



**Response to 2022 Revised Recommendations of the
Review of Local Government boundaries and names**

An Coimisinéir um Theorainneacha Rialtais Áitiúil

Local Government Boundaries Commissioner

**Response on treaty-based duties regarding use and adoption of Irish
placenames with reference to the names of districts and wards**

February 2022

Background

Part IV of the Local Government Act (Northern Ireland) 1972 provides for the periodic appointment of a Local Government Boundaries Commissioner to review and make recommendations as to the *names* of NI district Councils and Wards (as well as their boundaries and number).

The current review was launched with an invitation for proposals in February 2021. There was a public consultation on *Provisional Recommendations* later in 2021. In January 2022 the Commissioner published *Revised Recommendations* for public consultation until 1 March 2022.¹ This submission is a response to the Revised Recommendations. The Commissioner is to submit a final report to the Department of Communities by the 31 May 2022, taking into consideration representations on the Revised Recommendations.

The Committee on the Administration of Justice (CAJ) is an independent human rights organisation with cross community membership, established in 1981, that works to ensure compliance with obligations under international human rights law.

Conradh na Gaeilge, founded in 1893, is an Irish language non-governmental organisation with extensive links to the community and a core interest in the protection and the promotion of the Irish language.

Both organisations engage regularly with the Council of Europe treaty bodies.

CAJ and Conradh put in a detailed joint submission to the review in April 2021. Our focus was on the naming of local Councils, proposing that the traditional and correct forms of placenames in Irish (and Scots where applicable), be adopted alongside the English language names of districts and wards. The submission focused on the broad legal framework, largely derived from treaty-based standards, towards the Irish language and detailed statistics providing evidence of growing usage and demand in relation to the Irish language.²

The *Provisional Recommendations* did not recommend any changes to the current ‘English only’ policy for adoption of names of local Councils and wards but did invite further representations on the matter.

The *Revised Recommendations* cite consultation 282 responses being received on the Online Portal, in addition to eight responses by email. They also cite that the ‘vast majority’ of responses on the online portal referred to the language naming issue. This includes respondents who expressed ‘strong support’ for the use of bilingual Irish-English names and also respondents who advocated strongly ‘against the use of any language other than English.’³ The official body for the promotion of Irish, Foras na Gaeilge, provided a written submission supporting the use of Irish across all local council areas. Two responses were received by e-mail setting out strong opposition to any departure from the current ‘English-only’ policy.

The *Revised Recommendations* were informed by 11 separate reports from Assistant Commissioners in relation to each local Government district. These reports also contained information in relation to the language and naming issues.⁴

¹ <https://consultations.nidirect.gov.uk/dfc/consultation-on-lgbc-revised-recommendations/>.

² <https://caj.org.uk/2021/04/30/submission-2021-independent-review-of-local-government-boundaries-and-names/>

³ Revised Recommendations, paragraphs 4.6-7. <https://www.lgbc-ni.org.uk/news/revised-recommendations-review-local-government-boundaries-published>

⁴ <https://www.lgbc-ni.org.uk/publications>

Present Response to the Revised Recommendations

- The current naming system for local government districts and wards follows the legacy the politics of ‘English-only’ policies rigorously adopted by the past unionist Stormont government (1921-1972, and British authorities before that). Such policies had the purpose and effect of excluding Irish from official recognition and public space.
- The Good Friday Agreement (GFA) 1998 was meant to mark a reset of the relationship between public authorities and the Irish speaking community through a break with ‘English only’ policies and the adoption instead of a legal framework supportive of linguistic diversity. The constitutional legal framework was fundamentally altered through specific treaty-based commitments towards taking ‘resolute action’ to support the Irish language in NI. This was both in the GFA itself and in a Council of Europe Treaty (‘the Charter’) ratified following the GFA, which among other provisions provides for the official ‘use or adoption’ of ‘traditional and correct forms of place-names in Irish.’ The most recent assessment of the Council of Europe has urged the adoption by NI local and regional authorities of place names in Irish in order to fulfil these treaty-based obligations.⁵
- The application of these treaty-based commitments is linked to the *situation of the Irish language* (in relation to which all Council and many ward names notably contain placenames derived from Irish) and also the number of Irish speakers in a locality and level of demand for bilingual signage. The international standards also provide that demand for what is a *minority* language is not to be ‘balanced’ against opposition to it particularly when based on intolerance or prejudice against a minority language.⁶
- The *Revised Recommendations* reject the overall proposal supported by Foras Na Gaeilge for the official recording of names in Irish (alongside English) across all local government districts.⁷ Instead, in general the *Revised Recommendations* advocate continuing an overarching ‘English only’ policy for district and ward names.
- The Belfast City Council report from an Assistant Commissioner does recommend the adoption of bilingual English-Irish names for seven listed wards due to evidence of bilingualism within the locality. The Commissioner’s sees merit in this and whilst not including same as a revised recommendation at present, seeks further views, with an apparent focus on what the Irish language names should be.⁸
- Outside of this the Commissioner sets out her rationale for the decision to propose retaining a general ‘English-Only’ policy for district and ward names in detail. This is grounded in asserting the commitments in the 2020 New Decade New Approach

