

**A Statement by Edwin Poots MLA, Minister of Culture, Arts and Leisure,  
to the Northern Ireland Assembly on the proposal to introduce Irish  
Language legislation.**

**16 October 2007**

I have today placed in the Library of the Assembly copies of a report summarising the responses received during the March – June 2007 consultation on the proposed Irish Language legislation.

The main focus of this second consultation was to ascertain public opinion on a possible legislative framework for Irish language legislation. The draft framework proposed the creation of a duty on public authorities to prepare a language scheme, specifying the measures which they would take on the use of the Irish language in the provision of their services.

The establishment of a new oversight body, an Irish Language Commissioner, was also proposed, who would have the function of approving and overseeing language schemes. In addition, it proposed that a person would be able to use Irish in legal proceedings in courts and tribunals sitting in Northern Ireland subject to the provision of notice and the interests of justice. And finally, a draft provision had been included enabling certain statutory forms to be made available in Irish.

11,000 written responses were received as well as petitions containing 629 names. 65% (7,500) of the total number of respondents indicated support for some form of legislation. 35% (4,129) of all respondents were against any form of legislation.

Approximately 80% of all responses were submitted in the form of a proforma drafted by individuals or organisations to assist themselves and others in responding to the consultation document.

168 organisations responded.

I want to thank all the individuals and organisations who responded to the consultation. The sheer numbers of responses confirms the strong and divergent views on this issue throughout the community. It is my intention to publish all the responses on DCAL's website by the end of this calendar year in line with Departmental accessibility guidelines.

Among those in favour of legislation there was a divergence of views as to the form that legislation should take. The majority in favour of legislation advocated a “rights based” approach.

Those opposed to legislation raised a number of concerns including the significant resource consequences of implementing legislation, the potentially divisive repercussions of legislation together with concerns that the proposed legislation was a political concession in the context of the discussions at St. Andrews.

Turning to the issue of costs, in 2006/07 Northern Ireland Civil Service Departments and the Northern Ireland Office incurred expenditure of £20.62 million on a range of Irish Language projects and Irish Language translations. This figure includes £10.3 million from the Department of Education for Irish medium education. This does not include expenditure incurred by the Northern Ireland Court Service or Local Councils on Irish translations and linguistic diversity projects. Nor does it include the resources (salaries and running costs) deployed by the various departments in arranging the commitments associated with the £20.62 million annual expenditure.

Members will appreciate that it is difficult to estimate the cost and resourcing issues that could arise from Irish Language legislation. For example a “rights based” framework would likely have greater cost than a “language scheme” framework. Equally, it is difficult to estimate the cost and resourcing requirements of a “language scheme” framework without clarity of the content and extent of a typical “language scheme”.

Officials in my Department undertook a high level exercise to estimate the possible cost of implementing the indicative legislation framework set out in the 13 March 2007 consultation document, i.e. a “language scheme” framework. For the purposes of this exercise, these estimates are based on the assumption that the legislation would be applied across all NICS Departments and the NIO within the financial year 2008/09 and have drawn

upon, where possible, estimates based on the experiences in Wales and the Republic of Ireland. For example if Northern Ireland were to have an Irish Language Commissioner's Office similar to that in the Republic of Ireland the annual running costs would be approximately £500,000. The translation service for the Houses of the Oireachtas are approximately £600,000 per annum compared to £1.28 million in the National Assembly of Wales. It is estimated that almost £200,000 per annum would be required to provide simultaneous translation in Irish for the Court Service, and a similar amount for Tribunals.

In respect of the 11 NICS Departments and NIO it is estimated that in 2008-09 if each were to deploy two dedicated staff members fluent in Irish for the purpose of developing Irish Language schemes, monitoring their implementation, giving advice and arranging translations the annual costs would be approximately £927,000. The printing and design of forms to facilitate Irish Language schemes within the 11 NICS departments could cost approximately £309,000, and advertising costs could be in the region of £931,000, based on a 20% up-lift to take account of the increased advertising costs for Irish.

It is important to stress that these costs are broad estimates mainly in respect of the 11 NICS departments. These departments account for 22,973 civil servants as opposed to the 111,128 employed in the wider public sector including for example Local Government, Health Trusts, Education and Library Boards and various NDPB's.

If this exercise to estimate the cost of implementing a "language scheme" approach within the 11 NICS departments were to be extrapolated across the wider public sector, and if, for example, the agreed language schemes required public bodies to provide bilingual services, the costs, in this scenario, would clearly be very significant.

Members will be aware of the current pressures on public expenditure in Northern Ireland. In light of this, it is highly debatable if our community is prepared to contemplate the level of expenditure that would be required to introduce even a modest form of Irish Language legislation at this time. Mr Speaker, there will always be competing priorities for public expenditure, however, can the additional potential cost be considered as a sufficiently high priority in comparison to the need for investment in infrastructure, health, and other vital public services?

