

From Act to Action

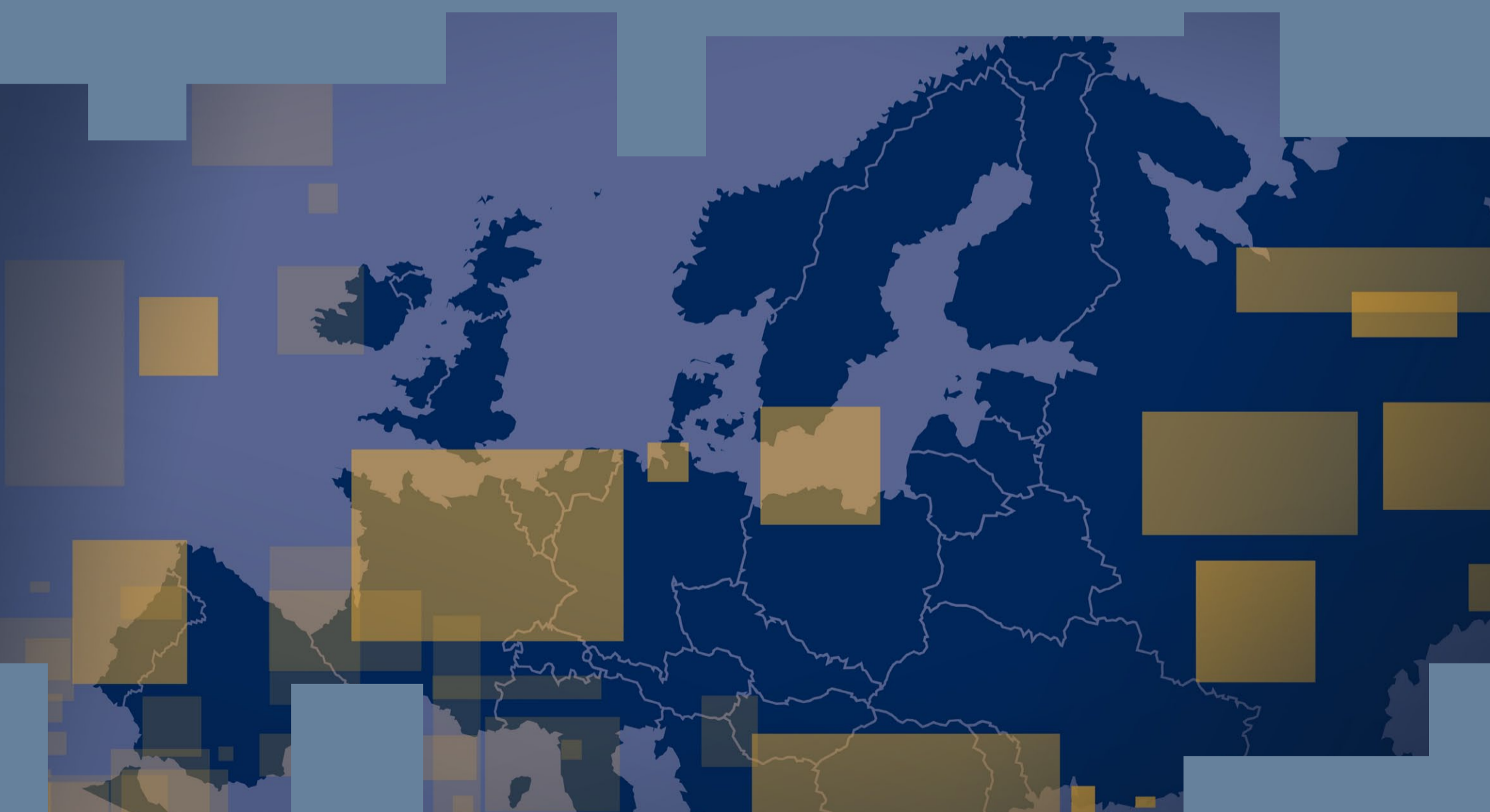
Implementing Language Legislation in Finland, Ireland and Wales

