

RESPONSE TO OFCOM CONSULTATION

ULTACH TRUST

6-10 William Street

Belfast, BT1 1PR

19th June 2008

OFCOM'S SECOND PSB REVIEW, PHASE ONE

This response concentrates on section 9 of the Ofcom Review (Scenarios for the UK's nations, regions and localities); in particular the section 9.59 to 9.60 (Scenarios for Northern Ireland) and 9.101 to 9.102 (Other issues to explore).

The response is limited in this way because of the special interest of the ULTACH Trust in issues relating to the Irish language. The Trust's greatest concern was the impending (March 2009) withdrawal of funding for programming in the Irish language through the mechanism of the Irish Language Broadcasting Fund and the severe impact this would have on public service broadcasting in Northern Ireland. The situation has changed with an announcement on 17th June that the British Government has made a commitment to extend the fund for a further two years.

This commitment appears to have been the result of a deal made in direct negotiations between Sinn Féin and the Prime Minister. There is still a case for the development of a long-term strategy for funding Irish-language television in Northern Ireland that is not contingent on short-term political leverage, however welcome that might be.

Our representation seeks to ensure that the public service broadcasting framework in Northern Ireland will protect and enhance opportunities for the production of Irish language programming, and ensure an adequate distribution mechanism.

ULTACH TRUST AND IRISH LANGUAGE BROADCASTING

The ULTACH Trust is a cross-community Irish language charitable body established in Belfast in 1989. We are particularly active in the area of Irish-medium broadcasting. We have:

- Between 1990 and 2003, published five reports on the issue of Irish-medium television in Northern Ireland;
- Initiated a series of campaigns for a training and production fund for Irish language television in Northern Ireland and guaranteed access to the Irish language television channel TG4;
- Conducted a campaign in 2002 for the inclusion of provisions for the Irish language in the Communications Act;
- Managed the first Irish-medium television training course in Northern Ireland in 2002;
- Developed and co-funded support packages for emerging Irish language television producers during 2002-3;
- Organised and funded a showcase exhibition for the emerging television sector at the 2003 International Celtic Film and Television Festival in Belfast;

- In 2004-5, were active in all aspects of the Ofcom review of public service broadcasting and BBC Charter Review.

SUMMARY OF ULTACH'S VIEWS

ULTACH Trust asks Ofcom to urge the relevant authorities to:

1. Guarantee that sufficient funds are made available to develop programming of a high quality in the Irish language by means such as the Irish Language Broadcasting Fund (ILBF) and ensure that the level of such funding reflects the growing use of and interest in the Irish language.
2. Establish a long-term framework for Northern Ireland which will ensure a stable and well-funded television landscape, with an essential duty of serving the Irish language community and those with an interest in the language. The mechanisms should reflect the greater stability provided for the Welsh language through the S4C licence and BBC production support, and planned support for the Gaelic Digital Service in Scotland. There should be a ten-year guarantee for the ILBF.
3. ILBF funding should be index-linked, in line with the Welsh language support for S4C and plans for the new Gaelic Digital Service.
4. Create within that broadcasting framework sufficient opportunity for the continuing and wider distribution of programming in the Irish language from the Republic of Ireland as an essential part of public service broadcasting in Northern Ireland.
5. Ensure that agreements entered into by national Governments, such as the Belfast (Good Friday) Agreement, are enshrined in the broadcast and production structure and, as appropriate, in any future legislation. The ILBF is a key expression of this Agreement and its future needs to be guaranteed. Ofcom should note the clear and supportive recommendations of the Deloitte Report to the Department of Culture, Arts and Leisure on the success of the ILBF.
6. Create a strategy for all the indigenous minority languages of the United Kingdom to ensure all are adequately financially supported; all have access to high quality programmes; all have dedicated broadcasting opportunities. This strategy needs to deal fairly and equitably with all indigenous languages and establish a long-term mechanism by which this is fulfilled.

THE IRISH LANGUAGE

The Irish language is one of the two national languages of the Republic of Ireland. It is also an essential aspect of the heritage and living culture of Northern Ireland, and is spoken and understood by a growing number of people. As such, its place as an integral part of the linguistic landscape of the United Kingdom needs to be enshrined in any UK broadcasting structure that affects Northern Ireland.

