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TO: CAITLIN NI FHLAITHEARTAIGH (003531-676-1806)

FROM: GEORGE GRAY, OLC, Parliament Buildings

PAGES: 10 (INCLUDING THIS ONE)

MESSAGE: Attached is a draft on languages. This was drafted on Sunday on the basis of the paper as it stood on Saturday. Certain of these changes are reflected in the draft (e.g. the references to paragraphs) but not all. In any case large parts of the paper are in square brackets awaiting resolution.

Despite all the uncertainties over the detailed content I hope the draft illustrates sufficiently clearly a suggested general approach to matters such as the definition of Ullans, the structure of the Body and its Agencies, and the "scheduling" of the MOU.

As ever, grateful for early comments.

This will be all for today. Trade and EU will follow in the next couple of days. Aquaculture seems by far the trickiest in drafting terms given the need to cope with existing complex legislation.

25 January 1999

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**NORTH-SOUTH IMPLEMENTATION BODY: LANGUAGE
(IRISH AND ULSTER-SCOTS)**

CONSULTATION PAPER: 25 JANUARY 1999

1. PROPOSED TITLE

- 1.1 The agreement reached on 18 December 1998 was that there will be one Body with two separate parts, each with designated functions. The title of the Body in English will be {The North-South Language Body} {The Implementation Body for Irish Language, Ullans and Ulster-Scots Culture}. The title in Irish will be {An Foras Teanga Thuaidh-Theas} {An Foras Feidhmiúcháin um Ghaeilge, Ullans agus Cultúr Ultach-Albanach} [?Title in Ullans]

2. FUNCTIONS

Irish Language

- 2.1 The Body will have the following functions in relation to the Irish language as designated in the Agreement of 18 December 1998:-
- (a) promotion of the Irish language;
 - (b) 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;

- (c) advising both administrations, public bodies and other groups in the private and voluntary sectors;
- (d) undertaking supportive projects, and grant-aiding bodies and groups as considered necessary;
- (e) undertaking research, promotional campaigns, and public and media relations;
- (f) developing terminology and dictionaries;
- (g) supporting Irish-medium education and the teaching of Irish.

2.2 In carrying out the above functions, the Body may undertake such activities as will facilitate the effective discharge of the functions. In particular, in carrying out the functions at (f) and (g) above and having regard to the legislative and other curriculum requirements applicable to each jurisdiction, the Body may:

- (a) (i) review the curriculum resources made available for Irish-medium education and the teaching of Irish,

- including the provision of appropriate textbooks,
other teaching materials and teaching aids;
 - (ii) conduct research into any matters relating to the
provision of Irish-medium education and the teaching
of Irish in schools or other places, including the
methods of teaching employed, the curricula taught
and the assessment procedures adopted;
 - (iii) publish, in such form as it considers appropriate, the
outcomes of its research and reviews, including
recommendations for action;
- (b) exercise the functions heretofore exercised by the
Department of Education and Science, through An Gúm,
with respect to the publication of books in Irish;
 - (c) exercise the functions heretofore exercised by the
Department of Education and Science, through an
Coiste Téarmaíochta with respect to the development of
terminology and vocabulary in Irish;
 - (d) exercise the functions heretofore exercised by the
Department of Education Northern Ireland through the
Irish-medium curriculum materials unit at St Mary's
College; and

- (e) facilitate co-operation between the body established in accordance with Section 31 of the Education Act, 1998 and the promotional body funded under Article 89 of the Education (Northern Ireland) Order 1998.

2.3 (i) Arising out of research or a review carried out under paragraph 2.2(a), the Body may give advice or make recommendations for action -

- (a) to Ministers in either of the Administrations, North or South, who have functions relating to Irish-medium education and the teaching of Irish;

- (b) to the NI Council for Curriculum, Examinations and Assessment;

- (c) to the National Council for Curriculum and Assessment;

- (d) to any other statutory or recognised body which has functions in relation to Irish-medium education and the teaching of Irish.

(ii) [the Ministers and bodies referred to in sub-paragraph (i) will respond in writing to the advice and recommendations of the Body arising out of sub paragraph (i).]

- 2.4 [The legislation establishing the Body will further specifically provide for the arrangements set out in Appendix 1 in regard to the Body's functions in relation to Irish-medium education and the teaching of Irish and to its relations with other relevant entities in these spheres.]
- 2.5 The functions of the Body in relation to the Irish language would be exercised through an Irish Language Agency.
- 2.6 It is envisaged that provision would be made for an Education Unit within this Agency to carry out the functions outlined in paragraphs 2.2 and 2.3.

Ullans/Ulster-Scots

- 2.7 The body will have the following functions in relation to Ullans and Ulster-Scots cultural issues, as designated in the agreement of 18 December 1998:

Promotion of greater awareness and use of Ullans and Ulster-Scots Cultural issues both within Northern Ireland and throughout the island.

