

POBAL proposals on an Irish Language Act

In June 2012 POBAL published The Irish Language Act – Issue 2. They themselves described this as “POBAL’s 2nd issue of proposals for an Irish Language Act” (see <http://www.pobal.org/uploads/images/Acht%20na%20Gaeilge%202012.pdf>).

This document is largely a rehash of their previous publication The Irish Language Act NI – Issue 1 dating from December 2005 (see <http://www.pobal.org/english/wp-content/uploads/2013/03/9.-Act.pdf>).

It is noteworthy that one of the changes made to the 2012 document is that the names of Gerry Adams and former Sinn Fein MLA Francie Brophy disappear from the acknowledgment section while Bail McCrea is acknowledged in the later document.

POBAL’s guiding principle in the document is that Irish should be an official language in Northern Ireland on a par with English.

The Northern Ireland Assembly

POBAL want to see Irish become an official language of the Assembly. This would mean that where Irish is used in any debate or other proceeding of the Assembly, its committees or its other bodies, simultaneous interpretation must be made available to all participants in the proceedings, as well as observers, including members of the public, journalists, and so forth. Another option that was considered was a requirement to provide simultaneous interpretation of all proceedings, such that when English (or, indeed, any other language) is used, simultaneous interpretation would be made into Irish.

POBAL admit that due to human resource implications, and in particular, the limited number of trained interpreters this would take time to implement.

They also demand that the official report is produced in a fully bilingual format.

They suggest that both be brought in over five years because of the staffing issues this will create.

They then move on to legislation and raise the prospect of both the English and Irish versions being of equal legal force and effect meaning that both would have to be consulted by lawyers and judges in resolving any ambiguities in either the Irish or English language version.

The Northern Ireland Assembly should present a fully bilingual image, should use bilingual signage, should accept communications in Irish and respond to such communications in Irish, on the same basis as would apply in respect of communications in English, and should take steps to train and/or recruit staff with the requisite language skills to allow for the full implementation of these commitments.

Comment

It is noteworthy that in the run up to the last Assembly election the Irish News surveyed candidates across political parties on their ability to speak Irish. Just five Sinn Fein candidates (less than 15% of the party’s total) said they were fluent in the language while in the SDLP just one candidate described his ability as fluent.

Across the board just 3% of candidates claimed they could speak Irish fluently. No candidate standing for a Unionist party said they had any ability in Irish.

It is worth remembering that Irish is already permitted in the Assembly chamber.

However, even if one assumes that the use of Irish will become common in the Assembly chamber and in committees one has to consider what impact this will have upon the cut and thrust of debate and the ability of MLAs to engage with each other. So-called “simultaneous translation” will always result in a delay between the words spoken by the member and the translation.

The same issue will arise in committees.

Additionally, often in Assembly and its committees the detail of what is being said is important. Should Irish be used in the fashion proposed MLAs who do not speak the language will be at a disadvantage as the nuance will frequently be lost in a translation.

More serious than any of this, however, is the suggestion that Irish and English texts of legislation could have equal force. This would make it extremely difficult for a non-Irish speaker to obtain employment in the legal profession as ambiguities are bound to arise between the two versions.

Local Authorities

POBAL propose that Irish become an official language of local authorities and that everyone have the right to use that language in any meetings.

Where Irish is used simultaneous interpretation from Irish into English and for Irish speakers simultaneous interpretation from English into Irish be available to participants, the media and the public.

Within 5 years every local authority would be obliged to review the feasibility of printing and publishing simultaneously in Irish and English, and any other language which the local authority chooses, any enactment by the local authority.

Comment

Many of the points made about the proposed use of Irish in the Assembly as envisaged by POBAL could be repeated in relation to local councils.

The imposition of aggressive Irish language policies by Nationalist controlled councils in Northern Ireland have already lead to tension between the communities with staff from a Unionist/Protestant background complaining that they felt uncomfortable and intimidated in Fermanagh and Newry, Mourne and Down. It has also resulted in complaints to the Equality Commission – strange indeed if this is all really just about equality!

Administration of Justice

POBAL propose that a person may use Irish in, or in any pleading in or document issuing from any court, tribunal or other similar decision-making body in Northern Ireland.