- The Irish language has been a Treaty language of the European Union since 1973 and became an official working language of the EU in January 2007.
- The 2001 Census for Northern Ireland reported that 167,489 (or 10.4%) of the population claimed a knowledge of Irish. This compares with 142,000 in 1991 – almost a 20% increase over the decade. It is a language growing in use and interest to the Northern Ireland communities.
- There are more than 4,000 children in the Irish-medium education sector in Northern Ireland (compared to 2,385 in Gaelic-medium schools in Scotland). The sector is growing at a rate of nine new schools every two years. A further 20,000 children study the language at English-medium schools.
- Of all adults, 29% consider Irish language and culture very or fairly important (McCann-Erickson February 2000).
- Research carried out by Ofcom has shown that “In Northern Ireland, just under one-third of people thought that some programmes needed to be in Irish” (Ipsos MORI research, April 2008).
- Research carried out by PriceWaterhouseCoopers on behalf of the BBC in 2007 stated that:
 - 34% cited language as an important part of their identity. 55% of those who had some knowledge of the Irish language want more local programmes in the Irish language.
 - 25% want more language programming on BBC NI and 51% among those who have some knowledge of Irish.

CREATING A NEW PUBLIC SERVICE BROADCAST LANDSCAPE

The Trust has confined itself to comments relating directly to the assurance of the availability of programming in the Irish language through the broadcasting framework which Ofcom is now considering.

TG4

The Trust supports the proposal of an allocation of digital spectrum to the Irish language broadcaster TG4 as part of the public service (Number Two) multiplex. In particular:

1. The Trust asks that this spectrum should be sufficient to permit TG4 to satisfy the needs of Irish language users, and enable them to receive a full range of public service programmes. In any case, the terms should be no less favourable than those granted to any other public service broadcaster.
2. The Trust also suggests that, as better technology permits, further broadcast opportunities should be afforded to TG4 to utilise spectrum released by higher efficiency for further channels in the Irish language.

3. The Trust seeks assurance from Ofcom that TG4's transmissions from the Divis transmitter in analogue will continue at the same strength until the switchover time. The Trust also seeks an extension of such analogue transmissions in the short-term should and if frequency planning permits.
4. The Trust believes that TG4's Irish language programming should have a "must carry" obligation on all platforms serving Northern Ireland.

Although TG4 is registered as a broadcaster in the Irish Republic, it has a unique public service broadcasting function for Irish speakers in Northern Ireland. The Trust believes that, in the special circumstances of the Irish language situation, no distinction should be made between Northern Ireland and the Irish Republic regarding access to its services.

BBC

The Trust welcomes the decision of the BBC to commit further funding (announcement 24 April 2008) to the development of programming in the Irish language, and notes that the BBC Trust is committed to an incremental increase in provision for Irish. We would see a continuing, and enhanced, role for the BBC in content creation and broadcasting of programming in the Irish language.

Funding from the Licence Fee dedicated to Irish language programming, however, amounts to only £950,000 a year and is spread across radio, television and the internet. Moreover, implicit in the BBC statement that "BBC Northern Ireland's television programming in Irish benefits from the availability of financial support from the Irish Language Broadcast Fund (currently £1,200,000) is the fact that the BBC currently depends on the existence of the ILBF for almost two thirds of the costs of its Irish language television programming. The implications are clear: if funding for the ILBF is not sustained, the BBC's ability to produce its extra programming or increase that programming in the future will be severely impaired.

This is not a sound basis on which to build for the future.

Further, this commitment needs to be seen in comparison with the BBC's commitment to Welsh and Scottish Gaelic, based on a comparison between the various indigenous language services during the year in which the 2001 Census was taken.

- In Wales, 533 hours of television programming were supplied at a cost of £16.4 million to 580,000 Welsh speakers – or £53 a head.
- In Scotland, it was 150 hours at a cost of £1.5 million to 63,444 speakers – or £64 a head.
- In Northern Ireland, it was 2 hours at £200,000 to 167,490 speakers – or £3 a head.

(These figures, of course, do not include direct Government funding, see later)

There has been an improvement since 2001 in the BBC's Irish language television provision but the imbalance still remains. It is also too great a variation to deliver the BBC's own Charter obligation

with “regard to the importance of appropriate provision in minority languages.” What is “appropriate” in such a divergent result for Wales, Scotland and Northern Ireland?

RTÉ TELEVISION

RTÉ Television broadcasts its own Irish language material both on television and radio, as well as providing TG4 with 365 hours of programming material every year; a contribution that forms a core part of TG4’s topical programming. The Trust believes that, quite aside from arguments relating to access in Northern Ireland to RTÉ on grounds of cultural identity and cultural diversity, the fact that RTÉ itself provides more Irish language broadcasting than does the BBC makes a case for broader access to its services throughout Northern Ireland.

