



Foras na Gaeilge

RESPONSE TO OFCOM CONSULTATION

Foras na Gaeilge

19th June 2008

OFCOM PSB REVIEW

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

The response is limited in this way because of the special interest of Foras na Gaeilge in issues relating to the Irish language. A major concern for the Body was the impending withdrawal of funding for the Irish Language Broadcasting Fund and the severe impact this would have on public service broadcasting in Northern Ireland. The situation has changed with the announcement on 17th June that the British Government has made a commitment to extend the fund for a further two years and grant a further £6m for its work.

There is, however, a need to develop a long-term strategy for funding Irish-language television in Northern Ireland rather than relying on short-term commitments and/or political exigencies.

Our submission 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 which allows the widest possible access by the public.

Role of Foras na Gaeilge

Foras na Gaeilge, the body responsible for the promotion of the Irish language throughout the whole island of Ireland, was founded on the second day of December 1999.

In the Good Friday Agreement, it was stated that a North/South Implementation body be set up to promote both the Irish language and the Ulster Scots language. Under the auspices of this body, Foras na Gaeilge will carry out all the designated responsibilities regarding the Irish language. This entails facilitating and encouraging the speaking and writing of Irish in the public and private arena in the Republic of Ireland, and in Northern Ireland where there is appropriate demand, in the context of part three of the European Charter for Regional and Minority Languages.

The staff of Bord na Gaeilge, An Gúm (Publishers), and An Coiste Téarmaíochta (Terminology Committee) and their activities have all been transferred to the new body.

Foras na Gaeilge has a role in advising administrations, North and South, as well as public bodies and other groups in the private and voluntary sectors in all matters relating to the Irish language. They will also be undertaking supportive projects and grant-aiding bodies and groups throughout the island of Ireland.

The functions of Foras na Gaeilge:

- promotion of the Irish language
- facilitating and encouraging its use in speech and writing in public and private life in the South and, in the context of Part III of the European Charter for Regional or Minority Languages, in Northern Ireland where there is appropriate demand;
- advising both administrations, public bodies and other groups in the private and voluntary sectors;
- undertaking supportive projects, and grant-aiding bodies and groups as considered necessary;
- undertaking research, promotional campaigns, and public and media relations;
- developing terminology and dictionaries;
- supporting Irish-medium education and the teaching of Irish.

Summary of this submission

Foras na Gaeilge, in its advisory role mentioned above, urges Ofcom to recommend that:

1. Sufficient funds be made available to develop programming of a high quality in the Irish language by means of 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. 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 be set up. 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. That there be a ten-year guarantee for the ILBF.
3. ILBF funding be index-linked, in line with the Welsh language support for S4C and plans for the new Gaelic Digital Service.
4. Sufficient opportunity be created within that broadcasting framework 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. 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. A strategy for all the indigenous minority languages of the United Kingdom be created 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. It is spoken and understood by a growing number of people, especially younger people. As such, its place as an integral part of the linguistic landscape of the United Kingdom needs to be specifically reflected 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). A further 20,000 children study the language at English-medium schools.
- More than 25% of all adults 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).
- 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.

PROPOSED PUBLIC SERVICE BROADCAST LANDSCAPE

Foras na Gaeilge, as the body responsible for the promotion of Irish on an all-island basis and in its advisory role, is commenting only on those matters relating directly to the assurance of the availability of programming in the Irish language through the broadcasting framework currently being considered by Ofcom.

TG4

Foras na Gaeilge 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. Foras na Gaeilge asks that this spectrum should be sufficient to permit TG4 to satisfy the needs of Irish language users across NI, and enable them to receive a full range of public service programmes. The terms should be no less favourable than those granted to any other public service broadcaster.

(Although TG4 is registered as a broadcaster in the Irish Republic, it has a unique public service broadcasting function for the Irish language community in Northern Ireland. We firmly believe 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.)

2. Foras na Gaeilge also suggests that as the technology develops further broadcast opportunities should be afforded to TG4 to utilise spectrum released by higher efficiency for further channels in the Irish language.
3. Foras na Gaeilge seeks assurance from Ofcom that TG4's transmissions from the Divis transmitter in analogue, the upkeep and servicing of which are funded by Foras na Gaeilge, will continue at the same strength until the switchover time. Such analogue transmissions should be extended in the short-term to ensure a service to the Irish language community. The current contract will expire in December 2009.
4. Foras na Gaeilge believes that TG4's Irish language programming should have a "must carry" obligation on all platforms serving Northern Ireland.