They also suggest that every court or tribunal in Northern Ireland have the duty to ensure that any person appearing in or giving evidence before it may be heard in Irish, if he or she chooses, and

regardless of the ability of that person to speak and/or understand English, and that in being so heard will not be placed at a disadvantage by not being heard in English and that where a person chooses to participate through the Irish language, he or she shall be provided with an interpreter.

They propose that all driving licence, passports and visas, birth certificates, death certificates and marriage certificates and civil partnership certificates be available in Irish.

Courts should present a fully bilingual image, should use bilingual signage, should accept communications in Irish and respond to such communications in Irish, on the same basis as would apply in respect of communications in English, and should take steps to train and/or recruit staff with the requisite language skills to allow for the full implementation of these commitments.

Comment

The administration of justice will be hindered by court hearings being multi-lingual.

Often evidence is judged not just by what is said but how it is said. How much of that will be lost when a translator comes between a witness and those hearing their evidence?

There are sound reasons for insisting that only English is used in our courts and removing that requirement will be a retrograde step.

The changes proposed above, coupled to the possibility that legislation in Irish would have equal weight with the English language version, would make the law a closed profession for non-Irish speakers.

Public Services

POBAL propose that every public body specified under the Act be required to fulfil 14 obligations in relation to Irish including:

accepting written and electronic correspondence and other submissions in Irish, and providing any response in Irish within the same period of time as would be allowed for a response in English, accepting oral messages in Irish, either by use of Irish-speaking specialist staff in particular offices or departments or by use of a centralised call centre at which Irish-speaking staff will be available, and providing a response in Irish within a reasonable period of time, authorising and encouraging staff to learn Irish to a sufficient level to carry out their work duties through the medium of Irish, providing ongoing Irish language training as part of professional development, and providing sufficient financial resources to make this practicable, taking appropriate measures to recruit Irish-speaking staff, including advertising all posts bilingually (including in a comprehensive range of Irish language media) and ensuring that Irish is designated as an advantage for posts when this would be appropriate, ensuring that the corporate identity of the public body is presented bilingually, so that all information (including but not limited to the name of the public body itself) that is given on stationery, business cards and vehicles is given in both Irish and English (using lettering of the same size in the two languages), ensuring that all signs on the exterior of buildings used by the public body give the name of the public body and all other information contained on the sign is in both Irish and English, ensuring that the public body's website uses Irish to the maximum extent practicable and provides all essential information concerning the body's operations in Irish, ensuring that the following documents are published, both in printed and electronic form, simultaneously in both Irish and English and ensuring that appropriate steps, including the provision of simultaneous interpretation services, are taken to ensure that Irish may be used at any public meetings held by the public body.

Anyone who feels that a public body has not fulfilled its obligations in this area would be entitled to bring a complaint to the Irish Language Commissioner and ultimately to the courts.

Comment

Obviously all of this will represent huge additional cost on public services which are already under pressure financially.

Again, it is important to stress that the proposals put Irish speakers at a huge advantage when applying for jobs in the public service sector.

One also has to consider the chilling effect these proposals will have not just on staff but on members of the public who do not see Irish as part of their cultural identity.

Employment

POBAL propose that all employees should have the right to use Irish in the workplace. While they state that employers should be permitted to establish English as the ordinary means by which the employer's business operations are to be carried out they insist that in no case should restrictions be placed on the employee's basic right to use the Irish language in the workplace (e.g. in interactions with fellow employees, customers, clients or members of the public).

Comment

This has the very real potential to generate tension within the workplace as non-Irish speakers will not understand what is being said. Given that Irish is almost exclusively identified with one section of the community divide in Northern Ireland the potential for problems is obvious. POBAL say that "abusive or insulting language in Irish could of course still be actionable". What they don't say is that it is obviously difficult to prove someone has been insulted in a language they do not understand.

Education

POBAL make a very large number of suggestions with regards to education. At its core, however, is that the legislation will give all parents in Northern Ireland an explicit right to have their children receive Irish-medium preschool, primary and post-primary school education, wherever there is sufficient demand for such education.

All parents in Northern Ireland will have the right to have their children taught the Irish language at all stages of primary and post-primary school education in the English-medium maintained, controlled and integrated sectors.

The Department of Education NI shall within one year of the coming into force of this Act prepare a strategy outlining how it will adequately resource and promote the teaching of Irish in English medium education in maintained, controlled and integrated sectors.

