

Language Use and Language Learning in Northern Ireland

Building Linguistic Capacity
for Reconciliation



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Introduction

Language rights and the official recognition of languages other than English have proved a source of tension in political negotiations in Northern Ireland. The recognition of Irish and the provision of rights for Irish users have been portrayed as representing an unacceptable elevation of ‘republican’ or ‘nationalist’ values. While an agreement to provide for language rights was included in the ‘New Decade, New Approach’ agreement, subsequent legislative change has been absent. As part of a networking project undertaken with the support of the Irish Research Council's 'New Foundations' scheme, this paper offers a series of policy suggestions for the development of sustainable languages rights legislation within Northern Ireland based on a workshop held in April 2022 and hosted by Dublin City University titled ' Language Use and Language Learning in Northern Ireland: Building Linguistic Capacity for Reconciliation.'

The paper begins by outlining the presence, and prevalence of minority languages in Northern Ireland (part one), before providing an account of the development of language rights in the jurisdiction (part two). The paper then turns, in part three, to examine the factors which have been identified as supporting minority language use, and learning, in Northern Ireland based on the existing research and the workshop conducted.

1

Minority Language Communities in Northern Ireland

1. Minority Language Communities in Northern Ireland

As in Ireland, the majority language of Northern Ireland is English, where it is also (and unlike in the Republic of Ireland) the sole official language. Alongside the monolingual English-speaking population, however, there are subsets of the Northern Irish population who use and speak the minority languages of Irish and Ulster-Scots. Northern Ireland's census data from 2011 show that slightly over 10 per cent of the population in the jurisdiction have some competence in Irish, while just over 8 per cent have some competence in Ulster-Scots.¹ This level of bilingualism is, in some respects, unsurprising—the Irish language, which was spoken throughout Ireland by a majority of the population until the mid-nineteenth century, has historically been particularly strong (perhaps even strongest) in Ulster.²

Moreover, Ulster has historically been an area of complex and intersecting linguistic identities. Alongside an indigenous community of Irish speakers who often used English for official purposes (as was often required by law), communities of Scots Gaelic and Scots users arrived in the province during the Plantation of Ulster in 1609.³ While Scots Gaelic had significant similarities to Irish and appears to have been largely overtaken by the latter language, or at least incorporated into a distinctly Northern Irish dialect of Irish, Scots eventually evolved to become modern Ulster-Scots.⁴ The result, however, is that for a majority of history the area currently recognised as Northern Ireland has been characterised by a high degree of linguistic diversity, and bilingual - perhaps even multilingual - capacities within its population.

As a result of population loss, emigration and legal prohibitions, by the time of the partition of Ireland in 1921 the areas of the island where Irish remained the dominant language (spoken by more than 80 per cent of the

¹ Northern Ireland Statistics and Research Agency (NISRA), 'Results of Census 2011', available at: <https://www.nisra.gov.uk/statistics/2011-census/results> (29 November 2021); NISRA, 'Northern Ireland Census 2011 Key Statistics Summary Report' (2014), available at: <http://www.nisra.gov.uk/archive/census/2011/results/key-statistics/summary-report.pdf> (29 November 2021).

² Nicholas M. Wolf, *An Irish speaking island: state, religion, community and the linguistic landscape in Ireland 1770–1870* (Madison, 2014).

³ Nicholas Williams, 'Language', in S.J. Connolly (ed.), *The Oxford companion to Irish history* (Oxford, 2002), 315–16.

⁴ Williams, 'Language'.

population) were largely limited to Western coastal regions in the Republic of Ireland, though there remained large areas across the country where up to 50 per cent of the population spoke the language—including parts of Antrim and Tyrone.⁵ Without supports similar to those afforded to linguistic communities in Ireland, however, and in the presence of often active hostility to Irish use and Irish speakers, intergenerational transmission of the language in Northern Irish communities rapidly declined.⁶

At present (and unlike in Ireland), Irish is strongest in Northern Ireland's urban areas—particularly in West Belfast, which has a designated Gaeltacht Quarter, and where the unofficial Falls Road Gaeltacht was established by community members in the 1960s. However, Irish also enjoys a strong presence in the rural district of Carntogher (An Carn) near Maghera in County Derry (see figure.⁷ Scots Gaelic appears not to have endured into modern use as a distinct language in Northern Ireland—the speakers presumably converted either to English or Scots, or to the Ulster dialect of Irish, which bears strong similarities to Scots Gaelic.⁸

The Scots the language appears to have had continued inconsistent use, with a gradual transition towards a distinctive Ulster-Scots, though its status has at times been contested, with some arguing it should be considered a dialect of English rather than a distinct language.⁹ Modern speakers of Ulster-Scots are predominantly rural and largely confined to the historical areas of Scottish settlement on the north coast of Antrim, the Ards Peninsula, East Down and East Donegal (the latter now being in the Irish republic).¹⁰

⁵ Niall Ó Ciosáin, 'Gaelic culture and language shift', in Laurence M. Geary and Margaret Kelleher (eds), *Nineteenth century Ireland: a guide to recent research* (Dublin, 2005); Gearóid Ó Tuathaigh, *I mbéal an bháis: the Great Famine and the language shift in nineteenth century Ireland* (Quinnipiac University Press 2015); Wolf, *An Irish speaking island*.

⁶ Verona Ní Drisceoil, 'Antipathy, paradox and disconnect in the Irish state's legal relationship with the Irish language', *Irish Jurist* 55 (2016), 45–74.

⁷ On the Irish revival movement during the 1960s see Aodán Mac Póilín, 'Aspects of the Irish language movement in Northern Ireland', in Aodán Mac Póilín (ed.), *The Irish language in Northern Ireland* (Belfast); Camille C. O'Reilly, *The Irish language in Northern Ireland: the politics of culture and identity* (Basingstoke, 1999), 20.

⁸ Mac Póilín, 'Aspects of the Irish language movement in Northern Ireland'; O'Reilly, *The Irish language in Northern Ireland*, 20. See broadly Philip McDermott, 'From ridicule to legitimacy? "Contested languages" and devolved language planning', *Current Issues in Language Planning* 20 (2019), 121–39.

⁹ On the debate, and the complexity of the identities associated with Ulster-Scots, see Peter Robert Gardner, 'Unionism, loyalism, and the Ulster-Scots ethnolinguistic "revival"', *Studies in Ethnicity and Nationalism* 15 (2015), 4–25.

¹⁰ Mícheál B. Ó Mainnín, 'Empowering multilingualism? Provisions for place names in Northern Ireland and the political and legislative context', in Deirdre A. Dunlevy and

1.1 Irish Language Use in Northern Ireland

Census 2021

At the time of writing the census results for 2021 have not yet been released.