- 2.8 In carrying out its functions in relation to Ullans and Ulster-Scots cultural issues the Body may, having regard to the contexts in both jurisdictions, provide advice to both administrations, public bodies and other groups in the private and voluntary sectors, and

undertake research and promotional campaigns. It may also undertake support of projects and grant-aid bodies and groups as necessary though the primary source for assistance from public funds for projects, bodies and groups operating exclusively within Northern Ireland would remain Northern Ireland Government Funding.

- 2.9 "Ullans" is to be understood as the variety of the Scots language traditionally found in parts of Northern Ireland and Donegal. "Ulster-Scots cultural issues" relate to the cultural traditions of the part of the population of Northern Ireland and the border counties of the Republic which is of Scottish ancestry and the influence of their cultural traditions on others, both within the Island and the rest of the world.

- 2.10 The functions of the Body in relation to Ullans and Ulster-Scots cultural issues would be exercised through an Ulster-Scots Agency, separate from the Agency referred to at para 2.5.

3. POWERS AND DUTIES

- 3.1 The legislation in respect of the Body would include:

- (a) duty and powers to carry out the functions set out in paragraphs 2.1 and 2.7;

- (b) a duty to follow guidance agreed by the NSMC;
- (c) a duty to prepare accounts etc;
- (d) a duty to prepare and publish Annual Reports;
- (e) power to enable the Body to incur expenditure, to borrow and advance money;
- (f) a power to pay grant-aid to projects and groups;
- (g) power to exercise relevant administrative functions;
- (h) power to sign contracts;
- (i) power to sue;
- (j) power to employ staff and to second/transfer staff from other bodies;
- (k) power to engage consultants;
- (l) power to acquire by agreement, hold and dispose of lands;
- (m) power to exercise various functions previously exercised by the Department of Arts, Heritage, Gaeltacht and the Islands, the Department of Education for Northern Ireland,

the Department of Education and Science and
Bord na Gaeilge.

- 3.2 These powers will be exercised, and duties discharged, by the
Agencies referred to at paras 2.5 and 2.10 on behalf of the Body
in respect of the functions in relation to the Irish language and to
Ullans/Ulster-Scots cultural issues, respectively.

4. **STRUCTURE AND ACCOUNTABILITY**

- 4.1 The proposed relationships between the bodies, NSMC,
Oireachtas and the Assembly are set out in Annex A.
- 4.2 [The structure of the Body will reflect the fact that it is to
subsume the existing statutory entity (Bord na Gaeilge in the
South) with a Board structure and also to embrace certain
administrative and professional units concerned with educational
matters. The Body shall have a Board of 24 members. Each
jurisdiction shall appoint half of the members of the Board and of
each of the [Agency Management Committees] [Boards of the
Agencies] referred to at paras 2.5 and 2.10 above.
- 4.3 Sixteen members would be designated at the time of appointment
as:
- having responsibility for the exercise of the functions of the
body in relation to the Irish language; and

- constituting the [Management Committee] [Board] of the Irish Language Agency.

4.4 Eight members would be designated at the time of appointment as:

- having responsibility for the exercise of the functions of the body in relation to Ullans/Ulster Scots; and

- constituting the [Management Committee] [Board] of the Ulster-Scots Agency.

4.5 There will be 2 joint chairpersons of the Body, one of whom will be designated at the time of appointment as chairperson of the [Management Committee] [Board] of the Irish Language Agency and the other as chairperson of the [Management Committee] [Board] of the Ulster-Scots Agency.

4.6 The legislation establishing the Body would specifically provide for the arrangements in paras 2.5, 2.10, 3.2, 4.3, 4.4, 4.5.

4.7 The initial Joint Chairpersons and Board members will be appointed by agreement between the British and Irish Governments. Subsequently the Joint Chairpersons and Board members will be appointed by agreement between the relevant

- 4.12 Ministers, North and South, in the framework of the North/South Ministerial Council.
- 4.8 Members of the Houses of the Oireachtas, the United Kingdom Parliament, the Northern Ireland Assembly, and the European Parliament will not be eligible for membership.
- 4.9 The Board members designated in respect of the Irish Language Agency will have an interest in, and/or experience of the Irish language. The Board members designated in respect of the Ulster-Scots Agency will have an interest in, and/or experience of Ulster-Scots cultural issues. The working language of the Irish Language Agency and of its [Management Committee] [Board] will be Irish. The [Board] [Management Committee] of the Ulster-Scots Agency will determine the language(s) to be used at its meetings and in its work. Each [Board] [Management Committee] will determine the title(s) of the respective Agency.
- 4.10 The Board of the Body will meet at least twice a year. A secretary will be appointed to the Body and secretariat and other services will be provided.
- 4.11 The [Management Committees] [Boards] of the Irish Language Agency and the Ullans/Ulster Scots Agency will each meet regularly and frequently.

4.12 The Secretariat of the Body may, in addition to its role in servicing the Board:

- (a) facilitate co-operation on matters of mutual interest relevant to both the Irish language and Ullans/Ulster-Scots culture, including proposals for joint projects;
- (b) organise conferences, seminars and workshops on matters relevant to both Irish language and Ulster-Scots cultural issues; and
- (c) provide such joint services to the Irish Language and Ulster-Scots Agencies as may be agreed by the [Management Committees] [Boards] of both Agencies.

