

Monitoring Language Policies

Irish Language Policy: Seven Years After the Signing of the Good Friday Agreement



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Some three years after the signing of the Good Friday Agreement in 1998, the British government ratified the European Charter for Regional or Minority Languages for the whole of the UK. Under the general protections of Part II of the Charter, recognition was given to Scottish Gaelic and Scots in Scotland. In the north of Ireland, it was given to the Irish language and Ulster Scots. Under the more specific and significant protection of Part III of the Charter, three languages in the UK jurisdiction were recognised, Welsh, Scottish Gaelic and the Irish language. Of these, Welsh would no doubt be deemed to be in the strongest position. Scottish Gaelic is both the traditional first language of certain geographic areas and is also spoken in urban areas by pockets of learners. Official figures put speakers of the language at around 58,000 or 1.21% of the population. The Irish language in the north is at the centre of a community-led language revival that has, over a period of thirty years shown a steady increase in speakers, especially in younger age groups. The 2001 Census showed 167,000 people, 10.4% of the population in the north with knowledge of Irish. Whilst legislative protections already exist for both Welsh and Scottish Gaelic, the ratification of the European Charter was the first legally binding commitment by the UK government to the Irish language in the north.

In this short paper, I shall examine the implementation and monitoring of the Charter in the north of Ireland, with some comparative references to Scotland and Wales. I shall attempt to draw some general conclusions and make recommendations about the monitoring process.

The Charter

The Charter is an international instrument intended to increase the protection for indigenous languages within Europe.

In his analysis of the Charter, Grin (2003) argues that the Charter implies an obligation not simply to act, but to act *effectively* in relation to the protection and promotion of a language identified during ratification. Pointing to Article 7 of the Charter as an example, he notes that in the phrases “the need for resolute action to promote regional or minority languages *in order to safeguard them*” and “the facilitation and / or encouragement of the use of regional or minority languages” the Charter goes beyond positive rights, and calls for actual results.¹ It is of interest to note that the examples cited by Grin, are among those written into the text of the Good Friday Agreement in relation to the Irish language. However, in the Good Friday Agreement, the words that Grin emphasises, ‘in order to safeguard them’ have been omitted. Whilst this has no impact upon the ratification of the Charter itself, it could be argued that it displays a particular mindset at the level of the British government.

The structure of the European Charter for Regional or Minority Languages has been designed to allow maximum flexibility. Part II establishes a common core of principles, whereas Part III contains specific provisions, a minimum of 35 of which are selected by the ratifying state for the nominated Part III language. Many provisions comprise several options of varying degrees of stringency, one of which must be applied “according to the situation of each language”.

Crucially, the Charter advises that,

‘The role of the states will be, not to choose arbitrarily between these alternatives, but to seek for each regional or minority language the wording which best fits the characteristics and state of development of that language.’

Whilst these extracts illustrate the *potential* for clear and unequivocal interpretation of the Charter, it does not ensure that States do indeed tailor their commitments in any objective fashion to meet the needs of each language community concerned.

1. Grin, F. *Language Policy Evaluation and The European Charter for Regional or Minority Languages*, Palgrave Macmillan, 2003, Hampshire and New York. Grin’s own emphasis.

As Dunbar states,

‘... the Charter articulates no coherent theory of language rights nor does it clearly evidence any coherent linguistic or sociological theory of minority language maintenance and development.’

Significantly in relation to this discussion, he concludes,

‘While some States have arguably used the Charter creatively and in a principled way in the development of minority language policy and practice, there is nothing in the Charter which guarantees such an outcome.’²

Monitoring the Charter

In common with other Council of Europe instruments, the Charter requires periodical reports from ratifying governments after the first year and then on a three yearly basis. A Committee of Experts carries out the monitoring process.