Census 2011

Question asked	Some Ability in Irish (whether that is understanding, writing, reading or speaking or any combination of same)	No ability in Irish
Whether persons aged 3 or over have...	184, 898	1, 550, 813

The total number of those with some ability in Irish increased in 2011 from 2001, though the lack of differentiation between particular capacities (capacity to understand, versus capacity to speak for example) makes the numbers useful than those available for 2001 and 1991 in assessing patterns of language transmission and use in communities. The data from 2011 is, however, the first in which the profiles of Irish and Ulster Scots speakers can be compared.

In 2011 those with 'some ability' in Irish were generally younger in age than those with some ability in Ulster-Scots. Those aged 12-15, for example, were most likely to have some ability in Irish (20%), while those least likely to have such ability were aged 75 and over (6.2%). These numbers broadly echo the pattern of capacity and use of Irish among the 40+ age brackets in the 1991, and the 50+ brackets in 2001. In combination with the increase in the overall number of speakers the pattern is thus of a community where the total number of speakers is gradually increasing as greater proportions of each new generation acquire Irish. This is in contrast to Ulster Scots whose speakers were more

Robert Blackwood (eds), *Multilingualism in public spaces: empowering and transforming communities* (London, 2021), 60–1.

likely to fall within the 55-74 or 75+ age brackets (13% and 12% respectively), while those in the age bracket 3-11 were least likely to have an ability in Ulster Scots (2.3%).¹¹

The 2011 census also collected data on the intersection of religion and national identities with linguistic capacities. In 2011, 90% of those aged 3 and over with some ability in Irish were or had been brought up as Catholics while 7.4% had been brought up as or identified as Protestants. This pattern was almost reversed in respect of Ulster Scots. Of those with some ability in Ulster Scots, almost 79% were or had been brought up as Protestants while only 17% had been brought up or identified as Catholics. In addition, 68% of those aged 3 years and over who reported having some ability in Irish had an Irish only national identity, with 17% reported identifying as Northern Irish only and 7% as British only. In contrast, 53% with some ability in Ulster-Scots reported they considered themselves to be British only, while 18% felt Northern Irish only, and 12% identified as British and Northern Irish, 9.1% of those with an ability in Ulster Scots reported as considering themselves to be Irish only.¹²

Census 2001

Question asked	Understand spoken Irish but cannot read, write or speak	Speak but do not read or write	Speak and read but do not write	Speak, read, write and understand	Have other combination of skills	Have some knowledge of Irish	Have no knowledge of Irish
Whether persons aged 3 or over ...	36,411	24,593	7,119	72,161	24,107	167,458	1,450,498

Interestingly, the default breakdown for the knowledge of Irish question was given in the 2001 census, not by age, as in its 1991 pre-decessor but by Geographic location. Thus the figures give an insight into the locations

¹¹ 2011 Census, Table DC2226NI; Table DC2227NI.

¹² 2011 Census, Table DC2226NI; Table DC2227NI.

of the areas where Irish use is more prevalent - and where Irish is understood.¹³

In this respect, it appears that the local government districts near the Irish and Northern Irish border (in Newry and Mourne) are characterised by a population with a (in relative terms) high level of understanding of Irish (some 4%) and a population of double that number who have a full breadth of competency across all mediums of communication (slightly over 9%). Omagh displays a similar pattern as does Armagh, Belfast, Cookstown, Dungannon, Moyle and Magherafelt. Across all geographic areas the number of individuals who can speak, read and write as well as understand Irish tends to be a minimum of twice the number who report being able to understand it. In this respect, the figures would tend to indicate a degree of dialogue between linguistic communities - with populations that use Irish and populations who do not, but who understand it, engaging with each other in their own languages with a degree of mutual understanding.

Census 1991 (*the first year in which knowledge of Irish was measured*)

Question asked	Can speak	Can read	Can write	Can read and speak	Can read and write	Can speak and write	Can speak, read and write	Do not know Irish	Not stated
Whether persons aged 3 or over ...	45,338	5,887	1,340	6,593	2,602	1,031	79,012	1,320,657	39,725

The largest representations of Irish users, and those with a capacity to use the language was among those ages 10-14 and 15-19 of whom 15,294 and 13,596 could speak, read and write Irish. These were followed by those in the age groups 20-24 and 25-29 with the same linguistic capacity of whom 8,413 and 7,071 respectively could speak, read and write Irish.¹⁴

The proportion of respondents who could speak Irish only was consistently in the thousands from the age of 8 onwards until the bracket 75-59 from which point it declined significantly, while the number of respondents

¹³ 2011 Census, Table DC2226NI; Table DC2227NI.

¹⁴ The Northern Ireland Census 1991: Irish Language Report' (Belfast), 1-2.

reporting only an ability to read, and/or write, or to read and speak was lower. The figures would tend to indicate two distinct groups of language users.

First, those with a high level of competency in all mediums of communication and whose competency may be inherited based on the number of respondents of all demographics with similar capacities. Thus the numbers of those able to speak, read and write Irish grows steadily with the population itself with an observable trend of children acquiring Irish, and continuing to use it with greater proficiency until in their twenties before a language decline associated with population loss begins to occur in old age. Second, is a not insignificant group who can speak the language but do not claim a competency in writing or reading Irish. This population is weighted far more towards the younger age bands surveyed tending to indicate, perhaps, an attempt by non-native speaking parents to raise or educate children in Irish.

1.2 Ulster Scots

Data on the use and understanding of Ulster Scots was not collected in 1991 or 2001. The 2011 census did collect data on Ulster Scots, for the first time, finding that among those habitually resident in Northern Ireland, and aged 3 years and over, 8.1% had some ability in Ulster-Scots (as compared with 11% who had some ability in Irish), while. The proportion of people aged 3 years and over who could speak, read, write and understand Irish (3.7%) was higher than that for Ulster-Scots (0.9%). Broadly similar proportions said they could understand but not speak, read or write Irish (4.1%) or Ulster-Scots (5.3%).¹⁵

Question asked	Some Ability in Ulster Scots (whether that is understanding, writing, reading or speaking or any combination of same)	No ability in Ulster Scots
Whether persons aged 3 or over have...	140, 204	1, 595, 507

¹⁵ 2011 Census, Table DC2226NI; Table DC2227NI; Table KS209NI; Table KS210NI.