4.13 Each Agency will be headed by a Chief Executive. The Chief Executive and staff of each Agency will be responsible to its [Management Committee] [Board]. The Chief Executives will make themselves available as necessary to Houses of the Oireachtas and the Northern Ireland Assembly.

4.14 In carrying out the Body's functions, the Irish Language Agency will have regard to the context of the position of the Irish language in both jurisdictions. In Northern Ireland this context will be the British Government's commitments in respect of the Good Friday Agreement and the European Charter for Regional and Minority Languages and any relevant legislation. In the

South, the context will be the constitutional and legal position of the Irish language, Irish Government policy and the measures and practices built up to foster and promote the language. The Agency will continue to carry out in the South services and activities previously carried out by Bord na Gaeilge.]

5. FUNDING

5.1 The proposed general principles in relation to finance issues are set out in Annex C.

5.2 The Body's corporate plan, grant allocations and accounts will clearly distinguish between expenditure by the Irish Language Agency, the Ulster-Scots Agency and any sum which may be provided to the Board Secretariat. The estimated funding required for the first year of operation of the Body is estimated at:

- (a) Irish Language Agency - [£10m] [£13.5m] (to be funded in the North-South proportions [20:80] [30:70]);
- (b) Ulster-Scots Agency - [£1m] [£0.5m] (to be funded in North-South proportions [80:20] [70:30]);
- (c) a small sum for the expenses of the Board Secretariat of £100k (to be funded in the North-South proportions 50:50).

6. STAFFING

6.1 The proposed general principles in relation to North South Implementation Bodies are set out in Annex B.

6.2 It is estimated that the initial staffing of the Body will be [in the region of 55] [89]. This would comprise [45] [79] staff for the Irish Language Agency, 8 staff for the Ulster-Scots Agency and possibly 2 staff for the Board Secretariat.

6.3 [The staffing for the Irish Language Agency will include 30 transferred staff from Bord na Gaeilge, 15 from the Department of Education and Science (An Gum and An Coiste Téarmaíochta) and 1 from the Department of Arts, Heritage, Gaeltacht and the Islands. Additional staff of 12 will be required to develop promotional and other functions in Northern Ireland, 3 new staff for the education unit and 6 corporate and support staff. Initially new staff of 12 persons will be required for the development of dictionaries and standardisation. This staff allocation for dictionary related work will be reviewed during the first year of operation of the Body. The staff in this area will only be required for a specific time period/project. All new staff will be directly recruited, a competence and an ability to work in the Irish language being necessary requirements.]

7. OFFICE LOCATION

7.1 [The headquarters of the Irish Language Agency will be in Dublin, with a sub-office in Belfast. The headquarters of the

APP Ulster-Scots Agency will be in Northern Ireland, with a sub-office in Donegal. The Board will agree the location of its meetings.]

8. **OMBUDSMAN, FREEDOM OF INFORMATION, APPLICATION OF EXISTING LAW AND DATA PROTECTION**

8.1 These central issues are covered in Annexes D-G.

APPENDIX

- [1. The Body established in accordance with Section 31 of the Education Act, 1998 (Section 31 Body) and the promotional body funded under Article 89 of the Education (Northern Ireland) Order 1998 (Article 89 Body) shall co-operate with the Irish Language Agency of the Implementation Body in the exercise of its functions under paragraph 2.1 of the paper and give all reasonable assistance to the Agency in that regard.
2. The Minister for Education and Science, in appointing the members of the Section 31 body, shall appoint a person or persons nominated by the Irish Language Agency of the Implementation Body and a person or persons from among nominees of such bodies, statutory or voluntary in Northern Ireland which have as their primary objective the promotion of Irish-medium education or the teaching of the Irish language.
3. The Minister for Education, in making appointments to the Article 89 Body, shall appoint a person or persons nominated by the Irish Language Agency of the Implementation Body and a person or persons from among nominees of such bodies, statutory or voluntary, in Ireland which have as their primary objective the promotion of Irish-medium education or the teaching of the Irish language.

4. The respective Ministers for Education shall -
 - (a) as far as practicable, provide the Irish Language Agency with such information as it requests for the purpose of carrying out its functions under paragraph 2.1 of the paper.
 - (b) provide to the Irish Language Agency such reasonable advice and assistance from staff of the Ministers who have particular expertise or knowledge for the purpose of its functions under paragraphs 2.1 of the paper.

5. A Minister for Education, in one of the Administrations, North or South may by order, made with the agreement of the Minister for Education in the other Administration in the framework of the North/South Ministerial Council, and following consultation with the Irish Language Agency:
 - (a) confer on the Irish Language Agency such additional functions connected with the functions set out in para 2.1 of the paper as he or she considers appropriate; and
 - (b) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Agency of functions under this paragraph or the performance by the Agency of functions so conferred.

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6. The Minister for Education who has made an order may, with the agreement of the other Minister for Education in the framework of the North/South Ministerial Council and following consultation with the Agency amend or revoke an order made under this paragraph.]