally, in relation to the obligation to allow the use or adoption of family names in Irish, there are no statutory prohibitions on a person's use of the Irish version of their name and the Northern Ireland Court Service accepts the use of a person's name in Irish.

**Other than in circumstances where the collapse of the Assembly prohibited certain obligations being met, the Committee of Experts deemed all undertakings fulfilled.**

### ***Article 11 - Media***

In relation to commitments made in the field of media, much has been provided: BBC Northern Ireland offers regular programmes in Irish on Radio Ulster and on television, BBC Radio Ulster transmits Irish programmes on a daily basis, the UK Government funded the Irish newspaper Lá for many years, Irish language productions are eligible for assistance under the Northern Ireland Film and Television Commission Lottery Scheme (though only one Irish script was received between 1997 and 2002), the BBC recruits Irish speakers and provides them with in-house training for their role as current affairs journalists/presenters of Irish language programmes and, finally, Irish language radio and television broadcasts from Ireland (RTE and TG4) are available in Northern Ireland.

***The Committee of Experts believes that all undertakings in relation to radio and newspapers have been fulfilled and is happy to conclude that the UK ensures no prohibitions in broadcasting.***

### ***Article 12 - Cultural activities and facilities***

In order to foster different means of access to works produced in Irish, Belfast Central Library has a substantial collection of Irish language material selected in response to consultation with teaching staff from local schools. Expertise in the Irish language is on hand and many events have been convened in partnership with the University of Ulster and Foras na Gaeilge involving Irish speakers talking about their work. Belfast Central Library, at the time of this report, employed two Irish speaking staff for translation work and conversational work with customers wishing to conduct business in Irish.

The Southern Library Board records and broadcasts programmes from TG4 and RTE on subjects relating to the school curriculum in Northern Ireland. The South Eastern Education and Library Board adopted a policy on Library Provision for Minority Languages in February 2000 which has allowed for welcome information packs to be made in Irish. The Western Education and Library Board provides Irish books and tapes, Irish newspapers and story telling. The North Eastern Education and Library Board buys Irish language material in various formats on request and to meet local demand. A separate budget was also established at that time for minority languages.

The Arts Council encourages writing in Irish by assisting the publication of books and magazines, supporting Irish language arts centres and promoting literacy readings with traditional music. Many museums have developed a Linguistic Diversity Policy whereby materials and services may be made available in Irish. Finally, through travel awards and international residency schemes, the Arts Council, in conjunction with the British Council and An Chomairle Ealaíon (Arts Council of Ireland), promote the arts from Ireland including Irish language arts.

**The Committee of Experts concluded that the UK has partially or wholly fulfilled each obligation.**

#### ***Article 14 - Transfrontier exchanges***

The North/South Language Implementation Body, the cross-border co-operation provisions of the EU Peace and Reconciliation Programme, and INTERREG are examples of multilateral agreements and cross-border cooperation.

**The undertaking here has been fulfilled.**

*So, already by 2002, the UK Government was living up to its international commitments.*

#### **Assessment of implementation in 2005**

*We turn therefore to the 2005 report by the UK Government on the implementation of the ECRML.*

In the introduction to the report by the UK Government, it is once again stated that there is no statutory definition of an official language in Northern Ireland as the majority of the population are monolingual English speakers and there are two indigenous languages, namely Irish and Ulster-Scots.

Following the recommendations of the previous report by the Council of Europe's Committee of Experts, the UK Government took even more steps to facilitate the Irish Language (However, nowhere in the report does it speak of Ulster Scots).

### ***Article 8 - Education***

Although previous actions met the agreed aims and objectives of the ECRML, the UK continued to take further actions in the field of education. These include increasing the number of funded places in Irish-medium playschools and primary schools, setting up an Irish-medium unit in the Council for the Curriculum, Examinations and Assessment (CCEA) and implementing a Programme for Government Target of growth of the number of pupils in Irish-medium schools sector. As a result, we have seen the increase in the number of students studying Irish at GCSE level. In relation to higher education, the Government now offers financial support for those Northern Irish students who wish to be placed in the medium of Irish to attend courses in the Republic of Ireland and have their fees paid. Since 2006 there has been a more "holistic" statutory curriculum aiming to enable young people to develop as contributors to society by focusing in themes such as citizenship, cultural and mutual understanding. Finally, in this field, the report informs us of the advisory teacher working within the Education and Library Boards who concentrates on literacy and of the second teacher in this realm who develops work on phonics for Irish-medium education.

### ***Article 9 - Judicial Authorities***

In addition to the texts which have been and were being translated into Irish, The Human Rights Act 1998 is currently under translation.