1.3 Other Minority Languages in Northern Ireland

In 2011 data was collected on other minority languages in Northern Ireland. Of those habitually resident in the jurisdiction and aged 3 and the main languages used on a daily bases (other than Irish) were Tagalog / Filipino, Malayalam, Chinese, Lithuanian, Slovak, Polish, Russian, Hungarian, Latvian, or Portuguese. Of those reporting competencies in these languages, a significant majority reported speaking English well or very well. Of the 2,700 usual residents aged 3 and over who could not speak English at all 41% spoke mainly Polish, 14% spoke mainly Lithuanian, 6.4% spoke mainly Chinese, 4.6% spoke mainly Slovak and 4.5% spoke mainly Portuguese.¹⁶

¹⁶ See the breakdown provided in Northern Ireland Statistics & Research Agency 'Census 2011: Detailed Characteristics for Northern Ireland on Ethnicity, Country of Birth and Language' (2013), 4-5.



2

Legal Recognition of Minority Languages in Northern Ireland

2. LEGAL RECOGNITION OF MINORITY LANGUAGES IN NORTHERN IRELAND

Despite this linguistic diversity, the UK and Northern Irish governments have made only minimal provision for the recognition of linguistic minorities within the jurisdiction. The attitude of the Northern Irish government at the point of partition, while the government of the new Irish Free State was already concerned with the need to preserve Irish-speaking communities, has been described as ‘malevolent neglect’.¹⁷ The government of Northern Ireland withdrew funding for the teaching of Irish in schools in the early 1920s and removed questions concerning Irish speaking from the census in 1926.¹⁸ The Stormont administration had withdrawn all funding for Irish teaching and Irish-language teacher training colleges by 1942, and seven years later prohibited the erection of street signs in any language other than English,¹⁹ while members of the public were later arrested for speaking in Irish to state authorities.²⁰

2.1 Following the Good Friday Agreement

The 1998 GFA recognised ‘the importance of respect, understanding, and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language’²¹ and the UK government committed, as part of the Agreement, to ‘resolute action to promote the language’, with a range of more specific measures expressly foreseen in the context of the UK’s active commitment to signing the Council of Europe’s Charter for Regional or Minority Languages (ECRML).²² This nascent language rights agenda was extended by the British–Irish Council (BIC), established under the GFA to promote dialogue between the UK’s devolved administrations, which has included as one of its areas of concern (since 2002) indigenous

¹⁷ Christopher McGimpsey, ‘Untitled’, in Pilib Mistéil (ed), *The Irish language and the unionist tradition* (Belfast, 1994), 9.

¹⁸ Liam S. Andrews, ‘The very dogs in Belfast will bark in Irish’, in Mac Poilín, *The Irish language in Northern Ireland*, 82.

¹⁹ See generally Andrews, ‘The very dogs in Belfast will bark in Irish’.

²⁰ In 1984, Breandán Ó Fiaich, an Irish teacher, was arrested and subsequently fined for refusing to speak English when stopped by the RUC at a checkpoint and later defending himself in court through Irish. See ‘Fined for Speaking Irish’, *RTÉ Archive* (1984), available at: <https://www.rte.ie/archives/2019/0613/1055193-irish-language-teacher-fined/> (6 December 2021).

²¹ Belfast/Good Friday Agreement, 1998, ‘Strand Three: Rights, Safeguards and Equality of Opportunity — Economic, Social and Cultural Issues’ [3].

²² Belfast/Good Friday Agreement, 1998, ‘Strand Three’ [4]. See also Nic Craith, ‘Irish speakers in Northern Ireland, and the Good Friday Agreement’.

minority languages and the need to improve institutional and public attitudes to such languages and increase their public visibility.²³ In addition to this, the GFA led to the establishment of six north–south implementation bodies on the island of Ireland, including the Language Body comprising Foras na Gaeilge (the Irish Language Agency) and the Ulster-Scots Agency/Boord o Ulstèr-Scotch, both with an all-island remit and which received funding from the two governments on the island for the promotion of their relevant languages.

However, the supports for minority languages provided in the GFA were qualified by the stipulation that the newly devolved Northern Ireland Assembly would sustain its commitments to the indigenous languages recognised ‘in a way which takes account of the desires and sensitivities of the community; being a divided community, the desires and sensitivities of its people traditionally have differed in relation to languages, as we have seen’.²⁴ The Northern Ireland Act 1998 gave legal effect to the GFA, with paragraph 28D including provision for ‘Strategies relating to Irish language and Ulster-Scots language etc.’ and specifying that the executive committee of the Assembly would adopt two distinct strategies setting out how it proposed to (i) ‘enhance and protect the development of the Irish language’ and (ii) ‘enhance and develop the Ulster-Scots language, heritage, and culture’.²⁵ The GFA was followed (in 2003) by the Joint Declaration by the British and Irish Governments, which did not advance the issue of language rights but reiterated that the British government would ‘continue to discharge all its commitments under the Agreement in respect of the Irish language’ and ‘take steps to encourage support to be made available for an Ulster-Scots academy’.²⁶


It was only in 2001, however, when the UK ratified the ECRML with regard to Irish and also to Ulster-Scots, that a tangible outcome of these commitments materialised. The ECRML requires the government to periodically report on policy improvements regarding language rights to a European committee of experts, but the substantive commitments made under the ECRML were limited. The commitment made by the UK in

²³ McDermott, ‘From ridicule to legitimacy?’; Cathy Gormley-Heenan and Derek Birrell, *Multi-level governance and Northern Ireland* (Basingstoke, 2015), 118.

²⁴ Belfast/Good Friday Agreement, 1998, Strand Three (part 2).

²⁵ Northern Ireland Act 1998, available at: <http://www.legislation.gov.uk/ukpga/1998/47/contents> (30 November 2021), paragraph 30.

²⁶ ‘Joint Declaration by the British and Irish Governments 2003’, available at: <https://webarchive.nationalarchives.gov.uk/20040705075218/> and <http://www.nio.gov.uk/pdf/joint2003.pdf> (30 November 2021).



respect of Ulster-Scots was ratified only under Part II (Article 7) of the Charter, which commits the state to recognising Ulster-Scots as a regional minority language within Northern Ireland, granting it the same level of recognition as Scots in Scotland, and sets out objectives for the facilitation of the language in public life and to respect the language. Irish received somewhat broader commitments, being ratified under Parts II and III, which in addition to providing for official recognition of the language provided measures through which the use of the language was to be promoted in public life, including through education, judicial authorities, administrative and public authorities, media, economic, cultural and social life, and trans-frontier exchanges (including cross-border relations).²⁷ If given legislative effect, these provisions would mirror provisions in language rights legislation in other jurisdictions in the UK that provide for official use of minority languages, in particular in individual interactions with the state, and for visibility of minority languages in public spaces.

