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Funding and Governance Arrangements for the Irish Language Voluntary Sector: Recent Developments and Background Information

1 Background: the Irish language voluntary sector

The Irish language voluntary sector consists of a large number of groups, covering both Northern Ireland and the Republic of Ireland. Some groups have a local remit, while others are national in their coverage. Foras na Gaeilge, the Irish language agency, requires all groups seeking funding to register with them, and their directory of groups contains 113 entries, though not all of these are voluntary groups¹. The groups listed cover a variety of issues and activities from community groups to drama, heritage, software and internet specialists, sports, after school clubs and summer camps.

Foras na Gaeilge provides funding to projects and bodies through 20 different funding streams under four broad categories including education, community and business, the public sector and the arts, communications and marketing, and writing and publishing.

¹ Foras na Gaeilge. 'Directory: Irish language organisations and groups': http://gaeilge.ie/Directory/org_groups.asp Accessed 19.11.10.

One of the categories of funding is ‘core-funding’. There are 19 bodies which currently receive core-funding from Foras na Gaeilge, seven of which are based in Northern Ireland. The 19 bodies together receive around €8million per annum². Eight bodies are named in legislation in the Republic of Ireland³, so further legislation would have to be introduced to the Dáil for funding to be removed from these bodies.

Seven of the 19 core-funded bodies are based in Northern Ireland. These are as follows⁴:

Organisation	Remit
An tÁisaonad	Creates resources for use in the Irish medium sector, including training.
Iontaobhas Ultach	Promotes language issues on a cross-community basis.
Pobal	Umbrella lobby group promoting Irish language rights.
Forbairt Feirste	Belfast based language development and training.
Altram	Pre-school education and support.
Raidió Fáilte	Local radio station.
Comhaltas Uladh & an tUltach.	Promotion of language at secondary level and lifelong learning initiatives.

2 Background: role and responsibilities for Irish language development

The following summarises the legal basis and responsibilities of the North/South Language Body, and more particularly Foras na Gaeilge.

The Belfast (Good Friday) Agreement established 12 areas of North/South cooperation, six of which are served through the establishment of North/South Implementation Bodies. The Supplementary Agreement was given effect in Northern Ireland by the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, and in the Republic of Ireland by the British-Irish Agreement Act 1999.

The North/South Language Body (An Foras Teanga) is one of the Implementation Bodies established by the North/South Co-operation Order. It is a single body, composed of two separate and largely autonomous agencies: Foras na Gaeilge, and the Ulster-Scots Agency, Tha Boord O Ulstér-Scotch.

Foras na Gaeilge and Tha Boord O Ulstér-Scotch operate on an all-island basis, and both bodies are accountable to the Oireachtas and the Northern Ireland Assembly. They are co-sponsored by the Department of Culture, Arts and Leisure and the Department of Community, Equality and Gaeltacht Affairs. Decisions regarding the work of the North/South Language Body are made by the North/South Ministerial Council which discusses its policies and actions during ‘Language Sector’ meetings.

² Telephone conversation with Brendan Maccraith, Foras na Gaeilge, 16.11.10.

³ British-Irish Agreement Act (1999).

⁴ Information taken from an email sent from DCAL on 19.11.10.

(a) Foras na Gaeilge

Foras na Gaeilge, which took over the functions of the previously existing Bord na Gaeilge, has responsibility for the promotion of the Irish Language on an all-island basis. It conducts a range of functions, as follows⁵:

- Promotion of the Irish language
- Facilitating and encouraging its use in speech and writing in public and private life in the South and, in the context of Part III of the European Charter for Regional or Minority Languages, in Northern Ireland where there is appropriate demand
- Advising both administrations, public bodies and other groups in the private and voluntary sectors
- Undertaking supportive projects, and grant-aiding bodies and groups as considered necessary
- Undertaking research, promotional campaigns, and public and media relations
- Developing terminology and dictionaries
- Supporting Irish-medium education and the teaching of Irish