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Preface

This report was submitted in February 2010 for consideration by Svenska Kulturfonden which was the lead agency in the commissioning process. The results were also shared with Foras na Gaeilge and the Welsh Language Board who co-commissioned the research. Beyond these agencies the details of the investigation have been shared with state governments and national parliaments, relevant ministries and selected EU bodies. Between 2010 and 2012 the findings of the in-depth cases studies and recommendations have been highly influential in informing the debate on language legalisation and the reform of the language strategies of Finland, Ireland and Wales respectively. In Finland it has been highly significant as a source of data and insights into the local government reform and restructuring process, especially in terms of the effect of amalgamation on the services provided to Swedish-speaking citizens. In Ireland the report's results and recommendations have informed the regulatory and public service delivery sections of the 20 Year Irish Language Strategy. In Wales, the report's investigations of the current operation of the Welsh Language Schemes and its recommendations that a more robust language policy regime be put in place, led to the development of national standards of Welsh language services being adopted within public administration. It also influenced the Welsh Language (Wales) Measure 2011, especially in relation to the reach and functions of the Welsh Language Commissioner and the implementation of a stronger statutory basis for the interaction of Welsh speakers both with each other and with service providers.

This Summary Report is now made available to the public. Despite some considerable reforms, such as the establishment of a Welsh Language Commissioner in April 2012, or changes in governments within polities and the introduction of revised language strategies, we have not seen fit to report on these changes between the submission of the confidential report in 2010 and now. That is beyond the scope of our remit. It is hoped that the Summary Report findings and recommendations will have some purchase for the exchange of best practice, ideas and processes within a range of official language communities in the EU and beyond.

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Acht go Gníomh – Achoimre Fheidhmeach

Is éard atá in Acht go Gníomh torthaí ó staidéar iniúchta comparáideach ar an bhfeidhmiú a dhéantar ar reachtaíocht teangacha neamhfhorleathana ag an leibhéal macra agus ag an leibhéal micrea san Fhionlainn, in Éirinn agus sa Bhreatain Bheag. Is minic polasaí teanga oifigiúil in go leor sochaithe daonlathacha a bheith ag brath ar an deathoil agus ar ghníomhartha deonacha ó thaobh an teanga a chur chun cinn. Tá níos mó agus níos mó daoine, le blianta beaga anuas, i bhfabhar rialáil agus cearta teanga mar chuid riachtanach de chothabháil agus chur chun cinn teanga. Is beag anailís eimpíreach atá déanta, áfach, faoi éifeachtacht na reachtaíochta atá ann. Tá sé d’aidhm ag an staidéar cur leis an gcorpas eolais trí shonraí nua a chruthú agus trí smaointe nua a fhorbairt faoi sheachadadh seirbhíse poiblí i dteanga neamhfhorleathan.

An Staidéar

Le tabhairt faoin staidéar seo roghnaíodh ceann ar aghaidh príomhghníomhaireachtaí sna tíortha faoi seach le samplaí de dheachleachtas a shnífeadh isteach i bpleanáil agus i bpolasaí teanga a aithint. Bhailigh meithleacha náisiúnta fianaise mhi-
on. D’úsaid siad ceistiúcháin, grúpaí fócais agus scrúdaigh siad cáipéisí atá foilsithe.

Tugann an tuarascáil seo achoimre ag an leibhéal macra agus ag an leibhéal micra ar fheidhmiú reachtaíochta teanga san Fhionlainn, in Éirinn agus sa Bhreatain Bheag. Ag an leibhéal macra déantar comparáid idir na hachtanna teanga, a stádas sa chóras dlí agus na meicníochtaí tacaíochta atá acu. Chomh maith leis sin breathnaítear ar an ábhar atá curtha ar fáil ag na gníomhaireachtaí a bhfuil an dualgas orthu maoirseacht a dhéanamh ar fheidhmiú achtanna teangacha.

Roghnaíodh údaráis phoiblí i ngach tír le hionadaíocht a dhéanamh ar leibhéal éagsúla rialtais, ar chineálacha difriúla críoch-tháirgí, ar leaganacha amach faoi leith ó thaobh teangacha, agus ar údaráis a chleachtaíonn cur chuigí éagsúla ó thaobh fheidhmiú acht teanga. Trí shampláil chuspóireach mar sin bhí súil go ndéanfaí raon de phatrúin iompair chomh maith le fianaise shoiléir ó thaobh sholáthar seirbhíse sa dátheangachas i measc údaráis phoiblí na Fionlainne, na hÉireann agus na Breataine Bige a aithint.

