

Pointí ag eascairt as doiciméad 13 leathanach, 'Draft Agreement Text', darbh dáta

9.2.18

1. Tagraítear do 3 phársa reachtaíochta sa doiciméad; bille Gaeilge, bille Albainis Uladh agus bille 'measa agus éagsúlachta'. Creideann POBAL go bhfuil gach teanga agus canúint i dteideal le meas. Ní hionann cúinsí agus riachtanais gach teanga, áfach agus ní ar leas na Gaeilge í a bheith ceangailte le hAlbainis Uladh, ná le teanga ná cultúr eile. Tá sé doiléir cad é an tionchar a bheadh ag an 3 bhille seo ar a chéile, ná cad é an crích fhormaid reachtaíochta.
2. Ní mór do Acht na Gaeilge an Ghaeilge a aithint mar theanga oifigiúil de chuid Thuaisceart na hÉireann ach tá doiléireacht san fhoclaíocht sa 'Draft Agreement' faoi seo ag mír 2.3 i) ('The Irish {Respecting Languages and Diversity Bill} will include clauses dealing with the following: Official recognition of the status of the Irish language in Northern Ireland'). Níl sé soiléir gurb ionann 'official recognition of the status of Irish' agus an Ghaeilge a aithint mar theanga oifigiúil.
3. Ní mór don Acht a bheith bunaithe ar chur chuige ceartasach. Faraor, ní cruthaíonn na míreanna sa 'Draft Agreement' cearta ar bith do phobal na Gaeilge.
4. Le cearta a chruthú, bheadh ar an acht féin líon agus raon suntasach de chearta ráthaithe a chruthú sna forais pholaitiúla, sna húdaráis áitiúla, i riar na córa, sna seirbhísí poiblí agus i réimsí na fostaíochta, an oideachais agus na meán cumarsáide
5. Ní mór dó cur síos ar na seirbhísí Gaeilge is éigean don rialtas agus d'fhorais phoiblí a sholáthar agus ar an achar ama a bhainfidh sé astu na seirbhísí seo a chur i bhfeidhm. In áit sin, cuireann mír 2.3 ii) sa 'Draft Agreement', béim ar chruthú oifig an Choimisinéara Gaeilge amháin, agus níl sonraí leagtha síos faoi cad é a bheadh sna 'Caighdeáin Deá Chleachtais' a tagraítear dóibh.
6. In áit sin, de réir mír 2.3 iii) titfidh sé ar an Coimisinéir na 'Caighdeáin Deá Chleachtais' a 'thabhairt isteach' in áit iad a dhaingniú i reachtaíocht agus mar sin, is léir nach mbeadh iontu ach moltaí.

7. Bheadh na 'Caighdeáin Deá Chleachtas' le haontú i ndiaidh chomhairliúchán poiblí, agus a aontú ansin leis an Chéad Aire agus an Leas Chéad Aire. Ciallaíonn sé seo go mbeadh sé de chumhacht go fóill ag an chóras polaitíochta ag Stormont bac a chur ar chosaint na Gaeilge.
8. Déantar cur síos sa doiciméid ar ról 'dúbáilte' ag an Choimisinéir – na 'Caighdeáin' a aontú le comhlachtaí poiblí agus rialtais agus ansin ról póilíneachta a imirt. Léiríonn taithe na Breataine Bige nach bhfuil an ról 'dúbáilte' seo éifeachtach.
9. Tá imní orainn faoi roinnt fo-mhíreanna faoi 2.2 ('bunprionsabail').
 - ag fo-phointe 1, tagraítear do 'mhianta agus íogaireachtaí an phobail.' Tá contúirt ann i dTuaisceart Éireann, go mbainfí mí-úsáid as 'íogaireachtaí' an phobail aontachtach le bac a chur ar fhorbairtí don Ghaeilge
 - ag fo-phointe 4, tagraítear do 'due regard to economy and efficiency' agus arís tá baol ann go mbainfí mí-úsáid as an choincheap seo
 - ag fo-phointe 5, tagraítear do 'interdependence' i dtaca le polasaithe cultúrtha. Tá baol ann go mbainfí mí-úsáid as an choincheap seo leis an Ghaeilge a cheangal le hAlbainis Uladh ar bhealach nach ar leas an cheachtar acu.
10. Ag mír 2.2 ii) tagraítear d'aisghairm Acht 1737 Riar na Córa (Teanga) (Éire). D'fháilteodh muid roimh aisghairm an achta, ach sa doiciméad, tagraítear d'éascú úsáid na Gaeilge (agus teangacha eile) 'when deemed necessary by the courts.' Ní mór d'acht na Gaeilge líon agus raon suntasach de chearta ráthaithe a chruthú i riar na córa, in áit úsáid na Gaeilge a fhágáil do na cúirteanna féin.