WHY IRISH LANGUAGE PROGRAMMING MUST BE PART OF PUBLIC SERVICE BROADCASTING

The ULTACH Trust believes there are many reasons why there must be a secure and significant place for programmes in the Irish language in any effective public broadcasting structure for Northern Ireland.

The prime support for Irish language television programmes within the UK comes from the ILBF, which was established by the UK Government in 2004 to provide 75 hours of Irish language funding from a budget of £12 over four years, managed by Northern Ireland Screen.

LEGAL AND GOVERNMENTAL ARGUMENTS

The Belfast (Good Friday) Agreement

Section 6 of the Belfast (or Good Friday) Agreement sets out the UK Government’s pledge on Irish language broadcasting in the UK. The Agreement has the legal force of an international treaty. The ULTACH Trust can see no reason why this internationally binding commitment should not be reflected comprehensively in Ofcom’s public service broadcasting and production structure for Northern Ireland.

For clarity, that Agreement between the UK Government and the Irish Government stated under Rights, safeguards and equality of Opportunity – Economic, Social and Cultural Issues. The paragraphs relating to broadcasting issues are cited below:

(3) All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

(4) In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it: . .

- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifís na Gaeilge in Northern Ireland;
- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland;

The ULTACH Trust believes it would be a breach of this Agreement for Ofcom to fail to offer sufficient broadcast spectrum to TG4 (formerly Teilifís na Gaeilge) or to ensure broadcasting of programmes in the Irish language to the same level by another mechanism.

It also believes that the Agreement places an obligation on Ofcom to support mechanisms that ensure the availability of financial support for television production in the Irish language.

Joint Declaration, April 2003

The Joint Declaration of the British and Irish Governments of 1 April 2003 stated:

The British Government will continue to discharge all its commitments under the [Belfast] Agreement in respect of the Irish language. Specifically, in relation to broadcasting, the British Government will take all the necessary steps to secure the establishment as soon as possible, following the receipt of the final business case in April, of a fund for financial support for Irish language film and television production. ... The two Governments will continue to work with the relevant regulators [ie Ofcom] and broadcasting authorities to address the technical and other barriers with a view to increasing substantially the reception of TG4 in Northern Ireland.

It was this Joint Declaration which led to formation of the ILBF.

The Irish Language Act (St Andrew’s Agreement, 13 October 2006)

This Agreement stated:

“The Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the incoming Executive (in Northern Ireland) to enhance and protect the development of the Irish language.”

The Trust believes that Ofcom’s decisions should be guided by this commitment from the British Government to “enhance and protect the development of the Irish language”.

European Charter for Regional or Minority Languages

The UK Government signed this Charter on 2 March 2000 and it was ratified on 27 March 2001. The Charter came into force on 1 July 2001. It is, therefore, a full obligation of the UK Government.

This international convention is designed to promote and protect regional and minority languages. In Northern Ireland, the Charter applies to the Irish language (Parts II & III) and Ulster Scots (Part II).

The UK Government has already signed up to 36 provisions for the Irish language under Part Three of the Charter, ranging from education to the media. In Article 11, in the section on Media, the British Government made the following commitment to the Irish language in Northern Ireland:

“to the extent that radio and television carry out a public service mission ... [the Government undertakes] to make adequate provision so that broadcasters offer programmes in the regional or minority languages.” [Paragraph 1a (iii)]

An International Committee of Experts examined the performance of the UK in relation to the Charter and published its first report in 2004, before the ILBF was set up. Their report, addressed to the Committee of Ministers of the Council of Europe, found “shortcomings in the services in Irish and Scottish Gaelic, particularly regarding television”, and stated that:

“The Committee of Experts considers the undertaking fulfilled in relation to radio but not currently fulfilled in relation to television.” (p. 53)

The Committee of Ministers of the Council of Europe received the report, and on 24 March 2004, passed the following resolution (Recommendation RecChl(2004)1):

“[The Committee of Ministers] recommends that the authorities of the United Kingdom take account of all the observations of the Committee of Experts, and, as a matter of priority ... improve the public service television provision in Irish.” (p. 70)

In reporting to the Council of Europe in July 2006, the UK Government confirmed that it had acted on the Charter to deliver more and better broadcasting in Irish. It listed the activities of the ILBF, better viewer reception of TG4, training and more BBC programming. “Together,” said the UK Government, “these mark current and planned improvement in the situation of Irish language broadcasting. The UK Government has taken the recommendation of the Committee of Ministers seriously and has acted on it.”