Furthermore, bearing in mind the current expenditure of approximately £20.62 million per annum on Irish language projects and Irish language translations, I very much doubt if the legislative route is necessarily the most cost effective way to achieve outcomes in terms of enhancing and protecting the development of the Irish language.

My purpose in publishing the summary of responses to the 13<sup>th</sup> March consultation paper by way of this statement is to afford Assembly Members an opportunity to offer some initial views. It is my intention to fully engage with the Culture, Arts and Leisure Committee in advance of bringing this matter to the Executive Committee for discussion.

Having reviewed the responses to both consultation processes and reflected carefully on all the relevant issues I remain unpersuaded that there is a compelling case for bringing forward Irish language legislation at this time. My reasons are as follows:

- (1) In view of the political sensitivities surrounding linguistic and cultural policy issues the actual proposal to introduce an Irish Language Bill is clearly divisive throughout our community. This has given rise to highly politicised claims and counter claims. As a community we are challenged to find new ways of managing our rich cultural diversity. Indeed this is enshrined in the duty placed upon the Executive by the Northern Ireland (St Andrews Agreement) Act 2006 to adopt a strategy setting out how it proposes to enhance and protect the development of

the Irish language and to adopt a strategy setting out how it proposes to enhance and develop the Ulster-Scots language, heritage and culture.

In this regard the UK Government signed the European Charter for Regional or Minority Languages on 2 March 2000 and it was ratified on 27 March 2001. The Charter came into force on 1 July 2001. The European Charter for Regional or Minority Languages is an international convention designed to protect and promote regional and minority languages. In Northern Ireland the Charter applies to Irish and Ulster-Scots. The Committee of Experts examining the implementation of the Charter within the UK has recommended the development of a comprehensive policy for the Irish Language.

It is my assessment that the proposal to introduce Irish language legislation at this time is unlikely to command the necessary support in the Assembly on the grounds of being incapable of securing sufficient consensus.

If we reflect on the introduction of legislation in Wales, the Republic of Ireland and Scotland, their experience clearly shows that giving legislative effect to linguistic policies needs to be advanced in a de-politicised manner capable of commanding broadly based community support. The two consultation processes to date on the proposal to introduce Irish language legislation and the ensuing public commentary, clearly demonstrate the lack of community consensus on this issue.

Furthermore, I am of the view that the legislative route would be counter productive to the enhancement and protection of the development of Irish language given the sensitivities involved. Advancing this proposed legislation, which is unlikely to command sufficient consensus within the community at this time, has the potential of damaging good relations, increasing polarisation and entrenching patterns of antipathy and suspicions. In my assessment, this could seriously undermine the efforts of those in the Irish language speaking community who genuinely want

to see the language developed in a de-politicised and wholly inclusive manner.

- (2) Based on a high level cost estimate the introduction of even a modest “language scheme” legislative model would have very significant resource implications. Mindful of the constraints on public expenditure, and in particular the pressures in my own Department alone, I cannot reconcile the likely opportunity costs of introducing legislation against other spending priorities.
- (3) If our aim is to achieve tangible outcomes in terms of enhancing and protecting the development of Irish language and facilitating those who wish to use Irish in their dealings with the public sector I consider the legislative route a disproportionately costly method of achieving positive outcomes. It is my assessment that the legislative requirement placed on the Executive to adopt a strategy to enhance and protect the development of the Irish language offers a more cost effective and proportionate approach.

By way of conclusion: I have carefully considered the proposal “to introduce an Irish Language Act” and the consultation processes embarked upon by the previous administration. I fully acknowledge that there are those within the Northern Ireland community that have a close affinity with the Irish language and have legitimate aspirations to secure official recognition and protection of the language.

The enhancement and protection of the development of the Irish language is an important matter for Northern Ireland. As is the enhancement and protection of the Ulster-Scots language, heritage and culture.

However, I remain unpersuaded that there is a compelling case for progressing legislation, at this time. There is, in my view, insufficient community consensus; potentially significant costs; and a real possibility that legislation could undermine good relations and in so doing prove counter

productive to those wishing to see the language developed in a non-politicised and inclusive manner.

In publishing the report summarising the responses to the March – June 2007 consultation exercise and outlining my current assessment of the proposal to introduce an Irish Language Act, by way of this statement, I trust that I can assist the Assembly's deliberations on this matter. I will of course be most interested to hear the views of Members on this issue. I am scheduled to discuss this matter with the Assembly's Culture, Arts and Leisure Committee later this month. Thereafter, I will prepare a paper for discussion by the Executive Committee on this matter.

Thank you.