Conclúid

Creideann POBAL go bhfuil an eiseamláir reachtaíochta atá leagtha síos sa 'Draft Agreement' lochtach agus easnamhach. Ba droch-bhunús é d'Acht Gaeilge TÉ agus molann muid gur cheart pilleadh chuig na moltaí POBAL sa doiciméad 'Acht na Gaeilge TÉ Eisiúint II'. (<http://www.pobal.org/gaeilge/wp-content/uploads/2013/03/Acht-na-Gaeilge-Eis-2-Edition.pdf>)

Points arising from 13 page document 'Draft Agreement', dated 9.2.18

1. There is reference to 3 pieces of legislation in the document, an Irish language bill, an Ulster-Scots bill and a 'Respect and Diversity' bill. POBAL believes that all languages and dialects are entitled to respect. The circumstances and needs of each language are not the same however and it is not to the benefit of the Irish language to be bound neither to Ulster Scots nor to any other language or culture. It is unclear what the influence of the 3 bills would be on each other, or what the final legislative format would be.
2. The Irish Language Act must make Irish an Official language in NI but there is a lack of clarity about this in the wording of the 'Draft Agreement' at clause 2.3.i) ('The Irish {Respecting Languages and Diversity Bill} will include clauses dealing with the following: Official recognition of the status of the Irish language in Northern Ireland'). It is not clear that 'official recognition of the status of Irish' and making Irish an Official language in NI are one and the same.
3. The Irish language act must take a rights-based approach. Unfortunately, the clauses in the 'Draft Agreement' do not create any rights at all for the Irish speaking community.
4. In order to create rights, the act itself would have to create a significant number and range of guaranteed rights in political institutions, local authorities, administration of justice, education and media
5. It must outline the Irish language services that government and public bodies must provide and within what timescale. Instead of this, clause 2.3.ii) of the 'Draft Agreement' places emphasis only on the creation of the Office of an Irish language Commissioner, and there are no details as to what the contents of the 'Best Practice Standards' mentioned might be.
6. Instead, according to clause 2.3.iii) the Commissioner would be responsible for 'introducing' the 'Best Practice Standards' rather than these being established in legislation and in this case, they would simply be proposals



7. The 'Best Practice Standards' would have to be agreed after public consultation and then agreed by the First Minister and Deputy First Minister. This means that the political system at Stormont would still have the power to impede the protection of the Irish language.
8. The document describes a 'dual' role for the Commissioner – agreeing 'Best Practice Standards' with public and government bodies and then 'policing' them. The experience of Wales shows that this 'dual' role is not effective.
9. We are concerned about some of the sub-points in section 2.2. ('a set of principles').
 - at sub-point 1, there is reference to 'desires and sensitivities of the community'. There is a danger in Northern Ireland that the concept of the 'sensitivities' of the unionist community could be misused to place obstacles in front of the development of the Irish language
 - at sub-point 4, there is reference to 'due regard to economy and efficiency' and again, there is a danger that this concept could be misused
 - at sub-point 5, there is reference to 'interdependence' in relation to cultural policy. There is a danger that this concept could be misused to bind Irish to Ulster Scots in a way that is not beneficial to either
10. At clause 2.2 ii) there is a reference to the repeal of the 1737 Administration of Justice (Language) Act (Ireland). We would welcome the repeal of this act, but in the document, reference is made to the facilitation of the use of Irish (and other languages) 'when deemed necessary by the courts'. The Irish language act must create a significant number and range of guaranteed rights in the administration of justice, rather than leave the use of Irish to be determined by the courts themselves.

Conclusion

POBAL believes that the legislative model laid out in the 'Draft Agreement' is flawed and partial. It would be a bad basis for the Irish language act for NI. We recommend a return to the POBAL proposals contained in the document 'The Irish language Act Issue II'.

<http://www.pobal.org/gaeilge/wp-content/uploads/2013/03/Acht-na-Gaeilge-Eis-2-Edition.pdf>