In its following report to the Committee of Ministers in March 2007, the Committee of experts considered that the obligations relating to Irish language broadcasting provision in Northern Ireland had been fulfilled.

Most of the funding for Irish language television broadcasting in Northern Ireland comes from the ILBF. Should the fund be withdrawn, it is inconceivable that the British Government will not be found to be in breach of its Charter commitments.

ULTACH Trust would urge Ofcom to ensure that the Government fulfils its commitments to Irish language broadcasting.

ECONOMIC ARGUMENTS: SUCCESS OF THE ILBF

ULTACH Trust is encouraged by the economic studies of the effectiveness of the financial support for Irish language programming, through the ILBF. On this detached, objective basis, the ULTACH Trust believes that Ofcom can add economic effectiveness to legal and cultural justification for encouragement of Irish language programme production and spectrum use.

The ILBF is a proven success and its future should be reaffirmed as an essential pillar of public service broadcasting in Northern Ireland.

Within a budget of £3 million a year and from a standing start, the ILBF has been highly successful:

- ✓ 290 hours of programmes have been created for TG4, RTÉ and the BBC, much of it for young audiences from cartoons to sport and teen drama. It is the viewers who benefit even more than the producers.
- ✓ Quality programmes have been made. The feature film *Kings* was Ireland's Foreign Film Oscar nomination. *Trí Shúile an Chait* was nominated for an Irish Film and TV Award. There are many other examples of professional excellence.
- ✓ 25 independent production companies have received funding, some of which work only in the Irish language.
- ✓ 539 Irish speakers have been employed in some capacity by the Fund. Before the ILBF this number was just five. The total number employed thanks to the Fund is, of course, far higher.
- ✓ £3.5 million has been put into the production economy of Northern Ireland, including £1 million of leveraged funds, in a market of only £20 million in total.
- ✓ 120 trainees have been funded – many of whom would otherwise have left Northern Ireland to work elsewhere.

The Department of Culture, Arts and Leisure commissioned a Report from Deloitte's on the effectiveness of the ILBF to cover the period June 2005 to March 2007.

This report was clear that the ILBF was meeting its targets efficiently:

- ✓ The production target of 15 programmes (up from 5) a year from the independent sector was exceeded and their quality improving.
- ✓ The target number of hours a year (70) was exceeded.
- ✓ The number of Irish speakers employed (at 539) was "significantly" above the target.
- ✓ The target number of trainees was exceeded in all years and all were placed in media jobs. The trainees were satisfied with their training.
- ✓ Matched funding was obtained where required.
- ✓ Broadcasters co-operated fully throughout and transmitted the programmes.
- ✓ Programme hourly costs were met for 33% of programmes but Deloitte's admitted the target cost per hour was "extremely optimistic"

The conclusion of this thorough investigation into the effectiveness of the ILBF was:

Given the success to date and in order to ensure continued momentum, DCAL should continue to provide funding for the development of the Irish language television

programming in Northern Ireland and Northern Ireland Screen should continue as the delivery agent.

The ULTACH Trust agrees and urges Ofcom to take note of this independent assessment in defining its public broadcasting landscape.

There has never been any suggestion that the Irish language sector could continue without such funding. It would remain too small to be self-sustaining. It is an essential element of public service broadcasting in Northern Ireland which will always require support.

It is interesting in this context to compare with the economic arguments advanced in support of the Welsh language programming of S4C. Huw Rossiter, CEO S4C, has stated that S4C's activity has generated 2,200 jobs in the independent production sector in Wales and contributes some £87m a year to the Welsh economy. The economic benefits investment in Irish language television broadcasting are clear.

The fund has been a proven success, by any measure. In a very short period, from a standing start, it has succeeded in creating a nascent Irish language production sector in Northern Ireland. To maintain and build on this success, ULTACH Trust believes that sustained financial support for Irish language programming is essential, and that failure to establish a long-term strategy in this area would be extremely counterproductive.

CULTURAL ARGUMENTS

Northern Ireland does not bear strict comparison with Wales and Scotland because the recent historical development is such that care needs to be taken to sustain a civil society of cultural diversity. There needs to be further assurance of a pluralistic society within which cross-community confidence can be further enhanced.

Broadcasting and programme creation in the Irish language has a key part to play in this sustaining of the normalisation process currently under way, and Ofcom has a responsibility to reflect this in its broadcast structure for Northern Ireland.

To withdraw funding support or to stunt the growth of Irish language broadcasting would be regarded as an unnecessary setback for this process which could be interpreted, unhappily, as a deliberate and divisive measure.