Moltaí

Tá sraith moltaí sa tuarascáil seo atá bunaithe ar an bhfianaise as an staidéar ar na trí chás. Díríonn na moltaí ar an méid a d'fhéadfaí a fhoghlaim idir na córais, na tíortha agus na húdaráis phoiblí faoi leith. Áirítear sna moltaí samplaí ina bhféadfaí mionathruithe a dhéanamh ar na córais atá ann chomh maith le héileamh go ndéanfaí leasú institiúideach agus struchtúrach. Tógadh na moltaí ag an leibhéal miocra ó na samplaí deachleachtais ar tugadh suntais dóibh in údaráis phoiblí ar leith. Áirítear ar na moltaí ag leibhéal meso samplaí faoin tslí a bhféadfadh institiúidí eatarthu i gcomhar le gréasáin a nascfadh údaráis phoiblí agus údaráis eile tacaíocht a thabhairt d'fheidhmiú reachtaíochta teanga. Tarraingíonn na moltaí ag an *leibhéal náisiúnta* ar an méid is léir ó thaithí thíortha faoi leith. Sainítear iontu na príomhréimsí ina bhféadfadh na córais faoi seach a oibríonn san Fhionlainn, in Éirinn agus sa Bhreatain Bheag foghlaim óna chéile. Agus tá na moltaí ag an *leibhéal Eorpach* leagtha amach le feabhas a chur ar institiúidí agus ar mheicníochtaí ar fud na hEorpa atá ag iarraidh tacaíocht a thabhairt d'éagsúlacht teangacha agus do chearta teangacha.

Moltaí don Leibhéal Miocra

- Molaimid go mbeadh na scéimeanna teanga éigeantacha atá in Éirinn agus sa Bhreatain Bheag ina n-eiseamláir le feabhas a chur ar sheirbhísí dátheangachais laistigh d'údaráis phoiblí na Fionlainne.
- Molaimid go bhféadfadh na húdaráis in Éirinn agus sa Bhreatain Bheag ar na deachleachtais san Fhionlainn ó thaobh meicníochtaí pearsanra do luacháil a bhíonn fianaisebhunaithe ag an leibhéal áitiúil le feabhas a chur ar sheachadadh seirbhísí dátheangachais.
- Ba chóir d'údaráis phoiblí dátheangachais a gcuid polasaithe earcaíochta agus oiliúna a fhorbairt lena chinntiú go mbeidh pearsanra dátheangach ar fáil go leanúnach ag gach leibhéal riaracháin.
- Níor chóir go mbeadh seirbhísigh poiblí agus oifigigh teanga gearrtha amach ina n-eagraíochtaí féin, ná go mbeadh an iomarca dualgais ó thaobh aistriúcháin orthu ach ba chóir go bhfaighidís aitheantas agus tacaíocht ó dhaoine sinsearach riaracháin agus polaitíochta laistigh den údarás.
- Ba chóir ról oifigeach teanga a aithint mar ghairm atá ag forbairt agus ba chóir oiliúint inseirbhíse bhreise, agus leas a bhaint as próisis atá forbartha ag Cwmni laith agus ag Bord na Breathnaise, a thabhairt isteach i gcórais na hÉireann agus na Fionlainne.

Moltaí don Leibhéal Meso

- Ba chóir go mbunófaí gréasáin de sheirbhísigh poiblí a bhfuil baint acu le teanga san Fhionlainn agus in Éirinn mar atá faoi láthair laistigh de *Rhwydiath*, gréasán an Chumainn Rialtais Áitiúil de sheirbhísigh poiblí na Breathnaise.
- Ba chóir feabhas a chur go córasach ar scileanna teanga agus ar chumas cumarsáide daoine roghnaithe a bhíonn os comhair an phobail trína éileamh orthu cláir oiliúna a bheadh creidiúnaithe ag comhlachtaí náisiúnta ceadaithe a chomhlíonadh.
- Ba chóir go dtabharfaí saincheisteanna bainistíochta ó thaobh seirbhíse teanga isteach i gclár forbartha gairmiúil gh-réasáin bhunaithe riarthóirí poiblí mar Phríomhfheidhmeannaigh agus Cinn Ranna Acmhainní Daonna.
- Ba chóir eagraíochtaí tráchtála san earnáil phríobháideach a spreagadh le seachadadh a dhéanamh ar oiliúint inseirbhíse faoi fheasacht teanga agus scileanna teanga do dhaoine ag gach leibhéal a mbeadh dualgas orthu seirbhísí dátheangacha a sheachadadh.