As Bucci (1998) reports, the composition of the Committee of Experts has been the subject of some controversy, with the original proposal for ‘independent’ experts, that is, chosen by the Committee of Ministers of the Council of Europe, being rejected by the Congress of Local and Regional Authorities of Europe in 1987. He notes, “This was the signal for a change of tack. The control system strongly geared to the defence of languages was dropped in favour of a system under which the experts were chosen by each contracting party. The previous notion of independence was subsumed in the requirement that they be “individuals of the highest integrity”, that is, that their personal qualities ensured they did not take instructions from their respective governments in the performance of their tasks.”³

Acknowledging that the COMEX is still evolving its working methods and processes, Emyr Lewis, UK representative to the Committee of Experts, points to some of the other practical difficulties faced by the Committee,

‘The Committee is necessarily constrained in what it is able to do by its resources. The members of the Committee of Experts are to all intents and purposes voluntary. We do not work full-time on the Committee’s business. We all have other “day jobs” as it were...The volume of work increases every time a new state ratifies the Charter, and it has become necessary to streamline our processes, in particular to develop a system of working groups who focus on individual states. The Committee has only been operating for slightly over six years, and it is still evol-

2. Dunbar, R. *Implications of the European Charter for Regional or Minority Languages for British Linguistic Minorities* (2000) 25 E.L. Rev. Human Rights Survey, © Sweet & Maxwell and Contributors

3. Bucci, M. *The view of the authors of the Charter, in Implementation of the European Charter for Regional or Minority Languages*, Regional or Minority Languages 2, Innsbruck (Austria) 14-15th December 1998.

*ing its working methods and processes. For instance, it has recently decided to amend the rules of procedure so that the representative of a particular state has no vote on any matter relating to his or her own state*⁴

In line with the Council of Europe's policy of strengthening civil society, Part IV of the Charter empowers the Committee of Experts to consider submissions from non-governmental organisations in relation to states' periodical reports. To date, in general, and in relation to the UK ratification of the Charter, both the Council of Europe and the Charter COMEX have shown a laudable commitment to this principle.

The Charter in the north of Ireland

At the ratification of the European Charter for Regional or Minority Languages in March 2001, the British government selected 52 clauses for Welsh and 39 for Scottish Gaelic. Irish speakers in the north, were afforded the protection of 36 clauses, the minimum being 35, from an a la carte menu intended to deal with all aspects of public life. As Grin (2002) has noted, 'The Charter is an instrument of great originality and cunning design, yet it raises problems of choice, which have to be solved.'⁵ The selection of clauses for Irish in the north provide an interesting illustration of this observation.

Former head of the Linguistic Diversity Unit in the north's Department of Culture, Arts and Leisure, Patricia McAlister (2003), reports that the clauses were selected by a Working group of departmental officials, representatives of the NIO and the NI Courts Service with advice from special counsellor, Dónall Ó Riagáin. McAlister says that the common themes to emerge across departments included,

*'the low level of activity, the desire of officials for detailed advice on meeting Charter commitments, concern at resource implications if there were a significant rise in demand for Irish language services, the need for staff training and for translation and interpreting services.'*⁶

If there was, however, a more rigorous system of assessment and evaluation in place, McAlister gives no indication of it. She asserts,

*'The fact of the matter was of course that the Charter gives no leeway. Only those provisions where activity is underway at the time of coming into force of the Charter can be applied.'*⁷

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4. Lewis, E. paper prepared for EQIA meeting on Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots, 9th September 2004, Stormont Hotel, Belfast
 5. Grin, F. (2002) *Language Policy Evaluation and the European Charter for Regional or Minority Languages*, Palgrave MacMillan, Hampshire and New York, 2002
 6. McAlister, P. *Implementing the European Charter in Northern Ireland*, in Ed: Ó Riagáin, *Language and Law in Northern Ireland*, Belfast Studies in Language, Culture, Politics 9, Cló Ollscoil na Banríona 2003
 7. McAlister, P., *ibid.*

This would appear a singularly unambitious reading of an international instrument that aims to promote, protect and safeguard languages. Arguably, state hostility to the Irish language has resulted in only the lowest level of provision. When this becomes the benchmark, it may copperfasten poor practice rather than enabling more appropriate progress. In this case, the Charter may be perceived, at least initially, as a hindrance rather than a help.