BBC

Foras na Gaeilge welcomes the decision of the BBC to commit further funding 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 this is spread across radio, television and the internet. 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)" in effect means 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 obvious: 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 curtailed.

This can in no way be regarded as a sound basis on which to build for the future.

The lack of commitment to Irish language broadcasting by the BBC needs to be compared with the BBC's commitment to the other Celtic languages in the UK, Welsh and Scottish Gaelic. Comparable figures for 2001 between the various indigenous language services are laid out below:

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

These figures, of course, do not include direct Government funding.

There has been an improvement since 2001 in the BBC's Irish language television provision but the major 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." The interpretation of "appropriate" in each of the regions varies greatly.

RTÉ

RTÉ broadcasts its own Irish language material on television and radio, as well as providing TG4 with 365 hours of programming every year; a contribution that forms a core part of TG4's schedule. Foras na Gaeilge believes that as RTÉ provides more Irish language broadcasting than does the BBC there is a strong case for broader access to its services throughout Northern Ireland.

THE IRISH LANGUAGE AND PUBLIC SERVICE BROADCASTING

Foras na Gaeilge 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 major 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 programming from a budget of £12 over four years, managed by Northern Ireland Screen.

The Belfast / Good Friday Agreement

Section 6 of the Belfast / 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. Foras na Gaeilge believes that this internationally binding commitment should be reflected in Ofcom's public service broadcasting and production structure for Northern Ireland.

The Agreement states under Rights, safeguards and equality of Opportunity – Economic, Social and Cultural Issues:

(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 (Now TG4) in Northern Ireland;
- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland;

It would surely be a breach of this Agreement for Ofcom to fail to offer sufficient broadcast spectrum to TG4 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 and the placing of TG4 on the Divis transmitter.

St Andrew's Agreement Act (2006)

This Act states:

“The Executive Committee shall adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language.”

Foras na Gaeilge believes that Ofcom's decisions should be guided by this commitment in legislation “enhance and protect the development of the Irish language”.

European Charter for Regional or Minority Languages

The Charter came into force on 1 July 2001. It is, therefore, a full obligation of the UK Government. In Northern Ireland, the Charter applies to the Irish language (Parts II & III) and Ulster Scots (Part II).

The UK Government has 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 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 highly likely that the British Government will not be found to be in breach of its Charter commitments.

We urge Ofcom to ensure that the Government fulfils its commitments to Irish language broadcasting.

Success of the ILBF

The economic studies of the effectiveness of the financial support for Irish language programming, through the ILBF are very encouraging. On this detached, objective basis, Foras na Gaeilge 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 part 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. The Irish language community has benefited greatly from this, even more so than those making the programmes.
- ✓ 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.
- ✓ 25 independent production companies have received funding.
- ✓ 539 Irish speakers have been employed in some capacity by the Fund.
- ✓ £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, and in many cases, its targets:

- ✓ 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."

Foras na Gaeilge wholeheartedly 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 require support for many years.

The economic benefits from investment in Irish language television broadcasting are abundantly clear.

Broadcasting and programme creation in the Irish language has a key part to play in sustaining the normalisation process currently under way in NI, 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 which could be interpreted, unhappily, as a deliberate and divisive measure.

The Indigenous Languages in the UK:

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

Foras na Gaeilge 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. It receives £94 million per annum from the UK Government plus a requirement under statute for the BBC to provide 10 hours programming per week (500 hours per year). This would assume an annual investment of £120 million to service its 580,000 Welsh speakers – or just over £200 per person.

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 person on Gaelic television per annum is approximately £77. There are now plans to develop a Gaelic Digital Service with a much enhanced 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 per person.

The difference defies belief. Foras na Gaeilge calls on Ofcom to impose itself more strongly in this area.

CONCLUSION:

Foras na Gaeilge urges Ofcom to ensure the continuance of the ILBF under its current status and that there be no change in its 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.

Foras na Gaeilge 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.

Foras na Gaeilge 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.

The way forward

Foras na Gaeilge 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. Gaelic language television in Scotland receives more than £7 million from the Scottish Executive and the BBC. Foras na Gaeilge believes there should be a more equitable disbursement based on a broadcasting strategy which embraces all indigenous languages.

There is confusion over how funding for the ILBF should be provided. Foras na Gaeilge 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.