- Go bhféachfadh cumainn ghairmiúla ar sheachadadh seirbhísí teanga mar chuid dá n-oiliúint ghairmiúil agus dá gceanglais chreidiúnaithe le comhlíonadh a dhéanamh ar fheidhmiú dhualgais agus chearta aitheanta teanga agus tacú leo.

Moltaí don Leibhéal Náisiúnta

- Go mbeadh tábhacht mhór le pobail teanga aitheanta agus seirbhísí poiblí á n-eagrú agus á soláthar agus ba chóir do na seirbhísí freastal ar riachtanais spriocphobal den sórt sin.
- Ba chóir nuair a bhítear ag féachaint ar an leagan amach atá faoi láthair ar an nGaeltacht, agus b'fhéidir an leagan amach a dhéanfaí ina dhiaidh seo sa Bhreatain Bheag, go mbreathnófaí ar fheidhmiú ceann ar aghaidh reachtaíocht chumasúcháin maidir le limistéir dhátheangacha aitheanta san Fhionlainn a aithint agus a chosaint.
- Ba chóir níos mó aird a thabhairt ar na riachtanais a bhíonn ag pobail shainiúla gheo-theanga agus ar na seirbhísí a chuirtear ar fáil le go mbaintear an méid úsáide agus is féidir astu.
- Agus luacháil á déanamh ar chaighdeán na seirbhíse a chuirtear ar fáil is é an bealach ar chóir tairseacha ardchaighdeáin a leagan amach ná tomhas a dhéanamh in aghaidh riachtanais agus ionchais na bpobal teanga aitheanta oifigiúil mar a dhéanfaí in Éirinn agus san Fhionlainn.
- Nuair a chuirtear san áireamh go dtéann roinnt scéimeanna teanga i léig ba chóir níos mó aird a thabhairt ar cheapadh meicníochtaí trína gcuirfí glúin nua scéimeanna i bhfeidhm sách luath.
- Níor chóir gur leathnú díreach ar an gcleachtas a bheadh i bhfeidhm a bheadh i scéimeanna teanga ach ba chóir go ndíreofaí ar an raon seirbhísí a bheadh á chur ar fáil a leathnú agus a dhoimhniú de réir phrionsabail 'tairiscint ghníomhach seirbhíse' na Fionlainne.
- Ba chóir an cleachtas atá sa Bhreatain Bheag ó thaobh dréachtscéimeanna teanga a chur os comhair an phobail lena mbreithniú a chur i bhfeidhm in Éirinn.
- Ba chóir scéimeanna teanga a dhearadh ag glacadh san áireamh sraith náisiúnta caighdeán ó thaobh sheachadadh seirbhíse le go ndéanfaí príomhshruthú ar an teanga agus go gcaithfí léi ar nós réimsí polasaí eile a aithnítear a bheith ar leas an phobail, fearacht oideachais agus sláinte.
- Go bhféachfaí ar scaradh na bhfeidhmeanna mar atá i gcóras na hÉireann, go háirithe na nósanna imeachta fiosrúcháin agus neamhspleáchas oifig an Choimisinéara Teanga, mar mhúnla éifeachtach, go háirithe don Bhreatain Bheag agus b'fhéidir don Fhionlainn.
- Go ndéanfaí córais éifeachtacha do mhonatóireacht agus do luacháil ar fheidhmiú reachtaíochta teanga a cheapadh nó a oiriúnú ó dheachleachtas atá ann cheana féin mar atá mar shampla san Fhionlainn.
- Go bhféachfaí leis an deachleachtas san Fhionlainn ó thaobh suirbhéithe leanúnacha i measc na saoránach agus deachórais chaighdeán eile mar chuid de luacháil agus fheidhmiú reachtaíochta teanga a thabhairt isteach in Éirinn agus sa Bhreatain Bheag.
- Go ndéanfaí na gnéithe a bhaineann le 'luach saothair agus smachtbhannaí' atá mar chuid de na hionstraimí rialála i bhfad níos láidre mar go bhfuil siad lag faoi láthair sna trí thír a ndearnadh suirbhé orthu.

- Ag féachaint don tábhacht atáthar a chur níos mó agus níos mó le reachtaíocht teanga ba chóir níos mó aird a thabhairt ar reachtaíocht teanga a ionsú i réimsí seanbhunaithe an dlí.
- Ba chóir go mbeadh comhordú níos fearr idir feidhmiú reachtaíochta teanga agus gnéithe de luacháil polasaí i bpríomhréimsí mar oideachas dátheangach, cúram sláinte, pleanáil forbartha pobail agus polasaí agus cleachtas cumarsáide/meán.