COMEX Report

In July 2002, the British government submitted its first report on the implementation of the Charter. Commentary followed from a range of non-governmental organisations, including a comprehensive report prepared by Teresa Gorman for the Irish language umbrella group POBAL.

Gorman's detailed report notes the belief of the Irish speaking community that not only a minimal number of clauses within Part III, but the weakest options within them, have been selected for Irish.

*'Tríd agus tríd léiríonn líon agus cineál na bhforálacha a roghnaíodh i dtaca leis an Ghaeilge i gCuid III den Chairt go bhfuil mana neamhbhial ag an Ríocht Aontaithe i dtaca le leas na Gaeilge i dTuaisceart na hÉireann'*⁸

The group called for additional, stronger clauses to be ratified for Irish. The then British Under Secretary of State with responsibility for Human Rights, Des Browne, noted in correspondence to POBAL ,

*'Under Article 3 of the Charter, it is possible for states to accept additional obligations for the languages they have specified...' Referring to the expected COMEX report, he says, 'Their opinion will help us to consider where further action might be appropriate and whether the UK government should undertake additional obligations.'*⁹

In fact, the British government have already altered the instrument of ratification by belatedly applying the Charter to Manx and Cornish. The COMEX report on the first year of the implementation of the Charter, salutes this 'dynamic approach' to the Charter, but makes no comment on the initial selection of clauses for the Irish language under Part III.

8. Gorman, T. *An Chairt Eorpach do Theangacha Réigiúnda nó Mionlaigh : Feidhmiú na Cairte I Leith na Gaeilge Iúil 2001 – Iúil 2002 – Aighneacht ó POBAL. Chuig Coiste Saineolaithe ar an Chairt*, POBAL 2002.

(In general, the number and nature of the provisions selected to apply to Irish, under Part III of the Charter, indicate a minimalist approach by the UK to the promotion of the Irish language in the north of Ireland.' – POBAL's translation)

9. Correspondence from Des Browne, Under Secretary of State for NI to Janet Muller, Chief Executive, POBAL dated 2nd September 2002.

Domestic Legislation

Unlike some other European countries, where an International treaty once ratified would enter automatically into domestic legislation, British law requires a further enabling action to give effect to international commitments. The UK has not done this, causing conflicts between the provisions of the Charter and domestic equality protections. This has, in turn, led to confusion over issues as basic as public signage or the right to speak Irish in the workplace. There have also been difficulties in local Councils, and although progress is now being made in some areas, in others there has been resistance to implementation of the Charter provisions.

A document for Lisburn Council setting out the legal advice received from Cleaver, Fulton Rankin Solicitors,¹⁰ notes,

*'If the Government of the United Kingdom considers that local authorities are not properly or fully following the provisions of the Charter, then in terms of international law that is no excuse for the Government of the United Kingdom. In such circumstances the Government must introduce the necessary legislation into Parliament to require the local authorities to take the necessary steps and measures for performance of the relevant provisions of the Charter.'*¹¹

Two years later, in October 2004, minutes of the Interdepartmental Charter Group highlight further potential difficulties. The Departmental Solicitors' Branch notes,

*'In relation to enforcement of the Charter against local authorities, given the absence of a legal act there is a possibility that a member of the public could seek a judicial review in breach of section 6 of the Human Rights Act.'*¹²

Section 6 of course affords the protection of 'due process' in a court of law, precisely the thing not afforded in the UK under international legislation such as the European Charter.