However, no substantive legal change resulted from the ECRML's ratification,²⁸ and the issue of language rights and minority language recognition was taken up once more only following the conclusion of the St Andrews Agreement (SAA) in 2006. The SAA was the first instance of a pattern in Northern Ireland whereby an agreement on language rights provision is reached, driven by political breakdown, followed by a period during which the measures promised fail to be progressed, before language rights become the subject of renewed conflict, and further progress is made only when language rights are introduced as a 'bargaining chip' in inter-party political negotiations, generally following a fresh period of governmental breakdown.

The SAA followed the breakdown of the devolved government in 2002 and the imposition of direct rule, and sought to restore power-sharing to Northern Ireland. The UK government committed to working with the Stormont Executive to enhance and protect the development of both Irish and Ulster-Scots within the jurisdiction. In the same year as the SAA, the Northern Ireland Human Rights Commission, a body created by the GFA, proposed that a Northern Ireland bill of rights should guarantee rights for all language users and make the extent of those rights dependent on the

²⁷ See generally Dunlevy, 'Learning Irish amid controversy'.

²⁸ See generally Dónall Ó Riagáin, 'An Chairt Eorpach: uirlis sholúbtha le cur chun cinn teangach', in Dónall Ó Riagáin (ed.), *Language and law in Northern Ireland* (Belfast, 2003); Niamh Nic Suibhne, 'European Community law and minority languages', in Ó Riagáin, *Language and law in Northern Ireland*.

extent to which each language was used and understood in the community.²⁹ However, the SAA undertaking to introduce an Irish Language Act overtook this proposal. This was perhaps fortunate given the weak rights that any minority language in Northern Ireland would be afforded under a schema that relied on majority adoption to secure the most substantive rights.³⁰

The hope that legislation would result from the SAA that would ultimately be similar to that already provided in Wales and Scotland was not actualised. While the British government initially undertook to introduce an Irish Language Act to enhance and protect the language and reiterated its belief in the need to enhance and develop not only the Ulster-Scots language but also Ulster-Scots 'heritage and culture',³¹ ultimately the SAA did not provide for a legislative commitment, and Section 28D of the Northern Ireland Act 1998 and the St Andrews Agreement Act 2006 omitted any reference to an Irish Language Act, committing the Northern Ireland Executive instead to adopting 'strategies' for both Irish and Ulster-Scots.³²

The Northern Ireland Department of Culture, Arts and Leisure subsequently developed two separate strategies—a 'Strategy to Enhance and Protect the Development of the Irish Language'³³ and a 'Strategy to Enhance and Develop the Ulster-Scots Language, Heritage and Culture'³⁴—both of which were intended to cover the period 2015–35. However, neither was endorsed by the Executive or pressed into action. In 2015, the minister for culture, arts and leisure, Carál Ní Chuilín of Sinn

²⁹ 'Agreement at St Andrews', available at:

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/st-andrews-agreement.pdf> (1 December 2021).

³⁰ A similar desire for language rights based on proportionate use of a language within the population was voiced in 2017 by then DUP party leader Arlene Foster, who argued that it was more desirable and practical to have a Polish language Act because more people in Northern Ireland speak Polish than Irish. See 'Arlene Foster on Irish language act: "More people speak Polish"', *Belfast Telegraph*, 6 February 2017. This is a tidy obfuscation, reducing minority language speakers to an unreasonable minority while refusing to acknowledge that the reason the place of such languages must be seriously considered is the colonial legacy of the UK and its institutionally and legally enshrined linguistic mandate.

³¹ Department of Culture, Arts and Leisure, 'Strategy to Enhance and Develop the Ulster-Scots Language, Heritage and Culture 2015–2035: one year on' (Belfast, 2016).

³² Department of Culture, Arts and Leisure, 'The Irish Language Strategy: one year on' (Belfast, 2016).

³³ Department of Culture, Arts and Leisure, 'The Irish Language Strategy: one year on'.

³⁴ Department of Culture, Arts and Leisure, 'Strategy to Enhance and Develop the Ulster-Scots Language, Heritage and Culture 2015–2035: one year on'.

Féin, began a public consultation on an Irish Language Bill³⁵ and attempts were made to introduce such a bill in the Northern Ireland Assembly; however, the proposal failed to generate sufficient support.

The result was that no strategy or legislation as agreed under the SAA or otherwise was enacted and, in 2017, the Northern Irish High Court found the Executive³⁶ to have breached its statutory duty under Section 28D of the Northern Ireland Act 1998 to adopt such a strategy—in respect of Irish in particular. While the court noted that the obligation imposed by the section was not subject to a time limit, Maguire J noted that ‘a proper reading of the provision would necessarily imply into it the notion that the obligation is to be performed within a reasonable period of time’.³⁷ Moving from the entry into force of the section following SAA, the court found that a ten-year period of inaction was not compliant with the obligation the section imposed.

International attention also shifted to the absence of language rights in Northern Ireland during this period, with concerns about the absence of legislation raised by the United Nations Committee on Economic, Social, and Cultural Rights,³⁸ the Advisory Committee on the Framework Convention for the Protection of National Minorities,³⁹ and, perhaps most significantly given the UK’s ratification of and association with the language provisions of the GFA, the Council of Europe’s Committee of Experts on the ECRML.

The ECRML Committee, in particular, noted that the Northern Ireland Assembly had not reached a consensus on the adoption of an Irish Language Act and that ‘the adoption of such legislation as essential to free the promotion of Irish from political tensions’.⁴⁰ However, the committee acknowledged that the promotion of Irish continued to be ‘highly politicised’, with government departments and local authorities in the jurisdiction adopting single-language policies that exclude the use of Irish,

³⁵ Department of Culture, Arts and Leisure, ‘Proposals for an Irish Language Bill (February 2015)’.

³⁶ *In re Section 28D of The Northern Ireland Act 1998* [2017] NIQB 27 (Maguire J).

³⁷ *In re Section 28D of The Northern Ireland Act 1998* [2017] NIQB 27 (Maguire J) [5].

³⁸ United Nations Economic and Social Council, ‘Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland (2016)’, [67].

³⁹ Advisory Committee on the Framework Convention for the Protection of National Minorities, ‘Fourth Opinion on the United Kingdom’ (25 May 2016).