### ***Article 10 - Administrative authorities and public services***

In relation to the submission of oral or written applications in Irish to public bodies, the UK Government has taken more action by ensuring that staff members of Department of Agriculture and Rural Development (DARD) can speak Irish. Education and Library Boards also now facilitate clients who wish to submit applications in Irish.

Several Departments have produced key documents in Irish, including DCAL, Department of Finance and Personnel (DFP), Department for Regional Development (DRD), the Department of Education (DE), CCEA and the Interdepartmental Charter Implementation Group (ICIG).

Two District Local Councils have language policies and there is ongoing contact with other Councils. Local Government staff have also received Irish language awareness training.

With regards to the adoption of place names in Irish, the Driver and Vehicle Licensing Agency is currently considering the issuing of driving licences in Irish to drivers on request.

### ***Article 11 - Media***

Further to actions taken to satisfy the Council of Europe in 2002, extra measures have been taken in the field of media. BBC NI now offers more programmes of an Irish nature. An Irish Language Broadcast Fund of £12m over four years was approved by the European Commission in 2004 and at the British/Irish Intergovernmental Conference on 2 March 2005, the two joint chairs signed an Intergovernmental Agreement granting authority for TG4 to use a UK frequency to broadcast in Northern Ireland. TG4 has now been running in Northern Ireland since 4 March 2005.

### ***Article 12 - Cultural Activities and Facilities***

Since 2002, Library Boards in Northern Ireland have continued to promote Irish. Welcome posters are displayed in libraries, the Director of Libraries met with Foras na Gaeilge and one Board in particular has held a consultation process on its draft Community Languages Policy which includes Irish. The Arts Council has played a very active role in promoting Irish by funding a twice weekly supplement in Lá, enhancing funding to the magazine An tUltach, funding a year long Northern Irish-wide arts roadshow with POBAL, instituting the first Writer-in-Residency in Irish in the island, supporting the Irish language centres in Belfast and Londonderry and promoting literary readings with traditional music. In addition to this, individual libraries have undertaken various actions to welcome and work with Irish speakers. Finally, DCAL created a desk in the Northern Ireland Bureau in Washington DC to promote Northern Ireland arts and cultural issues in the United States.

### ***Article 14 - Transfrontier exchanges***

The Department of Education funds the East-West pilot project which aims to link schools in Northern Ireland, the Republic of Ireland and Great Britain, and is currently doing so with one school in Northern Ireland, the Republic of Ireland and Wales.

We are currently awaiting the opinion and recommendations of the Committee of Experts to be published regarding this report. No doubt, as in the past the Government will be swift to act on any recommendations: further confirming the lack of need for an Irish Language Act.

### **Conclusion**

Some foolish people try to compare the promotion of Irish with steps taken elsewhere in Europe in regard to living minority languages. The situation of Irish speakers in Northern Ireland cannot be compared, for example, to speakers of Catalan in Spain or speakers of Russian in Finland. In these European countries, the regional language in question is widely spoken and used in every day life. Not only does it form a part of the history of these countries, but it plays an active role in current society. The attempt of the UK Government, alongside republicans and nationalists, to bring Irish back to life is nothing but a political resurrection campaign which has no added value or benefit to the Northern Irish citizens. Furthermore, the promotion of regional and minority languages in countries such as Spain and Finland have no political strings or baggage. There is a genuine need and interest in preserving and advancing a *living language* and, in comparison to what is happening in Northern Ireland, there is no opposition to be considered and no legislation being foisted upon the local population. The UK Government has met and at times exceeded that which is expected of them in relation to their duties of implementing the Charter. Therefore, in no way, can the Irish Language Act be considered justified in the name of European obligations.

## **Equality Impact Assessment (EIA)**

We have already commented adversely on the slapdash and appalling approach of DCAL to equality screening and impact assessment in the introduction to our response to these consultations. We refer to and again rely upon same at this stage, believing that the belated publication of a consultation on Equality Impact Assessment on 19 January 2007 does not rectify the absence of a lawful basis being laid for proceeding with the Government's proposal for an Irish Language Act.

### **Adverse impacts**

Moreover, we repeat the point that by its hasty and patently inadequate screening, upon which premature and unwarranted conclusions were made (particularly, the absence of any adverse impacts), the EIA now being consulted upon is flawed because it is tainted by and bound up with that flawed screening process and DCAL's pre-emptive finding. With this EIA we are, for DCAL, now in the territory of self-fulfilling prophecy.