The Charter itself, under General Considerations, Objectives of the Charter, describes the expectation that states will implement domestic protections after ratification of the Charter. It says,

*'...the obligations of the parties with regard to the status of these languages and the domestic legislation which will have to be introduced in compliance with the charter will have an obvious effect on the situation of the communities concerned and their individual members.'*¹³

10. Lisburn City Council, European Charter for Regional or Minority Languages, Advice of Cleaver Fulton Rankin Solicitors Belfast on behalf of Lisburn City Council as at 25 September 2002

11. *Ibid*, Sept 2002

12. Interdepartmental Charter Group, Minutes of Ninth Meeting, Friday 1st October 2004.

13. European Charter for Regional or Minority Languages and Explanatory Report, General Considerations, Objectives of the Charter, point 11, Council of Europe. (Researcher's own emphasis).

The British government too recognizes the necessity. In its response to the COMEX report of 2004, it notes,

*'The UK government is also aware that there is an issue regarding the position of the Charter in UK law. Consultations are currently taking place on language Bills for some of the languages covered by the Charter. Such legal Acts could contain provisions to ensure compliance with the Charter at all levels of government.'*¹⁴

These consultations relate to Welsh and Scottish Gaelic. The UK government has undertaken no similar initiatives for Irish, the only Part III language under UK jurisdiction that is not the subject of specific domestic legislation.

The COMEX report acknowledges that there exist,

*'...differences in approach and commitment by the authorities in Northern Ireland, Scotland and Wales towards regional or minority language policy. The practical and political support varies for each language.'*¹⁵

However, the report appears to make no specific recommendations arising from this observation.

In November 2004, correspondence from the private secretary for Paul Murphy, Secretary of State for the north to the umbrella organisation, POBAL, noted,

*'...the Government have no plans to introduce a language Act in Northern Ireland.'*¹⁶

COMEX findings

Whilst failing to directly tackle these issues, the first COMEX report states that the British government must develop a full policy in relation to Irish in order to develop its use in the north.

Emyr Lewis notes,

*'As I see it, the Charter is not a collection of discrete undertakings to be looked at on a piecemeal basis, but a package of measures which needs to be applied as part of a coherent policy in relation to the language in question.'*¹⁷

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14. European Charter for Regional or Minority Languages, Application of the Charter in the UK, Appendix II, Comments by the Government of the United Kingdom, Strasbourg 24th March 2004 (Researcher's emphasis).
 15. European Charter for Regional or Minority Languages, Application of the Charter in the United Kingdom, Report of the Committee of Experts on the Charter, Council of Europe, Strasbourg, 24th March 2004.
 16. Letter from Richard Lemon, Private Secretary to the Secretary of State for NI, to the umbrella organisation, POBAL, 23rd November 2004.
 17. Lewis, E. paper prepared for EQIA meeting on Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots, 9th October 2004, Stormont Hotel, Belfast.

In particular, the COMEX report highlights the use of Irish in the Courts. They also note,

‘...There appears to be comparatively little co-ordination or co-operation regarding language policy between the authorities in Wales, Northern Ireland and Scotland and the central government in London. In contrast to Wales, both Scotland and Northern Ireland still have basic needs as regards the development of language policy.’¹⁸

In their response to the COMEX findings, the British government reassert their belief that devolved administrations should deal with language issues. They acknowledge, however, that,

‘..it is accepted that co-ordination between London and the regional capitals could be improved as a means of sharing best practice and forming a coherent strategy on language protection across the whole of the UK.’¹⁹

Whilst devolving a degree of responsibility to Scotland or Wales may be an appropriate measure, it does not absolve the British government from overall responsibility for the implementation of the Charter. In the north, it creates a fresh set of problems, the more so given that the NI devolved assembly has now been under suspension since before the production of the UK’s first periodical report in July 2002.

The COMEX report makes detailed comments on a variety of areas including the paucity of resources and materials for Irish medium schools. In relation to arts and culture, the Experts call for ‘concrete policies’ instead of ‘ad hoc provision’ and in the case of the newspaper, ‘Lá’ they place emphasis on the need for adequate funding to be made available to ensure the paper’s continuance. They also ‘encourage’ the authorities to investigate the need for higher education through Irish.