⁴⁰ Committee of Ministers, ‘10.6 European Charter for Regional or Minority Languages: Fifth report of the Committee of Experts in respect of the United Kingdom’ (2020).

which is incompatible with the Charter.⁴¹ The committee also raised concerns regarding the absence of training for teachers in Irish, the relative paucity of Irish language media, the absence of legislative and geographic translations, and the failure to provide interpretation for Irish participation in the Stormont Assembly. It noted that the ongoing prohibition then in place on the use of Irish in court (under the Administration of Justice (Language) Act (Ireland) 1737) was discriminatory.⁴² In respect of Ulster-Scots, the committee noted that there remained a lack of implementation in practice, with the language largely absent from, and at best inconsistently present in, public life.⁴³

The UK was also admonished by the Committee of Experts working on the Council of Europe Framework Convention for the Protection of National Minorities (of which the UK had been a signatory since 1995) for failing to update it on the implementation of the Framework Convention in 2016, and, in particular, failing to provide any information on Northern Ireland.⁴⁴ The committee noted that the latter failure had been explained as resulting from ‘the lack of agreement on minority and human-rights related issues between the two largest parties of the [Northern Ireland] Executive, particularly on the issue of the Irish language’, but nevertheless urged the Northern Ireland authorities to ‘at least provide information on non-controversial issues’ and called on the UK government to ‘help build consensus on the reporting process’.⁴⁵ While the UK responded to this admonition by providing some information on Northern Ireland, it made no mention of either Irish or Ulster-Scots, including in the section of its response on ‘Languages’.⁴⁶

Parallel to these developments, from 2017 until 2020, Northern Ireland remained without a functioning Executive, with the failure to reach an agreement to resume government at Stormont largely attributed to the

⁴¹ Committee of Ministers, ‘10.6 European Charter for Regional or Minority Languages: Fifth report of the Committee of Experts in respect of the United Kingdom’ (2020) [13].


⁴² Committee of Ministers, ‘10.6 European Charter for Regional or Minority Languages: Fifth report of the Committee of Experts in respect of the United Kingdom’ (2020).

⁴³ Committee of Ministers, ‘10.6 European Charter for Regional or Minority Languages: Fifth report of the Committee of Experts in respect of the United Kingdom’ (2020) [15].

⁴⁴ Fourth Report Submitted by the United Kingdom Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities (2015).

⁴⁵ Fourth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities (2015) [3].

⁴⁶ Comments of the government of the United Kingdom on the Fourth Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by the United Kingdom (2017).



inability among the parties involved to agree on an Irish Language Act or Cultures Act (as well as disagreement over the reform of the petition of concern mechanism and addressing the legacy of the Troubles). Sinn Féin, in particular, following Martin McGuinness' resignation as leader amid controversy about the status of Irish, claimed that an Irish Language Act was necessary to fulfil the SAA.⁴⁷ Other parties, notably the DUP, opposed the Act, arguing that sufficient funding was already provided to minority languages and that further legislation that provided for official recognition of Irish was unnecessary and divisive. Following lengthy negotiations, in January 2020, the parties agreed to New Decade, New Approach (NDNA).

The NDNA commits the government to legislate to promote 'parity of esteem, mutual respect, understanding and cooperation' of different national and cultural identities in Northern Ireland, in particular through the creation of an Office of Identity and Cultural Expression, with responsibility for promoting cultural pluralism and respect for diversity, building social cohesion and reconciliation, and celebrating and supporting all aspects of Northern Ireland's cultural and linguistic heritage. The NDNA also committed the Executive to the establishment of two language commissioners, one for Irish and one for Ulster-Scots, who would be charged with ensuring the enforcement of any legislative provisions, and with monitoring the extent to which the commitments made under the ECRML are given effect.

The Commissioner for Irish would be tasked with monitoring the use of Irish by public authorities and ensuring the 'recognition, support, protection, and enhancement of the development of the Irish language',⁴⁸ while the Commissioner for Ulster-Scots would be tasked with enhancing and developing language, arts and literature associated with Ulster-Scots and the Ulster British tradition in Northern Ireland.⁴⁹ The NDNA largely framed its proposed legislative provisions in response to the criticisms raised by the ECRML Committee of Experts, providing for enhanced translation and interpretation in government,⁵⁰ increased use of minority languages in broadcasting,⁵¹ and permitting minority languages to be used

⁴⁷ See Carál Ní Chuilín, 'Sinn Féin committed to securing Irish Language Act', 21 February 2017, available at: <https://www.sinnfein.ie/contents/43585> (2 February 2022).

⁴⁸ NDNA, 16.

⁴⁹ NDNA.

⁵⁰ NDNA, 16.

⁵¹ NDNA, 16, 49, 61

for the registration of births, deaths, marriages and wills.⁵² The proposed legislation also undertook to facilitate the use of Irish in court ‘when deemed necessary’, thus allowing for the repeal of the Administration of Justice (Language) Act (Ireland) 1737, which was introduced in an attempt to remove Irish from the courtroom in the name of the ‘great mischiefs’ that languages other than English caused in matters of justice.⁵³

As Ó Mainnín has pointed out, however, the NDNA does not address (or resolve) many of the issues that have been the subject of previous conflict over language rights and affect the daily lives of speakers, including the use of Irish on signage.⁵⁴ More significantly, the NDNA provided that any of the proposed changes must be agreed by the first and deputy first ministers—effectively creating a veto for the DUP. Two years after the NDNA was agreed, progress had been notably absent. An Act, a language strategy or a timetable for delivering either have not been forthcoming.⁵⁵ By the time of writing the legislation promised under the NDNA had not been progressed despite statements from the secretary of state, Brandon Lewis, that if the Executive did not progress legislation by the end of September 2021, the UK government would take the legislation through parliament in Westminster.


The more fundamental issue is that the proposed changes may not go far enough, and will fail to keep pace with the needs of minority language communities in the jurisdiction and to capitalise on the potential of such legislation to act as a source of reconciliation. At present, the proposed legislative changes under the NDNA are limited to three amending Bills to the Northern Ireland Act 1998 that will make provisions to establish the Office of Identity and Cultural Expression, to make provisions for the Irish language, and to establish a commissioner to enhance and develop the language, arts and literature with the Ulster-Scots/Ulster British tradition in Northern Ireland. While these proposed changes represent welcome progress on the issue of language rights within the jurisdiction, the limited

⁵² NDNA, 34.

⁵³ NDNA, 34.

⁵⁴ Ó Mainnín, ‘Empowering multilingualism?’; Sarah McMonagle, ‘Deliberating the Irish language in Northern Ireland: from conflict to multiculturalism?’ *Journal of Multilingual and Multicultural Development* 31 (2010) 253–70; Abhimanyu Sharma, ‘Whither the Irish Language Act? Language policies in Northern Ireland’, *Current Issues in Language Planning* 22 (2021), 308–27.