The provision of the teaching of Irish, or the existence of extra capacity for the provision of the teaching of Irish, shall not affect in any way any decision regarding the provision of Irish-medium education, Nor will the existence of any extra capacity in English-medium schools in terms of places or provision or any other matter affect in any way any decision regarding the provision of Irish-medium education.

It shall be the duty of Queen's University Belfast and its associate colleges, and of the University of Ulster, to take resolute action to encourage, facilitate and provide adequate funding for the development of Irish-medium higher education and the teaching of Irish as a subject at institutions of higher education.

Comment

POBAL pays no attention to the fact that Irish medium education already receives preferential treatment in Northern Ireland. For example, while Lisnaskea High School was closed for having "only" 140 pupils an Irish language school was approved on the site of the old school which had just 38 pupils.

These proposals would put Irish at an even greater advantage and draw resources away from other sectors.

The Media

POBAL's proposals require:

provision for an Irish-medium television service in legislation, significant funding on an annual basis to an Irish-language television service in Northern Ireland; The UK government must ensure that RTE TG4 and Raidió na Gaeltachta are generally available, with a signal of adequate strength and quality, in all parts of Northern Ireland, free of charge, and make every effort to ensure with the Irish government that a sufficient proportion of programming on both services is produced in Northern Ireland.

POBAL have made specific proposals about the nature of an Irish-language radio service, to ensure that, regardless of the level of provision made by the BBC, a proper radio service will be available; this service could, however, be a BBC service.

The proposals require that the UK government ensure the presence of Irish in commercial television and radio in Northern Ireland through the license conditions imposed on broadcasters.

The Secretary of State shall provide sufficient financial and other support to ensure the publication in Northern Ireland of at least one daily newspaper in the Irish language.

The Secretary of State shall provide adequate funding to support an on-line Irish language news and analysis service, an on-line Irish language magazine with video and audio content, aimed particularly at a youth audience.

The legislation will require the Secretary of State for Northern Ireland to improve access for Irish speakers to employment opportunities in the full range of media.

So that Irish speakers are appropriately trained to take full advantage of the new opportunities, the legislation shall require the Secretary of State to ensure adequate funding for the promotion and delivery of Irish language Media Studies courses at all levels in the education system, and to ensure adequate funding for training programmes for a range of employment opportunities, including training for journalists, technical media staff, editors and producers.

Comment

As with many of these proposals a key issue is the astronomical cost to the public purse. If demand for Irish language media is so overwhelming that it requires special media study classes to be subsidised by the public purse and many additional demands on the BBC licence fee payer, why would the Government also need to provide support towards the publication of an Irish language newspaper?

Concluding Comment

An Irish Language Act along the model proposed by POBAL would create serious equality issues.

The Equality Commission has pointed out that the views of the Protestant and Roman Catholic communities on the use and promotion of the Irish language are distinct e.g.

- A significantly higher proportion of Catholics than Protestants were in favour of Irish language usage (66% and 14% respectively);
- Around one out of every two Catholics (52%) said Irish was important to their personal identity compared with one out of every twenty Protestants (5%);
- Almost three-quarters of Catholics (74%) and less than a fifth of Protestants (18%) agreed that the use of Irish should be supported and encouraged throughout Northern Ireland.

The aggressive promotion of Irish which will follow an Irish Language Act will be hugely divisive.

Additionally, Irish speakers are found in much greater numbers in the Roman Catholic community than in the Protestant community. This will mean that if an Irish Language Act is brought forward Protestants will be at a serious disadvantage within the jobs market. Several times within this document POBAL explicitly say that public bodies will have to look for Irish speakers to fulfil specific roles.

If public bodies have to respond in Irish, the courts have to be able to try cases in Irish, the media radically increases its output of Irish medium programming and Irish is generally something which is not just accepted as part of the cultural diversity within Northern Ireland but required by law to be actively promoted and celebrated then those who do not speak it will be at a serious disadvantage when it comes to employment in a post-Irish Language Act Northern Ireland.

Much of what POBAL says is dressed up in the language of rights and equality yet no thought is given to those who, if the proposals were implemented, would have their own rights seriously impinged.

Proposals this wide-ranging and this sweeping would promote one culture in Northern Ireland to the detriment of another.

This is a serious equality issue which has been ignored when it comes to the discussions around this matter.

POBAL may now be talking the language of equality but it is in reality the equality of Orwell's Animal Farm where all are equal but some are more equal than others.