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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 ^sa 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

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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;

X

(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

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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.

(12 including Article 89 and other body)

(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

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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 ^{will} provision would be made for an Education Unit within this Agency to carry out the functions outlined in paragraphs 2.2 and 2.3.

- This is pretty meaningless unless it provides for a unit to be established.

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

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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; ✓

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- (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; ✓
(with whom?)
- (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

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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. ✓

? what does this mean?
Separate units with the IL Agency?
(but presumably not autonomous)

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:

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- 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 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. ✓

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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.

IME team?

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;

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- (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

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- 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]); *ref 2 - for funding!*
 - (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).

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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.]

what?
office?

3 or 4 Maryn
1 Head of Unit
2 Technicians
(re typing and publishing unit)
Teacher as
needed in for
drafting
technical staff
(from Dept of Education)

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

[Amendment]
at Board
rise to 12, also
to our previous of
initially 12
members

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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.

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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.]

- Can't commit a Minister to do this i.e. a body which is outside the NIS body arrangements.
 - How would NZ Minister identify individuals?

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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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*Does this refer to the individual or the
why not another Minister in a particular
jurisdiction?*

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.] ✓

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ANNEX C

*AK
Dept
Education ?***FINANCE ARRANGEMENTS**

1. The Body will receive grants from the two parent Departments, north and south from money voted by the Oireachtas and the Assembly. The responsibilities of the NSMC, the parent Department, [the Board of the Body] and the Chief Executive of the Body and the arrangements and requirements for financial management and internal control systems, will be set out in a Financial Memorandum which will be agreed between the parent departments north and south and the two departments of finance.
2. The Chief Executive will be the Accounting Officer for the expenditure of the Body, and will account as necessary to the NSMC, the Oireachtas and the Assembly, in line with their respective requirements.
3. The initial grants would be agreed between the Irish Government and the Secretary of State for Northern Ireland, following consultation with the First Minister (Designate) and the Deputy First Minister (Designate) [and relevant shadow Ministers when appointed.] These will be included in the appropriate Vote Accounting arrangements in both jurisdictions. This may be supplemented later in 1999, if the NSMC so agrees, and subject to the approval of Supplementary Estimates by the Oireachtas and the Assembly.
4. The budget for the body will be determined by the process set out in the table below. This will apply in full from the budget for the

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year 2001 onwards. Steps 1-3 will need to be applied in a modified form for the budget for the year 2000. The NSMC will give the body a remit, including budget guidance, within which it will be required to draw up a proposed corporate plan. This will set out the Body's proposed activities in both jurisdictions and any action outside Ireland, and will form the basis of consideration of resource requirements by the Irish Government and the Northern Ireland Executive. The Body's proposed corporate plan, to be approved by the NSMC, will include activities which will be of benefit to both sides and will in principle, over an agreed number of years, be in broad proportion to their proposed respective contributions. The North South Ministerial Council will definitively decide, early in November each year, on the respective contributions from North and South to the Body's budget for the incoming year. Any disagreement will be addressed on the basis of paragraphs 14 and 15 of Strand Two of the Belfast Agreement.

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BUDGET DETERMINATION

Month	Action
1. Start of Cycle ?April, Year 0	Departments to advise IBs of financial projections and to provide broad budgetary guidance on prospects for year ahead.
2. May	Each IB proposes its Corporate Plan and financial projects for the next period (1-3 years).
3. June	NSMC to agree "initial opinion" on each IB's financial projections. Bids for change to each side's contribution would be further considered in the respective spending review processes North and South.
4. end September	Departments to convey preliminary responses of Irish Government and NI Executive to IBs.
5. end October	IB to submit detailed revised expenditure proposals to both Departments.
6. early to mid November	NSMC decides on final budgets for each NSIB for year 1.
7. early December	Announcement of Year 1 Budgets - included in Irish Government's published Estimates and NI Executives announcement of PE plans.
8. before 1 April, Year 1	Contribution to each NSIB to be included in draft budget presented by DFP Minister to NI Assembly.
9. June	Northern contribution to Year 1 provision voted in full as part of Main Estimates.

5. Accounts will be prepared in a form agreed by the two Departments of Finance and will identify in which jurisdiction the budget was spent as appropriate. The form of accounts will take account of available guidance to non-governmental public bodies north and south and will operate on an accruals basis, following, as far as appropriate, generally accepted accounting principles (after any necessary transitional period).

6. The audit of the bodies will be carried out jointly, as agreed by the two Audit Departments, to recognised audit standards, with the reports on the accounts of each body being certified by each

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Comptroller and Auditor General, north and south, to their respective legislatures.

7. The accounting year for the body will be the calendar year.
Disbursement of funds in the period January to March will be the primary responsibility of the appropriate southern departments; payments in the period April to September will be shared between the two departments on an agreed basis and the appropriate NI department will carry the primary responsibility for payments in October to December, with contributions as necessary from the southern department to ensure that overall spend is financed in accordance with the previously agreed shares.

ROI works on calendar year basis.

Why so complex?

8. Unless and until the UK joins the EU single currency:
- (a) the respective contribution to the budget of each body will be in punts/euros from the south and sterling from the north;
 - (b) the currency used in each body's operations will be managed within the framework set by the body's Financial Memorandum: this may give some discretion to the Chief Executive in respect of the currency to be used by the Body, which would be applied in accordance with the practical benefits to the organisation. If a body decided to operate in euros, tenderers, suppliers or employees will have the right to seek payment in sterling in the north, or, until 2002, punts in the south;

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- (c) the accounts of each body will be presented in punts/euros and sterling for the respective jurisdictions.

IMPLICATIONS FOR NI

The following table sets out the broad cost implications of the new bodies.

Illustrative Cost of North/South Arrangements

	1999/2000			2000/01 and subsequent years		
	A	B	C	A	B	C
	Range of Possible Total Costs £m	Possible NI share £m	Amount covered in CSR outcome £m	Range of Possible Total Costs £m	Possible NI share £m	Amount covered in CSR outcome £m
Waterways Ireland	1-15	0.2-3.0	0.1-1.0	1-25	0.2-5.0	0.1-1.0
Food Safety	2-7	0.6-2.1	-	2-7	0.6-2.1	-
Trade and Business Development						
- without equity	7	3	0.1	13	7	0.1
- with equity	10-12	3-6		16-18	7-9	
Special EU Programmes	0.4	0.2	-	0.4	0.2	-
Language	8	2.7	0.2	11	3.7	0.5
Foyle, Carlingford	0.7	0.3	0.2	1.3	0.6	0.2
Irish Lights Commission	14	0-4	-	14	0-4	-
Tourism	21	5.3	4.3	19	5.3	4.3
Total	54-78	12-24	5-6	62-96	18-30	5-6

*Don't block
what about CCRU?
[Not included
but some
of 1999/00 may be
available]*