⁵⁵ In April 2021 Conradh na Gaeilge issued a pre-action protocol letter to the Northern Irish Executive indicating that the group intended to take legal action over the Executive’s failure to implement an Irish language strategy as directed by the High Court’s 2017 judgment. See <https://www.cnag.ie/en/news/1450-01042021.html> (1 December 2021).



framework proposed is unlikely to foster a broader engagement with and use of minority languages beyond the communities in which such languages are already used.



3

Supporting Sustainable Language Learning and Language Use

3. SUPPORTING SUSTAINABLE LANGUAGE LEARNING AND LANGUAGE USE: POLICY OBSERVATIONS

“Is é Gaeilge na Mumhan an aimsir chaite, Gaeilge Connacht an aimsir láithreach, agus Gaeilge Uladh an aimsir fhoisteanach”


- Gabriel Rosenstock

The pattern that emerges from an analysis of the development (or lack of development) of language rights in Northern Ireland is one of incremental (and largely rhetorical) progress achieved *in extremis* when incidences of political breakdown can be solved only by concessions by all parties on matters that are considered too contentious for legislative resolution in other circumstances. And yet, there is increasing awareness within communities of all persuasions that linguistic and political identities are not mutually exclusive in the manner in which they have been portrayed by the political process. In East Belfast, the work of Turas, a language project ‘which aims to connect people from Protestant communities to their own history with the Irish language’ has become a significant force in reconciliation through language learning—offering fourteen classes a week, with almost 300 people registering to attend classes each year, the majority from the Protestant community.⁵⁶

In 2021 the project opened a naiscoil (Irish language medium preschool),⁵⁷ and it provides Irish language teaching for primary school students, as well as a library with over 4,000 resources in Irish and Ulster Scots and a scholarship scheme that currently supports eight people to attend university and study Irish. The project and its offerings, while open to any individual regardless of political or religious identity, has welcomed a large number of those from its surrounding communities in East Belfast to language learning, and is perhaps one of the most tangible illustrations of the false narrative presented as part of the political process that acquiring or using Irish is inherently corrosive of, or in conflict with, unionist or Protestant identities.

⁵⁶ <https://www.ebm.org.uk/turas/>. See also Linda Ervine, ‘Northern Protestants like me are embracing the Irish language’, *Irish Independent*, 4 September 2021.

⁵⁷ Claire Simpson, ‘Linda Ervine on how an Irish medium pre-school in east Belfast found a home after a campaign of intimidation’, *Irish News*, 25 October 2021.




The success of Turas is particularly notable when set against the difficulties that McCoy has identified for Unionists who decide to learn Irish, which include abstract concerns about the need to articulate personally or socially how the language is compatible with their community identity, and political views, alongside practical concerns about entering Catholic areas where language learning resources are located, and a fear of social stigmatisation or physical intimidation from their own community for doing so.⁵⁸ In illustrating how language learning can be used as a means of reconciliation, Mitchell and Miller, in particular, have argued that Turas' articulation of the place and importance of language within community has 'invite[d] participants into a broader consideration of how polarized conflict narratives, transmitted through generations, have (mis)-shaped individuals' and communities' understanding of their pasts'.⁵⁹ Mitchell and Miller recorded the perception among community members interacting with Turas that their connection with the Irish language had been restored to them. Part of restoring this relationship focuses on the contextual presence of Irish across all communities in Northern Ireland through mapping the origins of place names, some 95 per cent of which derive from Irish *logainmneacha*,⁶⁰ but which also have roots in Scots Gaelic and Norman languages, to re-expose the diversity and complexity of linguistic and community identities within Northern Ireland.

In discussions with stakeholders the observation most commonly made was related to that there was a need to depoliticize language rights decisions. While the provision of language rights (as with any rights) is necessarily a matter of politics the concern voices is for a quotidian securing of language rights against political discretion. In this respect stakeholders have noted that language rights protections must avoid traditional 'divide and conquer' governance models and have suggested that two central drivers of this insulation of language rights from political use and their use for reconciliatory purposes. The first, is a need to minimise and strictly formalise the exercise of discretion such that language rights and language policies fluctuate as little as possible with changes in political leadership. The most evident way of minimising reliance on discretion is, of course, through primary legislation which imposes the minimum thresholds for language rights provision, and policy development in any subsequent delegated or secondary legislation.

⁵⁸ Gordon McCoy, 'Protestant learners of the Irish language movement', in Mac Póilín, *The Irish language in Northern Ireland*.

⁵⁹ Mitchell and Miller, 'Reconciliation through language learning?'

⁶⁰ Mitchell and Miller, 'Reconciliation through language learning?'. On multilingualism and place names see also Ó Mainnín, 'Empowering multilingualism?'




The present pattern was described as being characterised by high levels of discretion and what might be termed a retreat to informality where the absence of official language rights legislation allows significant variation between local government areas and State departments in terms of language recognition and rights provision. The second matter noted by stakeholders- and one which interacted with the first concern - was the impact of ‘out of sight’ decision making. The response of Queens University Belfast governance to attempts to establish a Scéim Cónaithe for Irish speaking students⁶¹ was raised by stakeholders of emblematic of the way in which institutions can capitalise on the informality of current language rights policy governance to maintain the monolingual *status quo*. In the case of Queen’s the official response to the scéim varied from the private comments recorded during private consultations with relevant parties and it was the use by stakeholders of media reporting that prompted a more coherent approach to the decision-making.⁶² Whether or not the disparity between private comments made during University meetings and those made following media coverage are indicative of the power of transparency to influence the decision-making process what is apparent is that stakeholders view the lack of transparency which characterises current language rights decision-making as counterproductive and generating unnecessary conflicts over the motivations of the parties involved, and the processes used to reach decisions.

The first step in designing language rights legislation in a way which diminished politicisation (as a minimum condition for reconciliation) is thus to impose procedural justice requirements and accountability structures where decisions effecting language use and language recognition are implicated. This will necessarily involve basic procedural questions involving the appropriate exercise of discretionary powers (and when such discretion is, itself, appropriate), as well as provisions on fair hearings and public decision making which would impose binding rules governing how decision-making bodies are constituted, the rules governing the representation of stakeholders and presentation of evidence, and

⁶¹ A portion of student housing which is reserved for, and populated by, Irish speaking students who are facilitated in living through Irish as part of an all Irish language community was proposed by the University’s ‘Cumann Gaelach’ (Irish language student society). Similar arrangements have been provided in Trinity College Dublin, University College Dublin, University College Cork and University of Galway see, <https://tuairisc.ie/ceim-iontach-dearfach-sceim-chonaithe-ghaeilge-a-bhunu-in-ollscoil-na-banriona/> (accessed 27 April 2022). Such schemes also exist in Welsh and Scottish universities.