(b) Departmental responsibilities

The Department for Culture, Arts and Leisure states that its responsibilities in regard to Foras na Gaeilge are as follows:

‘The Department of Culture, Arts and Leisure (DCAL) jointly sponsors the North/South Language Body along with the Department of Community, Rural and Gaeltacht Affairs (DCRGA). The North/South Language Body was established on 2 December 1999 following the Belfast/Good Friday Agreement. It comprises Foras na Gaeilge, (Irish Language Agency) and Ulster-Scots Agency (Tha Boord o Ulstèr-Scotch). DCRGA funds 75% of the budget of Foras na Gaeilge and DCAL the remaining 25%. DCAL funds 75% of the budget of the Ulster-Scots Agency and DCRGA the remaining 25%.’⁶

The Department for Community, Equality and Gaeltacht Affairs in the Republic of Ireland describes a broader range of relationships with Irish language bodies and funds. It describes these relationships as follows:

‘The Department supports and works closely with other agencies, particularly An Foras Teanga (the North-South Language Body) and Údarás na Gaeltachta (the Gaeltacht authority), in pursuing its objectives. Ciste na Gaeilge is a fund from which Irish language organisations and

⁵ British-Irish Agreement Act 1999: Annex 1, Part 5 – Language; see also Foras na Gaeilge website. 2010. ‘About Foras na Gaeilge’: Accessed 15.11.10.

⁶ Department of Culture, Arts and Leisure website. ‘Language/Cultural Diversity’: <http://www.dcalni.gov.uk/index/language-cultural-diversity-r08.htm> Accessed 17.11.10.

various Irish initiatives are grant-aided...The Placenames Branch researches the placenames of Ireland and provides authoritative Irish language forms of those placenames. Colmcille is a tripartite initiative, which comes under the remit of Foras na Gaeilge (one of the two Agencies of An Foras Teanga), the main objectives of which comprise strengthening the links between Ireland (North and South) and Scotland in addition to the promotion of the Irish and Scots Gaelic languages.⁷

The Ministers who attend the Language Sector of the North-South Ministerial Council are the Minister for Culture, Arts and Leisure and the Minister of Education from Northern Ireland, and the Minister for Community, Equality and Gaeltacht Affairs in the Republic of Ireland.

3 Recent policy developments

Foras na Gaeilge has proposed a new funding model involving a switch away from the current situation where 19 bodies are 'core-funded', and towards a more thematic approach where any voluntary sector Irish language organisation is eligible to apply for project funding, made available via a set of discrete subject headings which may vary from year-to-year. These plans have been drawn up at the request of the North-South Ministerial Council (NSMC), and have been described by Foras na Gaeilge as a 'significant realignment'⁸. The plans were made available for consultation in September 2010. It is proposed that this new model is implemented via a series steps, with full implementation from mid-2011.

On 2 December 2009, Foras na Gaeilge was directed by the NSMC to restructure its funding for the core-funded groups within the Irish language voluntary sector:

'Ministers agreed that core-funding of the Irish language voluntary sector by Foras na Gaeilge be reconfigured on the basis that Foras na Gaeilge will set high level strategic priorities...This reconfiguration is to ensure a more effective, streamlined and cost effective approach to funding of the sector.'⁹

NSMC specified a deadline of 30 June 2010 for this restructuring to be carried out. As a result, Foras na Gaeilge created a 'Development Committee' to progress the matter and the Committee set to work in association with the consultants Mazars.

The following key recommendations were produced by Foras na Gaeilge, and presented to the NSMC on 26 May 2010¹⁰:

⁷ Department of Community, Rural and Gaeltacht Affairs. 'The Irish Language': <http://www.pobail.ie/en/IrishLanguage> Accessed 17.11.10.

⁸ Foras na Gaeilge. 2010. *New Funding Model for the Core-Funded Organizations*: p8.

⁹ North South Language Body Sectoral Format. Joint Communiqué: 2.12.09.