Moltaí don Leibhéal Eorpach

- Ba chóir dlús a chur faoi dheachleachtas a roinnt maidir le reachtaíocht teanga ag roinnt leibhéal, m.sh. a) laistigh d'eagraíochtaí idirnáisiúnta (m.sh. Cúirt Bhreithiúnais an Aontais Eorpaigh, Parlaimint na hEorpa, an Coimisiún Eorpach, Comhairle na hEorpa agus UNESCO); b) i ndlíní bunaithe ag leibhéal stáit, agus c) dlínse fostáit roghnaithe.
- Go mbeadh roinn ar bhainistiú éagsúlachta teanga in aon treoir a thioctadh ón Eoraip amach anseo ar sheirbhís ardchaighdeán do chustaiméirí laistigh den earnáil phoiblí.
- Go mbeadh bainistiú ar sheirbhísí a bhainfeadh le teanga mar chuid dhlúth de chórais ardchaighdeán riaracháin phoiblí (m.sh. CAF, EFQM). In éineacht leis sin ba chóir go mbeadh sraith straitéise leagtha amach le haghaidh aon laige a d'aimseofaí a chur ina ceart. (m.sh. Feabhas Leanúnach Caighdeán).
- Go nglacfaí le hionstraimí fáthmheasa a bhainfeadh le bainistíocht teanga, ar nós mar a ghlac Aire Airgeadais na Fionlainne le CAF agus ar éirigh chomh maith leis, i stáit eile.
- Go mbeadh fáil ar láithreán amháin ar líne ar an gcorpas eolais a bhaineann le reachtaíocht teanga trí chomhoibriú níos dlúithe idir na hionaid cháipéisí atá ann.
- Go ndéanfaí modúil shonracha a bhainfeadh le cearta teanga agus a bhfeidhmiú a chur mar chuid de churaclaim fhorbairt ghairmiúil dhlíodóirí, riarthóirí poiblí agus saineolaithe cúraim sláinte mar shampla.
- Go bhforbrófaí cláir Mháistreachtá Eorpacha ar Phleanáil Teanga agus Bhainistíocht Teanga.

Mar fhocal scoir cuireann an tuarascáil fainic nach bhféachfaí ar Achtanna Teanga mar mhalairt ar phleanáil iomláineach teanga sa ghnáthchúrsa. Siúd is go bhfuil tábhacht le reachtaíocht teanga ó thaobh straitéisí polasaí teanga níor chóir brí agus borradh teanga a mheas de réir sraith inaitheanta cearta teanga astu féin. Níor chóir féachaint ar reachtaíocht teanga *sui generis* gan féachaint ar réimsí eile de pholasaí agus phleanáil teanga.

Act to Action -Executive Summary

Act to Action presents the results of an explorative comparative study of the implementation of lesser used language legislation at the macro and the micro level in Finland, Ireland and Wales. Official language policy in many democratic societies has often been reliant on goodwill and voluntary actions in the field of language promotion. In recent years there is a growing body of opinion advocating language rights and regulation as an essential strand of language maintenance and promotion. However, very little empirical analysis has been undertaken concerning the effectiveness of existing legislation. The study seeks to add to a body of knowledge by creating new data and developing new ideas about public service delivery in a lesser used language.

The Study

In order to undertake this study key agencies in the respective countries were selected in a purposeful manner so as to identify examples of best practice which could feed into language planning and policy. Detailed evidence was gathered by national teams using questionnaires, focus groups and by examining published documentation.

This report summarizes macro and micro level evidence of the implementation of language legislation in Finland, Ireland and Wales. On the macro level, the language acts, their position in the legal system and the support mechanisms of the acts are compared. In addition, material produced by the agencies in charge of supervising the implementation of language acts was also considered.

Public authorities in each country were selected to represent various levels of government, different types of end-products, representing distinct linguistic situations, and authorities representing different approaches to the implementation of the language act. By such purposeful sampling it was anticipated that a range of behaviour patterns together with clear evidence of good practice of bilingual service provision among the Finnish, Irish and Welsh public authorities would be identified.