⁵ For a more detailed narrative on this issue see the previous submission:

<https://caj.org.uk/2021/04/30/submission-2021-independent-review-of-local-government-boundaries-and-names/> and more recently the CAJ submission to Belfast City Councils street naming policy <https://caj.org.uk/2022/02/25/submission-on-belfast-city-councils-proposed-policy-on-dual-language-street-signs/>.

⁶ For further information see the above submissions in FN5.

⁷ Revised Recommendations paragraph 5.9: ‘Foras na Gaeilge provided a written submission to my Provisional Recommendations in support of the use of names in Irish across all local government districts.’

⁸ See section on Belfast Ward Names paragraph 6.4.16-22. Referencing: Ballymurphy – Baile Uí Mhurchú; Beechmount – Ard na bhFeá; New Lodge – An Lóiste Úr; Shaw’s Road – Bóthar Seoighe; Twinbrook – Cill Uiaghe, and also Cliftonville and Turf Lodge for which the existence of an Irish name is sought.

(NDNA) agreement should be the ‘starting point’ for considering the issue, and in the absence of the implementation of NDNA, the Commissioner argues the starting point *as a matter of law* are comments by the Court of Appeal.⁹

- This is in reference to *MacGiolla Cathain's Application [2010] NICA 24*, a case taken by an Irish speaker seeking an entertainments licence for an Irish-speaking venue, wishing to submit the court documents in Irish. The Commissioner highlights extracts from the judgment stating that English remains the majority language in NI, and the Courts’ determination that they must make a decision based on law not policy (in the context of a 1737 colonial era law that mandates an English-only policy for court documents.)
- The Commissioner in the *Revised Recommendations* also argues she should not proceed to make decisions on bilingualism in placenames in the absence of ‘any legislative framework’ on the use of minority languages in public administration.¹⁰
- We find this rationale for the retention of an English-only policy flawed and unconvincing.
- It is unclear why the 2020 NDNA agreement would be the starting point for considering the adoption of bilingual placenames. This approach appears to overlook the framework of previous agreements of the peace process, including the GFA and the UK’s subsequent treaty-based commitments to the Irish language.
- The Commissioner implies any move forward on bilingual naming should await the implementation of a framework emerging from NDNA. Whilst some of the language commitments of NDNA have been implemented¹¹ the NDNA legislation that would establish the Irish language Commissioner, who would set advisory standards for certain specified NI Public Authorities on the delivery of services, has not. However, the absence of the Irish Language Commissioner in general does not default to the existing legal framework only providing for an ‘English-only’ policy, as other treaty-based obligations remain. Furthermore, it is notable that the Local Government Boundaries Commissioner *is not among the specified public authorities* for whom the Irish Language Commissioner would advise and set standards for.¹² There is therefore in our view no

⁹ Revised Recommendations report:

5.10 My view is that the starting point in considering this issue is to look to the commitments made in the New Decade New Approach (NDNA) Report in January 2020.....

5.11 At the point of writing, these commitments have not been implemented by the NI Executive.

5.12 In the absence of the structures outlined above, my view is that an appropriate starting point for consideration of the Irish language issue, as a matter of law, is the recognition by the Court of Appeal in *Re MacGiolla Cathain's Application [2010] NICA 24* at [2] – [3] that:

‘... English remains the language of the vast majority of the population and it is the general language of public administration.