THE INDIGENOUS LANGUAGES OF THE UNITED KINGDOM: A COMPARISON

Many of the general cultural arguments in support of Irish language programming apply to other minority languages in the UK.

The ULTACH Trust supports an examination of the role of all indigenous minority languages in UK public broadcasting by Ofcom. We believe that a consistent approach is needed to all indigenous languages and the mechanisms, legislation and financial support should be balanced and equitable across all these languages.

Currently, the Welsh and Scottish Gaelic languages are supported by different broadcasters, in different ways, with a different distribution of funding, from different sources.

S4C is established under the Broadcasting Act 1990 and the Communications Act 2003. The station receives £94 million per annum from the UK Government plus a requirement from the BBC by statute of 10 hours a week (500 hours a year). This would assume an annual investment of £120 million to service its 580,000 Welsh speakers – or just over £200 a head.

The number of people with a knowledge of Gaelic identified in the Scottish Census in 2001 was just over 92,000. The BBC provides 196 hours per annum of Gaelic television and currently spends £1.8 million per annum on Gaelic TV from the licence fee. Its capacity is increased by the Gaelic Media fund which provided the BBC and other broadcasters with more than £5 million in 2006/07 for television programmes. The annual spend in Scotland on Gaelic television is over £7 million. Spend per head on Gaelic television per annum is approximately £77. There are now plans to develop a Gaelic Digital Service with a much higher budget.

This compares with the Irish language funding through the ILBF of £3 million a year (£12m across four years' operation) plus a part of the BBC spend of £950,000 a year for all media (to avoid double counting, since the BBC counts support from the fund) – let us assume (generously, since the BBC is also counting radio and internet spend) £3.5 million for 167,000 speakers – perhaps £20 a head.

The difference defies belief. The Trust asks Ofcom to impose itself more strongly in this area.

CONCLUSION: SECURITY FOR THE IRISH LANGUAGE BROADCAST FUND

CONTINUITY: NO CHANGE IN STRUCTURE OR MECHANISM

This fund has contributed £12 million over four years (originally three years). During that period it has been essential to the development of an Irish language production sector, and Irish language television and film content in Northern Ireland broadcast on BBC, TG4 and RTÉ.

ULTACH Trust has been encouraged by the good management of the Fund, administered by NI Screen, and urges Ofcom to ensure that long-term funding is provided under the same mechanism, as urged by the Deloitte Report to DCAL.

STABILITY: A TEN YEAR GUARANTEE

The Trust believes it is essential to provide stability in this sector and proposes that the financial guarantees for the provision of public service programmes in the Irish language should be established over a 10 year period rather than three years only.

GROWTH: MORE LIKE WALES & SCOTLAND

The Trust believes that the amount of funding is low compared to the financial commitment to programming in the Welsh and Gaelic languages. S4C receives £94 million a year plus 500 hours of programming from the BBC – so perhaps more like £120 million a year. Gaelic language television in Scotland receives more than £7 million from the Scottish Executive and the BBC. The Trust believes there should be a more equitable disbursement based on a broadcasting strategy which embraces all indigenous languages.

FUNDING SOURCE: UK GOVERNMENT'S CHOICE

There is confusion over how funding for the ILBF should be provided. The Trust believes that the money is an essential part of the UK Government's commitment to the Belfast Agreement and it is for the UK Government to decide from which budget it is sourced, and to ensure that it is delivered.

NOTES ON ULTACH TRUST

The word 'ULTACH' means 'person from Ulster' but is also an acronym for 'Ulster Language, Traditions and Cultural Heritage', therefore the organisation's title appears in capital letters.

ULTACH is an independent charitable trust based in Belfast. Its principle aim is to promote the Irish language throughout the entire community of Northern Ireland. A core objective is to encourage cross-community involvement in the language, and the membership of the Board of Trustees reflects both major religious traditions.

The ULTACH Trust was established at the end of 1989, and opened its offices in February 1990. Originally supported by both the Central Community Relations Unit, a branch of the Department of Finance and Personnel in Northern Ireland, and by the Department of the Gaeltacht in the Republic of Ireland, the Trust is currently core-funded by Foras na Gaeilge, the Irish language agency of the Cross-Border Language Body.

The Trust was for some time the only dedicated Irish language funding body in Northern Ireland. Since 1990, the Trust has distributed approximately £1.5 million in grant-aid to hundreds of Irish language projects. Approximately 50% of this funding was allocated to the Irish-medium education sector, and most of the rest was used to support the voluntary sector.

www.ultach.org