Recommendations

This report offers a set of recommendations based on the evidence from the three case studies. The recommendations focus on the learning potential between systems, countries and individual public authorities. The recommendations include examples whereby existing systems may be fine-tuned as well as calls for structural and institutional reform. *Micro level* recommendations are derived from the examples of good practice as observed from within individual public authorities. *Meso level* recommendations include examples of how intermediate institutions together with networks linking public authorities and others can support the implementation of language legislation. *National level* recommendations draw on the lessons to be learned from the experience of individual countries. They indicate key areas where each of the respective systems which operate in Finland, Ireland and Wales can learn the one from the other. Finally, *European level* recommendations are designed to improve Europe-wide institutions and mechanisms which seek to support linguistic diversity and language rights.

Micro Level Recommendations

- We recommend that the Irish and Welsh compulsory language schemes serve as an exemplar for the improvement of bilingual services within Finnish public authorities.
- We recommend that the good examples of evidence-based local personnel and evaluation mechanisms, as practiced in Finland, be considered by Irish and Welsh authorities in their efforts to improve the quality of the delivery of bilingual services.
- Bilingual public authorities should develop their recruitment and training policies so as to ensure the continuous availability of bilingual personnel at all levels of the administration.
- Public servants and language officers not be isolated within their respective organisation, nor unduly burdened with the demands of translation duties, but rather be given recognition and support from senior political and administrative figures within the authority.
- The role of language officers be recognised as an evolving profession and that additional in-service training, using processes as developed by Cwmni Iaith and the Welsh Language Board, be extended to the Irish and Finnish systems.

Meso Level Recommendations

- The establishment of networks in Finland and Ireland of language-related public servants as currently exists within *Rhwydiath*, the Welsh Local Government Association network of Welsh language public servants.
- The linguistic skills and communicative competence of selected front-line personnel be systematically improved by requiring them to complete training programmes accredited by approved national bodies.
- The introduction of language service management issues into the professional development programme of established networks of public administrators, such as the Chief Executives and the Heads of Human Resources departments.
- The encouragement of private sector commercial organisations to deliver in-service language awareness and skills training to personnel at all levels charged with the delivery of bilingual services.
- That professional associations include considerations of language service delivery within their professional training and accreditation requirements in order to comply with and support the implementation of recognised language duties and rights.

National Level Recommendations

- That the presence of officially designated language communities should remain a significant consideration in the organization and provision of public services, which seek to meet the needs of such target communities.
- That both existing arrangements in the Gaeltacht and possible future designations in Wales would do well to reflect on the conscious application of enabling legislation in recognizing and protecting designated bilingual areas in Finland.
- That greater attention be paid to the requirements of geolinguistically distinct communities and the services provided so as to maximise usage.

- That in evaluating the quality of service provision the higher threshold standards should be calibrated by reference to the requirements and expectations of the officially designated language communities as would apply in Finland and Ireland.
- That given the tendency of some language schemes to atrophy, greater attention should be paid to devising mechanisms by which a new generation of schemes are put in place in good time.
- That language schemes should not simply be an extension of existing practice, but seek to deepen and widen the range of services provided in accordance with the Finnish “active offer of service” principles.
- That the Welsh practice of issuing draft language schemes for public consultation should be adopted in the Irish context.
- That language schemes should be calibrated by reference to a national set of standards of service delivery, so as to mainstream the language and bring it into line with other policy areas treated as a public good, such as education and health.
- That the separation of functions of the Irish system, especially the investigative procedures and the independence of the office of the Language Commissioner, be considered as an effective model particularly for Wales and possibly for Finland.
- That efficient systems for monitoring and evaluating the implementation of language legislation be devised or adapted from existing best practice as for example in Finland.
- That the Finnish good practice of continuous citizen surveys and other quality systems, being integrated into the evaluation and implementation of language legislation, be considered for adoption in Ireland and Wales.
- That the ‘rewards and sanctions’ elements of regulatory instruments be strengthened considerably, as they are currently weak in all three countries surveyed.
- That given the increasing salience of language related legislation greater attention should be paid to integrating language legislation with more established fields of law.
- That the implementation of language legislation be better co-ordinated with aspects of policy evaluation in key areas such as bilingual education, health care, community development planning and communications/media policy and practice.