¹⁰ Foras na Gaeilge. 26.5.10. 'Press release: New funding model for core-funded Irish language organisations': <http://www.gaeilge.ie/ForasNaGaeilge/newsarticle.asp?id=258> Accessed 16.11.10.

- The funding model will be based on a portfolio of schemes which will be announced openly to the entire Irish language sector, rather than to the 19 previously core-funded organisations
- Foras na Gaeilge will prepare one central strategy in relation to the fund
- The portfolio of schemes will be in accordance with the strategy and there will be an annual review process based on the achievement of the proposed results and on submissions which Foras na Gaeilge will invite from the Irish language sector each year
- At the moment it is proposed that Foras na Gaeilge will develop schemes in the following categories:
 - A Local Radio Scheme
 - An Arts Scheme
 - An Education Scheme
 - A Family Support Scheme
 - A Community Empowerment Scheme
 - A Youth Scheme
 - An Advocacy and Research Scheme

In response, Ministers decided at that NSMC meeting that ‘officials from the sponsor Departments should now work with Foras na Gaeilge to agree by end-June 2010 the detail of these proposals and a timescale for their implementation’¹¹.

Foras na Gaeilge forwarded a proposal document entitled ‘New Funding Model for the Core-Funded Organizations’ to those groups on 9 July, and issued a public consultation on 6 September, closing on 30 September.

Following the NSMC meeting of 3 November, it was reported that:

‘The Council noted the current position in regard to the review of the core-funded organisations undertaken by Foras na Gaeilge. Ministers noted proposals in regard to the enhanced implementation arrangements, including the appointment of a project manager and establishment of a steering committee and an advisory committee. They agreed that, in the context of satisfactory progress on implementation being achieved, interim funding may continue to be provided by Foras na Gaeilge to existing funded organisations to end May 2011 and progress will be reported at the next NSMC Language meeting.’¹²

¹¹ North South Language Body Sectoral Format. Joint Communiqué: 26.5.10.

¹² Statement by the Minister for Culture, Arts and Leisure to the Northern Ireland Assembly, 15.11.10.

4 Concerns expressed

A number of concerns have been expressed about the new funding arrangements, and about the nature of the process undertaken by Foras na Gaeilge thus far. These concerns have been expressed in written and oral briefings to the Committee for Culture, Arts and Leisure by a Joint Committee of Core-Funded Groups, and by one of the core-funded groups, the Ultach Trust. Some of the key concerns are as follows:

(a) All-island approach

The Joint Committee of Core-Funded Groups has asserted that there are ‘marked differences in the language infrastructure north and south’. The section below, on the status of Irish, highlights the fact that there is a substantial body of legislation, a government statement, and soon a 20-year strategy, all of which provides for a political, legal and funding framework. This situation is somewhat different from Northern Ireland, where a minority languages strategy is still expected from the Minister for Culture, Arts and Leisure. The Ultach Trust state that there are ‘significant differences in the context in which the language is developed in the two jurisdictions – political, legal, educational, social and infrastructural and these can require significantly different strategies’¹³.

The British/Irish Agreement Act (1999) in the Republic of Ireland states of Foras na Gaeilge that:

‘In carrying out its functions, the Irish language agency will have regard to the positions of the language in the two jurisdictions.’¹⁴

(b) Thematic approach and state support

The concern has been expressed by both the Joint Committee and the Ultach Trust that a thematic, project-based approach to funding may rely on a level of state support which is not present in Northern Ireland. The Joint Committee states that ‘insufficient research has been carried out on the specific political, social and sociolinguistic conditions in Northern Ireland’¹⁵. Furthermore, the Ultach Trust argues that the new funding arrangements are related to the 20-Year Strategy in the Republic of Ireland, and that ‘the voluntary sector in Northern Ireland will become no more than a bolt-on, or afterthought, to that of the south’¹⁶.

(c) Regulatory and impact assessments

¹³ Ultach Trust. 2010. ‘Differences between the situation of Irish in Northern Ireland and the Republic of Ireland’. Written submission to the Committee for Culture, Arts and Leisure, 18.11.10: p2.