Perhaps somewhat embarrassed by the audacity of the claim of "no adverse impacts", we now see in paragraph 2.4 the concession that such could exist for certain sectors "depending on which approach is adopted". This muddled thinking is left unexplained. Lest there be any doubt, we say there are very definitive adverse impacts for the majority community in Northern Ireland in the introduction of an Irish Language Act, irrespective of which approach, or model, is adopted.

### **Status of Irish**

We note that the EIA ignores the important matters of "status" of the Irish Language and street names, though these are prominent issues in the main consultation document. Why is this so? Aren't these issues just as capable of throwing up equality issues as those selected for examination? In consequence, they should have been included and any EIA is deficient without them.



### **Level of knowledge**

In paragraph 5.1 of the Consultation document on the EIA there is repetition of the dubious assertion that 167,490 people have "some knowledge" of Irish. The level of knowledge is unspecified; there is no attempt to objectively verify it. Rather, it is lifted from the 2001 Census, where there may well have been self-serving exaggeration at work. One thing is clear there is only a very small number of people in Northern Ireland for whom Irish is their main or sole language (as conceded by the Minister in her letter of 19 January 2007 (included in Annex B). Undoubtedly there are now many more citizens in Northern Ireland whose main or only language is Polish or Portuguese, than Irish. Yet, we find no rush to pander to their linguistic "needs".

### **Equal Treatment v Discrimination**

At 6.12.2 a point is properly made that "There is a serious risk to equity, if a special right is given to one sector of education; other's views could be said, as a consequence, to be diminished and, if resource allocation was affected by this special right, other sectors could argue that their treatment was inequitable." This is a correct assessment (further amplified at 6.12.8), but it is not restricted to education, it applies across the board. DCAL has lost sight of this point in failing to follow this up with a finding of pursuit of an Irish Language Act having an adverse impact upon unionists. The point is illustrated by how the EIA deals with its conclusions at 7.1 and 8.1, to which we shall return.

DCAL could learn from concepts which it is claimed are practiced by the Department of Education, as cited at 6.12.7 & 8. If it is correct, and it is, that while the Education Department has a duty to encourage and facilitate the development of Irish-medium education, "that duty does not imply extending preferential treatment to the sector", then, by the same token facilitating the Irish Language should not involve preferential treatment for its adherents. Furthermore, at 6.12.8 it is accepted that a rights based approach to the provision of Irish-medium education "could impact adversely on equality since the promotion of Irish-medium education is so closely aligned to religious and political affiliation in Northern Ireland". Again, by the same token, the promotion of the Irish language itself could have the same impact because it is every

bit as much aligned to religious and political affiliation as is education through that medium. Thus, let DCAL apply the lessons from what it recites in 6.12.7 & 8.

### **Language Scheme Approach**

In 6.12.9 it is contended that this adverse impact is likely to be less in a language scheme approach. We do not accept that the impact is less, though we note the concession that the impact is still adverse. Strangely, then, these considerations do not figure in the EIA conclusions! A language scheme which inevitably promotes the Irish language, inescapably causes an adverse impact on equality because of the close alignment to political and religious affiliation. Statutory duties on public bodies, which are inspired by a desire to promote something, manifestly translate into benefit, adverse to the interests of others, for those so benefited. It is fatuous to pretend otherwise, as in 6.12.9.

By the time the EIA gets to paragraph 6.13 the earlier recognition that promotion of Irish could impact adversely on equality, because it is so closely aligned to political and religious affiliation, is forgotten. This is not the only reality which is overlooked in the contemptibly short consideration given to the impact of Irish in the Northern Ireland Assembly.

### **Implications for translation and interpretation services**

There is no consideration to the cost implications of what would be an unnecessary but hugely expensive translation service, nor is there any reflection of the adverse impact on the operation of the Assembly as a parliamentary debating chamber. One need only look at the European Parliament to see the stultifying impact of multi-language use upon debate. Translation, no matter how good, involves a time lag and loss of nuance which kills the spontaneity of debate, removes the cut and thrust so necessary to the sifting of opinions and all in all greatly diminishes the quality of debate. Thus, the Assembly itself would be a loser if the Irish language was introduced as anticipated and thereby the entirety of the people of Northern Ireland would be denied a parliamentary chamber of vibrancy and effect.

It is trite to say that because a translation service would enable all non-Irish speakers to understand any proceedings in Irish, there is no adverse impact on any of the Section 75 groups. As already pointed out, the adverse impact on equality comes from the alignment of Irish to a particular religious and political affiliation. English on the other hand is cross-party and cross-community and thus unaligned to any political or religious affiliation and thereby incapable of impacting adversely on equality. A move away from that which is genuinely cross-party and cross-community in order to promote a sectional and sectarian language cannot escape adverse impact on equality.