In particular, the COMEX find that the British government should improve and increase Irish language television broadcasting immediately, and encourage private radio stations to broadcast in Irish.

The tone of the Experts’ report in general is positive in spite of their finding that in the case of 11 of the clauses ratified for Irish, almost a third, the British government has either failed to fulfil their commitment or only partly fulfilled it, or else have given insufficient information. In the case of Article 10, the use of Irish in government departments, councils and public bodies, only half of the clauses ratified have been fulfilled.

18. European Charter for Regional or Minority Languages, Application of the Charter in the United Kingdom, Report of the Committee of Experts on the Charter, Council of Europe, Strasbourg, 24th March 2004.

19. *Ibid*, Council of Europe, Appendix II, Comments by the Government of the United Kingdom, Strasbourg 24th March 2004.

Emyr Lewis describes implementation of this Article as ‘patchy and inconsistent, depending on which administration, what services and where.’²⁰

There are areas of the report where the finding of compliance might be deemed surprising. In seven clear examples, the Experts indicate they find fulfilment though evidence presented by NGOs has indicated clear failings.

For example, Paragraph 307 reads,

*‘The NGOs representing Irish speakers have expressed their concern that the programme makes no express provision for the needs of bilingual / Irish medium education, and that, for example, having identical enrolment criteria for Irish and English medium pre-schools is an obstacle to the development of Irish medium education. The Committee of experts nonetheless considers this undertaking fulfilled.’*²¹

In relation to the teaching of Irish as a subject, paragraph 324 notes,

‘Representatives of Irish-speakers have commented that the provision is ad-hoc and lacks focus and have suggested a co-ordinated approach.’

Paragraph 325, however, states,

‘The Committee of Experts nevertheless considers this undertaking fulfilled’.

Paragraph 377, in referring to the promotion of the Irish language arts, contains the rather unclear comment,

‘Even if there is very little information, and the Committee of Experts hopes to receive further information, the undertaking is considered fulfilled.’

A Differential Approach?

One section in particular of the report’s findings creates some confusion. It says,

*‘...the Northern Ireland administration is thorough in its work to fulfil its undertakings in relation to Irish. The work is taken seriously and, despite some shortcomings, the authorities are taking steps to improve the situation. However, sufficient information has not always been available to the Committee of Experts, since the movement for protecting Irish is a recent one, developing rapidly. At this stage, therefore, it would be difficult for the Committee of Experts to propose any concrete recommendations for the Irish language.’*²²

20. Lewis, E. paper prepared for EQIA meeting on Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots, 9th September 2004, Stormont Hotel, Belfast.

21. European Charter for Regional or Minority Languages, Application of the Charter in the United Kingdom, Report of the Committee of Experts on the Charter, Council of Europe, Strasbourg, 24th March 2004.

22. *Ibid*, Council of Europe, March 2004 (Researcher’s own emphasis).

This is a problematic assertion, which could be deemed to undermine arguments for clear policy and planning initiatives in relation to the Irish language in the north, or in fact in relation to any language in similar circumstances. Indeed, as Grin (2003) implies, such an argument might even be extended to cover the Charter itself. Describing the need for greater precision in state reports on implementation of the Charter, he notes,

‘One might counter that, precisely because the Charter is a recent instrument, it is too early to expect results, and therefore justified not to take issue with the country reports for their emphasis on the measures taken rather than the results achieved. Such an objection, however, would be unconvincing.’²³

He notes that emphasis must be placed on effectiveness, since some measures coinciding with Charter obligations may have been in place prior to ratification. This is certainly the case in the north, where the current Part III provisions for Irish, as we have seen, are based on meagre provisions won from the state over a period of thirty years.