⁶² <https://www.irishnews.com/news/northernirelandnews/2021/11/29/news/queen-s-university-insists-no-decision-has-been-made-on-gaeilgeoiri-residential-scheme-2521297/> (accessed 29 April 2022)




provision for the methods through which decisions are made. These requirements are all well-established in Northern Ireland's own administrative law but require deliberate and considered reflection in any official languages legislation.

The second step in designing such legislation is to consider the allocation of burdens and indirect impacts. The issue of burden allocation has been raised by stakeholders in Northern Ireland repeatedly who emphasise the need for an 'active offer' model of language rights legislation which places the requirement to offer services in all languages not on individual citizens but on State institutions and public bodies. Active offer models can normalize multi-lingualism, encourage minority language use and, crucially, avoid positioning minority language speakers as 'difficult' individuals who are pushing for 'special' recognition and are an 'inconvenience.' In this respect stakeholders and participants in this research have emphasised the connections between language choice and recognition and individual dignity and have emphasized the impact of being heard in one's own preferred language can have on institutional trust, and the feeling of enfranchisement among communities.

The position in relation to indirect impacts is more nuanced and, arguably, more intractable. The Scéim Chónaithe proposed by QUB is an excellent example in this respect, and links to broader concerns about the capacity of specific languages rights provisions to integrate the views of all language communities, not merely those which are already established. Residential accommodation in QUB is, at present, given on a first preference basis to those not resident in the city, and also attaches annual costs from £3,400 to £7,400. The concern, of course, is thus that the scheme will accommodate those from rural language communities with the disposable income to satisfy these costs and may, as a result, reflect a demographic composition which does not include those from working class, or urban language communities. The example of the Scéim illustrates the intersectional lens which must be applied to language rights when seeking to use them to advance reconciliation. Not only must language competence itself be considered (ensuring that legal and policy provisions serve language users from beginners to those who have a native or fluent competency), it must also consider how socio-economic class, geography and community background will be implicated by particular structural and procedural choices.

The tenor of the accounts gathered by Mitchell and Miller indicate the central premise on which many intersectional legislative provisions for language rights must seek to capitalise to further reconciliation, namely associating the provision of language rights with educational opportunities



for all citizens rather than those who are already minority language users. In this respect, language rights legislation could actively seek, as in the case of *Turas*, to facilitate educational opportunities that support language users of all levels and from all communities to learn the minority language of their choosing, and in doing so to recover an aspect of their own community's identity—and their own—that happens to seem to unite them with groups they may have traditionally understood as their opponents.


This, however, requires three fundamental changes to the manner in which languages legislation has traditionally operated—and to the models of legislation that have been proposed to date.⁶³ The first change is an equal recognition and provision for Ulster-Scots, absent which, the legislation may both be perceived as being, and practically operate as, a tool for the furthering only of a recovery of Irish-speaking identities. This would represent a false picture of the nature of bilingualism and multilingualism in Northern Ireland, and could rightly be viewed as elevating the identarian and cultural concerns of certain kinds of bilingual speakers over others. In this respect, the aim of the legislation should not be to extinguish monolingual identities or promote particular forms of bilingualism but to make space for multiple and intersecting linguistic identities—an approach that Ross has found was most productive in community-building in other linguistic contexts.⁶⁴ Such an approach would be in keeping with the core objective of the GFA: that individuals within Northern Ireland would gradually relinquish strictly binary identities and embrace the complexity of identity and cultural tradition shared between Britain and Ireland as part of the right to be 'British, Irish or both'.⁶⁵ A correctly designed legal provision for language rights might also provide for a fourth identarian option by facilitating distinctively Northern Irish identities to emerge that are neither British, Irish or both, and instead are allegiant to some combination of all—or none—of these categories.

The second, crucial, feature that languages legislation must contain to facilitate reconciliation is a recognition of, and a provision for, the differential needs of language users from various linguistic and community groups. Those who already use a minority language and live as part of a community that supports those users have different needs and resource requirements than those who have no, or basic, competence in a minority language and whose communities do not currently use, nor necessarily support the use of, minority languages. In this respect, *Turas* offers an

⁶³ For comparison see the Republic of Ireland's Official Languages Act 2003; Welsh Language Act 1993 and Welsh Language (Wales) Measure 2011; Gaelic Language (Scotland) Act 2005.

⁶⁴ Marc Howard Ross, *Cultural contestation in ethnic conflict* (Cambridge, 2007), 319–20.

⁶⁵ Good Friday/Belfast Agreement 1998 (vi), Annex A.



insight into some of the differential needs of communities. Ensuring equality of linguistic identities may thus include the need to ensure the provision of:

- services and opportunities for language use and learning within one's own community, whether rural or urban
- these services and opportunities in geographic and social settings where communities can mix in a neutral space, or within the language learner/user's own community
- resources for those with different levels of language competence—from native speakers to those only beginning to learn—and for all ages of individual represented along that spectrum
- resources for families who wish to learn or use minority languages
- economic supports for those whose own resources are not sufficient to begin or to continue language learning
- cultural education alongside language learning, which highlights the shared histories and features of all languages used within Northern Ireland.

The needs of established language users and the communities in which they are represented may thus be significantly different from those of users who belong to communities where minority languages are not (or are no longer) used. Addressing the needs of the former group involves focusing to a greater extent on rights that ensure speakers can interact with the state, secure recognition of their linguistic identity in official and institutional contexts and use their language in quotidian settings.

For minority language legislation to function in a democratic manner that offers something to all citizens, however, the needs and experiences of both established users and user communities, and new users and user communities, must be recognised. This leads to the third feature that language rights legislation must consider, namely the allocation of financial resources. Minority languages legislation—including in jurisdictions such as Ireland, where such languages have the highest, constitutional, standing—is frequently opposed on the basis that it represents a disproportionate allocation of limited financial resources, or is limited in its efficacy when the necessary resources for effecting legislative provisions

are not provided. In this respect, both Cardinal⁶⁶ and Ó Riagáin⁶⁷ have emphasised the importance of the enforcement of language rights legislation to ensure compliance with and respect for language rights.