¹⁴ British-Irish Agreement Act 1999: Annex 1, Part 5 – Language

¹⁵ Joint Committee of Core-Funded Groups. 2010. ‘The New Funding Model for the Core-Funded Organisations: implications for the promotion of Irish in Northern Ireland’. Written submission to the Committee for Culture, Arts and Leisure, 21.10.10: p1.

¹⁶ Ultach Trust. 2010. ‘Differences between the situation of Irish in Northern Ireland and the Republic of Ireland’. Written submission to the Committee for Culture, Arts and Leisure, 18.11.10: p3.

The Joint Committee has stated some concerns about whether a Regulatory Impact Assessment, or an Equality Impact Assessment, have been carried out¹⁷. The Committee for Culture, Arts and Leisure contacted the Department for Culture, Arts and Leisure on 25.10.10, seeking information on whether a RIA or EQIA had been carried out. DCAL responded that:

‘A Regulatory Impact Assessment (RIA) has not been completed. DCAL is of the view that an RIA is not required in this instance as its purpose is to provide a detailed and systematic appraisal of the potential impacts of a **new regulation** in order to assess whether the regulation is likely to achieve the desired objectives. This issue will be addressed by the Steering Group to be established as detailed in the response to Q6 below.¹⁸’

The issue of Regulatory Impact Assessments is dealt with by the Department of Enterprise, Trade and Industry in the publication *Better Policy Making and Regulatory Impact Assessment: A Guide for Northern Ireland*. This states that:

‘All NI Government Departments must comply with the regulatory impact assessment process when considering any new, or amendments to, existing policy proposals. Where regulations or alternative measures are introduced an RIA should be used to make informed decisions. The RIA is an assessment of the impact of policy options in terms of the costs, benefits and risks of a proposal. New regulations should only be introduced when other alternatives have first been considered and rejected and where the benefits justify the costs.’¹⁹

The guide goes on to state that:

‘It is always good practice to produce an RIA as a structured way to inform policy-making, but you **must** prepare an RIA for all proposals (legislative and non-legislative), which are likely to have a direct or indirect impact (whether benefit or cost) on businesses, charities, social economy enterprises and the voluntary sector. This includes proposals, which reduce costs on business and others, as well as those that increase them.’²⁰

The process of conducting a RIA is summarised as follows:

¹⁷ Joint Committee of Core-Funded Groups. 2010. ‘The New Funding Model for the Core-Funded Organisations: implications for the promotion of Irish in Northern Ireland’. Written submission to the Committee for Culture, Arts and Leisure, 21.10.10: pp3-5.

¹⁸ Correspondence from the Department of Culture, Arts and Leisure, sent to the Clerk for the Committee for Culture, Arts and Leisure, November 2010: Q1. *Emphasis in the original*.

¹⁹ Department of Enterprise, Trade and Investment. 2004. *Better Policy Making and Regulatory Impact Assessment: A Guide for Northern Ireland*. http://www.detini.gov.uk/better_policy.pdf: p4.

²⁰ Department of Enterprise, Trade and Investment. 2004. *Better Policy Making and Regulatory Impact Assessment: A Guide for Northern Ireland*. http://www.detini.gov.uk/better_policy.pdf: p5.

- 'An initial RIA which should be prepared as soon as a policy idea is generated;
- A partial RIA which builds upon this, is produced prior to the consultation exercise and must accompany the consultation document; and
- A full/final RIA, building on the information and analysis in the partial RIA, which is part of the legislative process.'²¹

With regard to an Equality Impact Assessment, DCAL has responded that:

'An EQIA has not yet been undertaken. This issue will be addressed by the Steering Group to be established as detailed in the response to Q6 below.'²²

Equality Commission guidance on this issue states that in order to comply with Section 75 of the Northern Ireland Act 1998, public bodies carry out the following:

'Proposed policies must be subject to screening and to consultation on the outcomes of the screening exercise, and those policies identified as having significant implications for equality of opportunity must be subject to full impact assessment.'²³

In guidance issued by the Office of the First Minister and Deputy First Minister, it states that:

'Equality issues should be considered early, and it is a requirement under Section 75 to publish your draft Equality Impact Assessment for consultation. It is good practice to do so at this stage as part of your consultation document, rather than separately later.'²⁴

(d) Consultation limitations

It has also been expressed by the Joint Committee for Core-Funded Groups that insufficient time was allowed for the consultation process in September, and that the consultation was broadcast through a limited range of outlets²⁵. Guidance on consultation by public bodies in Northern Ireland is provided by the Office of the First

²¹ Department of Enterprise, Trade and Investment. 2004. *Better Policy Making and Regulatory Impact Assessment: A Guide for Northern Ireland*. http://www.detini.gov.uk/better_policy.pdf: p7.

²² Correspondence from the Department of Culture, Arts and Leisure, sent to the Clerk for the Committee for Culture, Arts and Leisure, November 2010: Q2.

²³ Equality Commission. 'Screening and EQIAs': <http://bit.ly/axkww0> Accessed 18.11.10. *Emphasis in the original*.

²⁴ Office of the First Minister and Deputy First Minister. 2003. *A Practical Guide to Policy Making*: p45.

²⁵ Joint Committee of Core-Funded Groups. 2010. 'The New Funding Model for the Core-Funded Organisations: implications for the promotion of Irish in Northern Ireland'. Written submission to the Committee for Culture, Arts and Leisure, 21.10.10: pp4-5.

Minister and Deputy First Minister through *A Practical Guide to Policy Making*. This states that:

‘The minimum period for a formal consultation exercise is 8 weeks; 12 weeks is the standard period. Depending on the importance and likely impact of your policy, you should normally consider holding some seminars or organising other alternative channels for consultation during this period to help individuals and organisations in the wider community in formulating their responses.’²⁶

The Ultach Trust states that:

‘The sponsor departments do not appear to have carried out their oversight functions to ensure that the Foras complies with due process. In its turn, the North-South Ministerial Council appears to have made decisions without seeking or weighing evidence, particularly that evidence which relates to Northern Ireland.’²⁷

5 Legislative and strategic status of Irish

In the Republic of Ireland, Irish is named as the national and first official language in Article 8 of the 1937 Constitution, with English as the second official language. This status has a number of implications. For example, the State is bound by legislation to promote the use of Irish, and there is an obligation for all parliamentary and court proceedings to be available in both official languages²⁸. The Official Languages Act 2003 places an obligation on all public bodies to have a strategy in place to make available material in both English and Irish.

The status of Irish has been legislated for in a large number of acts. The key legislative acts are listed in the following table:

²⁶ Office of the First Minister and Deputy First Minister. 2003. *A Practical Guide to Policy Making*: p45.

²⁷ Ultach Trust. 2010. ‘Differences between the situation of Irish in Northern Ireland and the Republic of Ireland’. Written submission to the Committee for Culture, Arts and Leisure, 18.11.10: p3.

²⁸ Hunt, B 2009. ‘Irish language’, in *Murdoch’s Dictionary of Irish Law*. Fifth Edition: pp661-2.