### **Implications for the Justice System**

Whereas the EIA gives a more fulsome treatment to Courts and Tribunals it is equally disappointing in its failure to address key issues. Instead several pages are devoted to data collected in a court exit survey, yet no data was collected about the court-users' ability to speak Irish. Thus, making the exercise largely irrelevant. Then, without laying any empirical basis the amazing conclusion is reached that the introduction of an Irish Language Bill can have a positive impact on Roman Catholics, nationalists and younger people but "the policy should have no adverse impacts." Again, the fundamental point exists arising from the affiliation of Irish to a singular religious and political persuasion.

However, even more practical matters arise which the EIA largely ignores. Justice is often attained through the medium of effective cross-examination. Many cases turn on this, as witnesses are either exposed as liars or proven to be worthy of belief. Cross-examination is an effective tool because it keeps the witness focused and under pressure in respect of key issues. Introduce a layer of translation and cross-examination loses most of its impact and potential to serve the interests of justice. Witnesses exploit the delay and have time to think how to dodge the question. Yet, strangely this consultation document gives no thought to such matters.

Moreover, already delay is a key problem in our criminal justice system. It was the subject of a major thematic review in 2006 by the Criminal Justice Inspection Northern Ireland. Kit Chivers, Chief Inspector of Criminal Justice, at CJI's annual

stakeholder conference in January 2007 identified delay as one of the main issues that needed to occupy CJI over the coming year. Yet, here we have a department advocating an unnecessary Irish Language Act which will inevitably aggravate delay in the criminal justice system and waste valuable resources which otherwise could go to providing a swifter and better quality of justice for all. And all this, as is acknowledged on page 18 of the consultation on the EIA, in circumstances where there is "unlikely to be a high level of demand for Irish to be used in legal proceedings."

Whereas at 16.14.6 there is some limited acknowledgement that the introduction of Irish into the courts system would offend Unionist/Protestant sensitivities, there is no evidence of any desire or intent to face up to that. Rather there is the preposterous conclusion that the introduction of Irish in courts and tribunals "would have the potential to improve good relations between persons of different religious belief and different political opinion." What nonsense! Indeed, given the alignment of Irish to political and religious affiliation it is conceivable that in a court case, perhaps with sectarian overtones, it could be deliberately used by one party or the other to cause aggravation and discomfort, maybe even to a victim of crime. Yet, this EIA thinks its use could impact positively on good relations!

### **Unionist/Protestant Sensitivities**

Dealing further with this inane contention that the introduction of an Irish Language Bill has the potential to improve good relations, DCAL's untenable position is well illustrated by the content of paragraphs 7.1 and 8.1. In 7.1 there is a grudging acknowledgement of sensitivity in the Unionist/Protestant communities that "needs to be taken account of". Yet, without a backward glance at that reality the consultation document moves to the amazing conclusion in 8.1 that "the policy will have only positive impacts". It seems, then, that Unionist/Protestant sensitivities count for nothing. Bearing in mind the alignment of Irish with only one section of our divided society it is untenable to contend that its promotion is bereft of adverse impacts and blessed only with positive impacts.

The matters set out above should convey to a Department, even one as unwilling to listen as DCAL, our view on the questions posed in paragraph 8.3.

## **CONCLUSION**

This consultation process is irredeemably flawed. For the reasons amply detailed in this response, the present consultations should be withdrawn and a fresh start made by consulting on the concept and need for any legislation touching upon, but not exclusive to, the Irish language, remembering that Ulster Scots is an even more vibrant manifestation of culture in Northern Ireland. Such a process would permit genuine assessment and conclusions, rather than the present farcical and partisan process, which is predicated on a non-equality proofed, hasty political decision, offered as a sop to republicanism at St Andrews.

The Irish language and its usage is a deeply divisive political issue. Indeed, in the consultation document the Department, with great reluctance, makes some acknowledgement of this. There are strong feelings and sensitivities within both main communities regarding the issue. This being the case, we believe that the sort of draconian approach outlined in the Department's four options is entirely unacceptable to the majority community in Northern Ireland. Equally we recognise the protections afforded to the Irish language by the European Charter on Regional and Minority languages – we believe that these protections alone are perfectly sufficient.

Any legislative changes must be left to any future Northern Ireland Assembly. The representatives of the people of Northern Ireland know much better than Direct Rule Ministers what the community will find acceptable and what they will reject. If government is serious about guaranteeing public confidence, they must proceed on this basis.