The way in which Irish should be recognised and valued in Northern Ireland is a matter of political debate. The Good Friday and St Andrew's Agreements pointed up the issue. How the question should be dealt with is a question of policy not law. The court cannot resolve the issue or contribute to the political debate. It can only determine the present appeal by reference to the correct legal principles applicable under the existing law’

¹⁰ 5.13 ‘In my view it would be inappropriate, as well as a fundamental disservice to the important issue of language, if I were to make decisions on the use of Irish language across all administrative place names in the absence of any legislative framework on the use of minority languages in public administration.’

¹¹ The NDNA commitment to take forward the Central Translation Hub has been advanced.

¹² Clause 78M of the Draft legislation published with NDNA which would establish the Irish Language Commissioner provides that the Public Authorities which the Commissioner would issue standards for are those listed in

reasonable basis for which the Commissioner should have to await the implementation of NDNA legislation before recommending movement towards bilingual naming.

- In relation to the *MacGiolla Cathain's Application [2010] NICA 24* Judicial Review two paragraphs of the ruling are cited in support of the rationale to retain an English-Only model for local government naming.¹³
- The first concerns a general orbiter statement by the Court that English remains the majority language in NI. We submit that to cite this statement of fact as justification for not progressing a bilingualism policy misconstrues the duties relating to minority language rights.
- The second extract is a statement by the Court that whatever the desirability of policy decisions towards the Irish language (with a nod to commitments the Good Friday and St Andrews Agreements), the Courts hands were tied by the existing law. This is a reference to the 1737 Act which *prohibits the use of Irish in court documents*.¹⁴
- We contend the assertion that this part of the ruling is the 'appropriate starting point' for the Local Governments review's 'consideration of the Irish language issue, as a matter of law' is an erroneous legal view. It appears undisputed that no such prohibition in law against the use of the Irish language applies to the Commissioners' role in recommending how local Government districts are named.¹⁵
- The further reasoning stated that there is not 'any legislative framework' on the use of minority languages in public administration in NI we also consider incorrect. There has been an overarching legal framework derived from UK treaty-based commitments since the 1990s. The UK also long departed from its previous constitutional position of monolingualism, towards a framework of linguistic diversity, with Welsh language legislation having been adopted over half a century ago.
- One interpretation of this reasoning in the Review is that should not recommend any bilingual naming until *compelled to do so* by domestic law. This would seem not to give due weight to the implications of international obligations.
- It appears in places the position taken in the *Revised Recommendations* may have been influenced by a position that there should be political or community 'consensus' before the 'English-only' naming policy is moved away from, and also of a possible balancing of levels of demand against expressions of opposition to the use of any language other than English.¹⁶

Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016.

<https://www.legislation.gov.uk/nia/2016/4/schedule/3>

¹³ See FN 10 above.

¹⁴ Administration of Justice (Language) Act (Ireland) 1737 <https://www.legislation.gov.uk/aip/Geo2/11/6>

¹⁵ This is our understanding that is shared by the Commissioner, not least in the consideration that seven Belfast wards could adopt bilingual names.

¹⁶ See the report Lisburn and Castlereagh: Where in reference to a submission about place names Lios na gCearrbhach agus An Caisleán Riabhach: Moira – Maigh Rath, the report states that "no evidence of community support was provided." And the report into Newry Mourne and Down Council which states: "From the written consultation responses received, the vast majority of respondents expressed a general view either in support of or against the naming of wards and related signage in bi-lingual (English & Irish) or tri-lingual (English, Irish & Ulster Scots). Of these, there were general submissions received: Support for bi-lingual wards and signage x 57 Support for tri-lingual wards and signage x 2 Against wards and signage in anything other than English x 59 Clearly, given