Legislation	Description
The Ministers and Secretaries (Amendment) Act 1956	Established the official Gaeltacht areas.
The Placenames (Irish Forms) Act 1973	An Act which authorises the specification of Irish place names for the purposes of law.
Údarás na Gaeltachta Act 1979	This act established the Údarás na Gaeltachta, the regional development agency responsible for the economic, social and cultural development of the Gaeltacht.
Radio and Television Act 1988	States that the making publically-funded television and radio programmes should have special regard for the elements which distinguish Irish culture and in particular the Irish language.
Education Act 1998	Study of the Irish language is compulsory at primary and secondary level, though exemptions can be made.
British-Irish Agreement Act 1999	This is the Irish equivalent of the North-South Co-operation (Implementation Bodies) (Northern Ireland) Order (1999), which established the North/South Language Body.
Qualifications (Education and Training) Act 1999	Aims to extend bilingualism in Irish society and achieve greater use of the Irish language.
Broadcasting Act 2001	Legislates for the provision of resources for the making and broadcast of Irish language material.
Housing (Gaeltacht) (Amendment) Act 2001	Allows for grants to be made for housing for Irish speakers within Gaeltacht areas, and places restrictions on planning decisions which may be detrimental to the use of Irish in such areas.
Local Government Act 2001	A local authority may take such steps as it considers appropriate to encourage the use of the Irish language. The Minister may issue guidelines in relation to the use of the Irish language which local authorities must have regard to.
The Official Languages Act (2003)	An Act to promote the use of the Irish language for official purposes, in Parliamentary proceedings, in the Acts of the Oireachtas, in the administration of justice, and the work of public bodies. The Act also provides for the establishment of Oifig Choimisinéir na dTeangacha Oifigiúla (the Office of the Commissioner for Official Languages).
Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007	Section 2 provides for the functions of the DCRGA department, and places on them an obligation to 'support and promote the Irish language'.

In addition to these legislative acts, the Irish government has published the following documents:

Statement on the Irish Language 2006	This pan-governmental statement outlines a vision for the development of Irish in the future, affirming 'support for the development and preservation' of the language. It states in objective 13 that 'the Government recognises the vital role of the Irish language voluntary sector and will continue to support it' ²⁹ .
20-Year Strategy for the Irish Language 2010-30 (draft)	This strategy follows on from the Government Statement. It exists in draft form but is expected to be launched by the Irish government soon. The strategy sets out a series of actions, including Education, The Gaeltacht, Family Transmission of the Language, Administration, Services and Community, Media and Technology, Dictionaries, Legislation and Status, Economic Life, and Cross-cutting Initiatives. These actions are scheduled over a series of phases, with implementation over-seen by the Cabinet Committee on Irish and the Gaeltacht chaired by the Taoiseach, a Senior Officials Group, in addition to the existing arrangements of the Minister and Department of Community, Rural and Gaeltacht Affairs.

In Northern Ireland, the legal status of Irish is substantially different. Irish is not named as an official language, and there is no equivalent of the Official Languages Act 2003 to legislate for the provision of Irish by public bodies, or its use in court and parliamentary proceedings. However, Irish is afforded some degree of status by the following items of legislation:

Legislation	Description
Belfast Agreement	<p>Under 'Rights, safeguards and equality of opportunity', the agreement states that 'all participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland. The agreement goes on to state that 'in the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:</p> <ul style="list-style-type: none"> • Take resolute action to promote the language • Facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand • Seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language • Make provision for liaising with the Irish language community • Representing their views to public authorities and investigating complaints • Place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education • Explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for

²⁹ Government of Ireland. 2006. *Statement on the Irish Language 2006*: p20.

	<p>achieving more widespread availability of Teilifis na Gaeilge in Northern Ireland</p> <ul style="list-style-type: none"> • Seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland • Encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community
Northern Ireland (St Andrews Agreement) Act 2006	In the section 'Strategies relating to the Irish language and Ulster Scots language etc', the Act states that 'the Executive Committee shall adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language'.
The North-South Co-operation (Implementation Bodies) (Northern Ireland) Order (1999)	This established the North/South Language Body, and is the equivalent of the British-Irish Agreement Act (1999) in the Republic of Ireland. The UK legislation is somewhat briefer than the Irish version.
Education (Northern Ireland) Order 1988	led to the establishment of Comhairle na Gaelscolaíochta (The Council for Irish-medium education) and Iontaobhas na Gaelscolaíochta (The Trust for Irish-medium education).
European Charter for Regional and Minority Languages	This is a Council of Europe Charter, to which the UK government became a signatory in 2001. The Irish language has been registered by the UK under Parts II (general objectives and principles) and III (containing 36 specific undertakings).