The two legislative features suggested above will necessarily involve the allocation of financial resources equal to, if not perhaps in excess of, those required by traditional language rights legislation. In this respect, successful legislative models require not only black-letter legal change but also a reorientation of how language rights, and the purpose of such rights, are articulated and perceived. Muller has argued that language rights legislation should be understood as compensatory action in recognition of state damage to language and should be accompanied by genuine equality, and partnership in governance.⁶⁸ Such approaches in Northern Ireland, however, would hardly be conducive to depoliticising language or using language rights as a tool for reconciliation. Indeed, Cardinal and others have acknowledged that legislation can be a blunt instrument, better adapted to the needs of government than to the sensitive process of language revitalisation.⁶⁹ In this respect, a deliberative democracy-led approach to language rights legislation is likely the most sustainable approach. Current proposals for language rights legislation, however, have been developed largely without significant public participation or consultation. This is particularly problematic given the unsettled perceptions of language rights generally within the jurisdiction, and the concern about the objectives of such legislation in elevating the interests of certain language users over others.

The long-term goal of those advocating for language rights should be to ensure that legislation not only would contribute to the normalisation of the minority languages involved but also, in Northern Ireland, would depoliticise language and allow minority languages protection to become part of a broader pattern of reconciliation.⁷⁰ These objectives are challenging to secure in circumstances where the legislation that is proposed (or passed) has been developed in a highly politicised context (linked to the resumption of government) and has been negotiated and agreed without the kind of ongoing public consultation that would generate

⁶⁶ Quoted in Muller, *Language and conflict in Northern Ireland and Canada*, 9–10.

⁶⁷ See Pádraig Ó Riagáin, *Language policy and social reproduction: Ireland 1893–1993* (Oxford, 1997).

⁶⁸ Muller, *Language and conflict in Northern Ireland and Canada*, 10–11.

⁶⁹ See Robert Dunbar, 'Is there a duty to legislate for linguistic minorities?', *Journal of Law and Society* 33 (2006) 181–98; Wilson McLeod, 'Securing the status of Gaelic? Implementing the Gaelic Language (Scotland) Act 2005', *Scottish Affairs* 57 (2006), 19–38; de Varennes, *Language, minorities and human rights*; Mac Giolla Chríost, 'A question of national identity or minority rights?'

⁷⁰ Dunlevy, 'Learning Irish amid controversy'.

a context in which concerns of non-users and a diverse range of users were addressed as part of the drafting process.

The role of deliberative democracy in such settings is to respond to ‘the persistence of moral disagreement’—or conflicts about fundamental values—through the political process.⁷¹ This, along with the contextual framing of Northern Irish politics, which is fundamentally concerned with resolving disagreement around value-based community identities, makes deliberative democratic change particularly important. Change accomplished through such a model affirms the need to justify decisions made by citizens and their representatives and the obligations they impose on one another in seeking to locate equality of compromise that neither side can reasonably reject.⁷² In Northern Ireland, where language rights have been politicised, a deliberative democratic model for language rights legislation would elevate the quotidian attitudes of individuals to the minority languages present in their communities while seeking to minimise the manipulation of minority languages as part of a political narrative rather than a lived one.

This may seem somewhat utopian, yet Williams has demonstrated the need for, and importance of, participative legislative development in divided societies where citizen participation and regulatory scrutiny can be equally important in attempting to orient legislative change toward achieving an integrated process of reconciliation through the provision of language rights.⁷³ McMonagle has argued that, in this context, the inbuilt reciprocity of deliberative democracy, which demands equal recognition of majority and minority positions, is crucial to political stability following violent conflict.⁷⁴ Williams ventures that, moving from a position where basic commitments to language rights are present, ‘the next logical step in the promotion and regulation of language policy should be a serious attempt to involve all the stakeholders in the broader discussion surrounding governance’.⁷⁵ A crucial first step in ensuring this is, however, to secure the involvement of all communities in the process of legislative development, and to guard against the involvement of only established communities of language users.

⁷¹ Amy Gutmann and Dennis Thompson, *Democracy and disagreement* (Cambridge, MA, 1996), 1051.

⁷² Amy Gutmann and Dennis Thompson, *Why deliberative democracy?* (Princeton, NJ, 2004), 3.

⁷³ C.H. Williams, *Linguistic minorities in democratic context* (Basingstoke, 2008), 4; McMonagle, ‘Deliberating the Irish language in Northern Ireland’.

⁷⁴ McMonagle, ‘Deliberating the Irish language in Northern Ireland’, 253.

⁷⁵ Williams, *Linguistic minorities in democratic context*, 6.



4

Policy Recommendations

4. POLICY RECOMMENDATIONS

On the basis of the research to date the following recommendations should guide policy thinking on minority language rights in Northern Ireland.

- In as much as Irish is recognised as an official minority language it should be recognised on the same basis as Ulster Scots and the provisions in law and policy made for both languages should be equivalent in terms of status, use by public bodies and integration within public spaces.
- Provision for language rights should be made in law with delegated legislation which provides for ministerial or Departmental discretion limited by minimum thresholds, and timelines established in primary legislation,
- Legislation should enshrine a 'active offer' model which places the burden for facilitating minority language use in interactions with public bodies on the public body, rather than the individual minority language speaker
- Traditional, formal mechanisms adopted by official languages legislation i.e., mandatory uses of signage and stationery should be supplemented by community lead, informal measures such as free or heavily subsidized language, heritage and culture classes.
- Economic or institutional supports provided for established communities or businesses using minority languages should be implemented in a manner which ensures emerging or as yet undeveloped language communities or users are not excluded from support.
- In this respect, it is particularly important to note that minority languages communities in Northern Ireland are more geographically diverse than in, for example, the Republic of Ireland or Wales, and include established urban language communities. As such, models used in the Republic of Ireland which emphasise economic development of rural, Gaeltacht areas are less appropriate. Equally, the unavailability of EU funds for such development within Northern Ireland must mean that economic or institutional supports will take more specific, local and limited forms.
- The model of community-based language classes, subsidised integrated education and scholarships for University and Gaeltacht study evidenced by Turas in East Belfast offers a strong model on which to base initial efforts in this respect, though its application to more dispersed rural communities would require adaptation.

5

Conclusion



CONCLUSION

The research undertaken thus far has indicated a clear need for formal, legal provision through legislation for language rights in Northern Ireland. The specific obligations such legislation could impose have been modelled in other jurisdictions on both the island of Ireland and in the United Kingdom and are examined in the subsequent report in this series. However, the minimum objective of such legislation is to reduce discretion and thus seek to ‘depoliticise’ language rights in functional terms by removing them from active and ongoing fluctuations of enforcement or support which a less formal, policy basis would permit.

Depoliticisation must, however, operate not only in a top-down model but also in a bottom-up manner, building tolerance, and understanding, of minority languages among the community. Crucially this requires not only the facilitation and recognition of existing language users with high levels of fluency but also the engagement of those communities who do not view themselves as having any ‘ownership’ of the/a minority language.



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