CoE Recommendations

In 2004, the Committee of Ministers adopted seven recommendations relating to the UK ratification: 5 of them in relation to Welsh or Scottish Gaelic. Curiously, one of the recommendations appears specifically to exclude the Irish language. It reads,

‘with regard to Scottish Gaelic and Welsh, establish a system for monitoring the measures taken and progress achieved in regional or minority language education, including the production and publication of reports of the findings’

It is unclear why the Experts felt that Irish medium education, arguably in a stronger position than Gaelic medium education in Scotland, should not be subject to the same treatment.

Only one recommendation was adopted in relation to Irish,

‘improve the public service television provision and facilitate the broadcasting of private radio in Irish’.

The wording of this recommendation contrasts somewhat with a similar one on Scottish Gaelic, which uses stronger language and is more specific,

‘facilitate the establishment of a television channel or an equivalent television service in Scottish Gaelic and overcome the shortcomings in Scottish Gaelic radio broadcasting’.

23. Grin, F. Language Policy Evaluation and the European Charter for Regional or Minority Languages, Palgrave MacMillan, 2003, Hampshire and New York

Blurring the Distinctions

Broadcasting

In the case of Welsh and Scottish Gaelic, domestic legislation has already established protections in relation to broadcasting. No such legislation exists for Irish in the north. Some progress has been made in recent months through the establishment of a Film and Television Production Fund for the Irish language, albeit on a budget of some 40% less than originally announced. Funding for Irish language programming, nonetheless, remains a fraction of that available for Welsh or Scottish Gaelic. In 2003-4, the BBC alone spent a total of £20.3 million on 521 hours of television broadcasting in Welsh. They spent £2.065 million on 36 hours of Scottish Gaelic television, not including Gaelic Media Service spend. In the north of Ireland, the BBC spent £424,000 on 8.24 hours of Irish language television.²⁴

In 2002, when Culture Minister Tessa Jowell, on behalf of the British government, published its Communications Bill, Irish language organisations expressed anger that all references to Irish language broadcasting, apparent in earlier drafts, had been removed. References to Welsh and Scottish Gaelic broadcasting had been retained.²⁵ In March 2005, the same British minister presented the government's Green Paper, *A Review of the BBC's Royal Charter*. Again, although there are references to the obligations of the BBC in relation to both Welsh and Scottish Gaelic, the Irish language has once more been omitted.²⁶

The Guidelines

As an example of the complex choreography around the implementation and monitoring of the Charter, two months before public release of the COMEX report, the north's Interdepartmental Charter Implementation Group (ICIG) issued a circular, *Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots*. Its declared purpose was to offer general policy advice, information and guidance on meeting the obligations in respect of Irish and Ulster-Scots.

Irish speakers were highly critical of the contents and framework of the document, claiming that it was faulty and based on an inaccurate reading of the Charter and the duties it places on Government. Others concurred. De Varennes notes concern at the repeated use of the term 'commitments' in place of 'legal obligations' and deems the

24. Freedom of Information Request: RFI2005000169, response from mark Adair, Secretary and Head of Public Policy, BBC NI to POBAL, 22nd February 2005.

25. Letter to Tessa Jowell, Minister for Culture, Media and Sport, from POBAL, 17th July 2002.

26. *Review of the BBC's Royal Charter: A strong BBC, independent of government*, March 2005, Charter Review Group, London.

wording on the use of family and place names to have been weakened in comparison with the Charter's actual provisions.²⁷

The Guidance, in spite of its title, provides detailed guidance only on Article 10 of Part III of the Charter, thus adding to the potential lack of clarity on the range of the Charter's actual obligations. This was felt to be of particular concern given the lack of clear information available elsewhere in government circles regarding the Charter. Whilst the Guidance document lists the government Departments responsible for the implementation of Part II and the rest of the Part III Articles, it gives no indication of what strategies are being put in place by these Departments, whether or not they would release their own Guidance documents and what timescales they are operating on.