- We would not consider human rights compliant any approach which subjugates minority language rights to ‘consensus’ from a majority population or their representatives regardless of the legal framework.
- Any position whereby there is a pre-requisite of NDNA implementation by the NI Executive or NI domestic language legislation compelling the adoption of bilingual naming would favour a framework where those political parties opposed to minority language rights would have a *de facto* veto over progress on delivering established treaty-based obligations. It is also not human rights compliant to not progress rights-based policy on the grounds it would be contentious or divisive. It is notable the present ‘English-only’ policy could equally be characterised as such, and many, if not most equality and rights issues are politically contested.
- The Belfast report lists additional articulated objections to Irish language signage as stating that ‘the proposed bilingual languages are dead’ and even that bilingual signage would create ‘unrest’.¹⁷ Whilst there is no indication that the Review has given any weight to these specific arguments, we can only reemphasise that it is not compatible with the human rights framework for intolerance or prejudice to influence policy making including through the framework of the Charter¹⁸ and also the Council of Europe Framework Convention for National Minorities Article 6 of which provides that public authorities “*shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons ...linguistic ...identity*” ...” and “*undertake... appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ...linguistic ...identity*”.¹⁹
- The Review may also have given a lack of weight to the views of speakers of the Irish language and the recommendations of the official body established to represent their interests, despite duties on public authorities to do so under the Charter.²⁰
- **We would therefore urge the Commissioner to reconsider this position in her Final Report and instead create recommendations for the adoption of bilingual English-Irish names for Council Districts, and in those wards where there is demand for bilingual naming, or where the ward name is derived from Irish (or Scots).**
- We understand and welcome the reasoning presented in the Belfast area report of evidence of particular level of use of the Irish language in the seven particular local wards referenced. We would urge this recommendation is proceeded with not only in Belfast but across all Council areas.

the almost equal balance of conflicting opinion, this is a divisive matter which would require a separate consultation, outside the remit of this current process.”

¹⁷ Report of the Assistant Local Government Boundaries Commissioner for the proposed district of Belfast City, November. 2021, paragraph 4.6.

¹⁸ See in particular Article 7(3) of the Charter.

¹⁹ <https://www.coe.int/en/web/minorities> The framework convention also covers ethnic and religious, as well as linguistic minorities.

²⁰ Article 7(4) of the European Charter for Regional or Minority Languages (‘as applied to Irish in the UK’) provides that in determining policies that impact on the Irish language UK public authorities ‘*shall take into consideration the needs and wishes expressed by the groups which use Irish. It is encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to Irish.*’

- The original name in Irish of *Turf Lodge* is *Lóiste na Móna*²¹. In relation to Cliftonville it is more complex. Cliftonville Road in Dublin has been translated by Dublin Council as "Bóthar Cliathmhuine" which provides an option but the name could be checked with QUB Placenames NI.²² We concur the other five names are correct.
- While Irish medium schools are one and important indicator for measuring Irish language usage. However, this alone is not a true reflection of Irish language usage in Belfast or across the north. Conradh na Gaeilge's language profile²³ for each Council area demonstrates that while schools are significant, there are multiple indicators to demonstrate language usage. The report shows that we must consider community and youth groups, adult learning organisations, nurseries, and many social groups. Looking beyond schools will provide a comprehensive insight into language communities across the north.
- We would therefore emphasise that the same reasoning for bilingual naming of the seven wards in Belfast also exists in many other places within the jurisdiction of other Councils where the use of the Irish language has reached such a level of prevalence. The Assistant Commissioner reports cite at least four other Council areas where a bilingual approach for the naming of specific local wards or districts was advocated for. We would urge consideration of other proposals for renaming in the context of information previously provided.²⁴

February 2022

²¹[https://static1.squarespace.com/static/5a992018710699896544a413/t/5a99606e24a6942a72ed9885/1520001135841/North %26 South Belfast %28P. Tempan%29.pdf](https://static1.squarespace.com/static/5a992018710699896544a413/t/5a99606e24a6942a72ed9885/1520001135841/North+%26+South+Belfast+%28P.+Tempan%29.pdf)

²² Bóthar refers to Road. Alternatively, Old Park has been translated into "An tSeánpháirc" previously by local speakers as an Irish language translation of an English language derived placename.

²³ <https://peig.ie/images/Proifili-na-gComhairli-1.pdf>

²⁴ *Namley Antrim and Newtownabbey: Causeway Coast and Glens; Lisburn and Castlereagh and Mid Ulster*. We do not consider it reasonable for there to be an onus on rights-holders in the local Irish speaking community to be solely responsible for pressing the case for ward renaming, in particular when evidence on language profiles has already been submitted to the review in our previous submissions.