A further issue raised by Irish speakers is the lack of clarity around the different protections provided under Part II of the Charter, which applies to both Irish and Ulster Scots and the Part III protections that apply to Irish alone. As Ó Riagáin comments, 'the Quid Pro Quo concept, although understandable politically, is bad for language planning.' He goes on to express the wish that in future, implementation of the Charter in the north can be looked at more objectively.²⁸

The Guidance appears to reinforce the concerns of the COMEX report: it displays a lack of a coherent policy for the development and protection of Irish, the failure to co-ordinate or inform, the failure to take effective action. In addition, it displays a deep misunderstanding of the provisions of Part II and Part III of the Charter itself.

Conclusions

Seven years after the signing of the Good Friday Agreement, protections for the Irish language remain minimal. The European Charter is still at an early stage in its implementation in the north. To date, monitoring has been carried out by the Committee of Experts and secretariat with energy and commitment. The upgrading in 2003 of statutory relations between NGOs and the Council of Europe has been a further indication that the accessibility of the COMEX and the Charter secretariat are part of a sustained and conscious approach.

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27. De Varennes indicates concern over the wording used vis-a-vis the use of traditional place-names and personal names. Paragraph 18, pg. 8 of the Guidance indicates that the obligations under Article 10 are that administrative authorities must have "the ability to facilitate the use of family and place names in Irish." In fact under Article 10(2)(g) and 10(5), administrative authorities must 'allow and / or encourage....the use or adoptionof traditional and correct forms of place-names' and under Article 10(5): 'allow the use or adoption of family names..... at the request of those concerned.' Correspondence with POBAL, August 10th 2004
28. Ó Riagáin, comments recorded in Notes of the Charter Meeting , 9th September 2004, Stormont Hotel, Belfast. Department of Culture, Arts and Leisure.

The overall implementation and monitoring of the Charter to date, however, support Grin's (2003) assertion that there is a need for 'a compass to help decision-makers navigate these issues and make coherent choices in the context of the Charter'²⁹, for where such an instrument is left entirely open to interpretation by government, it may prove to be to the detriment of the Charter's own aims.

There is an urgent need to develop clear, challenging guidelines and benchmarks for implementation of Part II and Part III clauses, and close analysis to explain what the obligations of the Charter should look like and how they can best be put into practice in different states and for different languages. Additional information is needed on the standards to be applied in implementation and in further development of effective measures.

Language planning is a skilled and complex area. There is a need to develop and secure appropriate sources of consistent, independent technical assistance, in legal areas and in language planning and policy, for both states and for NGOs.

A three-pronged approach should be developed, including: studies of existing ratification instruments, research geared towards a detailed analysis of best practice in the full range of relevant areas and finally, a programme of actions geared towards the development of networks to elucidate the views and experience of both governments and language users from different ratifying states.

In addition, transparent procedures for evaluating state implementation should be further developed and a communications strategy put in place to inform interested parties of this process. Best practice in preparation of monitoring reports by both government agencies and NGOs should be developed and facilitated, as should best practice in collaborative approaches between government agencies and NGOs

Specific structured methods of facilitating and evaluating effective NGO input are needed. In addition, NGOs working on language issues should be facilitated in developing networks and collaborative work on a transnational basis on the implementation and monitoring of the Charter and other appropriate instruments.

In the case of the north of Ireland it is apparent that the protection of the Irish language is affected by factors beyond the structural and operational challenges of the Charter. It is also clear that at present, the Irish language is the subject of unequal and inappropriate treatment within a UK context. The Irish language, in particular, is currently inadequately protected in domestic legislation. The Charter monitoring process, whilst taking initial important steps, has not to date adequately addressed these fundamental issues.

29. Grin, F. *Language Policy Evaluation and The European Charter for Regional or Minority Languages*, Palgrave Macmillan, 2003, Hampshire and New York

Whilst Irish language organisations have welcomed the ratification of the Charter, and will no doubt continue to engage with the monitoring process, there are increasing calls for an Irish Language Act in the north to extend the appropriate domestic protections to the language. This is an emerging issue that promises to feature in dialogue around the legislative position of the Irish language for the foreseeable future.