European Level Recommendations

- That the sharing of good practice in relation to language legislation be advanced at a number of levels, e.g., a) within international organizations (e.g. the European Court of Justice, the European Parliament, the European Commission, the Council of Europe and UNESCO); b) in established state level jurisdictions, and c) selected sub-state jurisdiction.
- That any future European directive on quality customer service within the public sector include a section on the management of linguistic diversity.
- That the management of language-related services should be included as an integral element of public administration quality systems (e.g. CAF, EFQM). This should be accompanied by the creation and adoption of a parallel toolkit to remedy identified weaknesses (e.g. Continuous Quality Improvement).

- That diagnostic instruments concerned with language management, similar to the proven Finnish Ministry of Finance adaptation of the CAF be adopted within other states.
 - That the closer collaboration between existing documentation centres whose body of knowledge relates to language legislation would allow access from one portal online.
 - That specific modules related to language rights and their implementation be incorporated into the professional development curricula of, for example, lawyers, public administrators and health care specialists.
- That European Masters programmes be developed in relation to Language Planning and Language Management.

Crynodeb Gweithredol

Mae 'O Ddeddfu i Weithredu' yn cyflwyno canlyniadau astudiaeth ymchwil gymharol o'r modd y gweithredir deddfwriaeth ieithoedd llai eu defnydd ar lefel macro ac ar lefel micro yn y Ffindir, Iwerddon a Chymru. Bu polisi iaith swyddogol nifer o gymdeithasau democrataidd yn ddibynnol ar ewyllys da a gweithredoedd gwirfoddol ym maes hybu iaith. Dros y blynyddoedd diwethaf gwelwyd corff barn gynyddol yn dadlau bod hawliau a rheoliadau iaith yn rhan hanfodol o gynnal a hybu iaith. Fodd bynnag, ychydig iawn o ddadansoddi empirig a wnaed ynghylch effeithiolrwydd y deddfwriaeth bresennol. Mae'r astudiaeth hon yn ceisio cyfrannu at ein dealltwriaeth drwy greu data newydd a datblygu syniadau newydd am ddarparu gwasanaeth cyhoeddus mewn ieithoedd llai eu defnydd.

Yr Astudiaeth

Er mwyn ymgymryd â'r astudiaeth hon dewiswyd, mewn modd bwriadus, asiantaethau allweddol yn y gwledydd perthnasol er mwyn adnabod esiamplau o arfer da y gellid eu bwydo i'r system cynllunio iaith a pholisi iaith. Casglwyd tystiolaeth fanwl gan ddimioedd cenedlaethol drwy ddefnyddio holiaduron, grwpiau ffocws a thrwy archwilio dogfennaeth gyhoeddus.

Mae'r adroddiad yn crynhoi tystiolaeth ar lefelau macro a micro o'r modd y caiff deddfwriaeth iaith ei gweithredu yn y Ffindir, Iwerddon a Chymru. Ar y lefel macro, y deddfau iaith, cymerir eu safle o fewn y system gyfreithiol, a chymerir cyfundrefn gefnogi'r deddfwriaethau. Yn ogystal, rhoddwyd ystyriaeth i ddeunydd a gynhyrchwyd gan yr asiantaethau sy'n gyfrifol am oruchwylio'r modd y gweithredir y deddfau iaith.

Dewiswyd awdurdodau cyhoeddus ym mhob un o'r gwledydd er mwyn cynrychioli gwahanol lefelau o'r llywodraeth, gwahanol fathau o gynnyrch terfynol, cynrychioli sefyllfaoedd ieithyddol penodol, ac awdurdodau sy'n cynrychioli gwahanol ffyrdd o weithredu'r deddf iaith. Drwy samplu bwriadus o'r fath, gellid rhagweld y byddid yn darganfod amrediad o batrymau ymddygiad ynghyd â thystiolaeth glir o arfer da o ran darparu gwasanaeth dwyieithog o fewn yr awdurdodau cyhoeddus yn y Ffindir, Iwerddon a Chymru.

Argymhellion

Mae'r adroddiad hwn yn cynnig set o argymhellion sy'n seiliedig ar y dystiolaeth a gafwyd mewn tair astudiaeth achos. Mae'r argymhellion yn canolbwyntio ar y potential dysgu sy'n bodoli rhwng systemau, gwledydd ac awdurdodau cyhoeddus unigol. Mae'r argymhellion yn cynnwys esiamplau lle mae systemau sy'n bodoli eisoes yn medru cael eu manwl gyweirio yn ogystal â galwadau am ailstrwythuro fframweithiol a sefydliadol. Mae'r argymhellion *lefel micro* yn deillio o'r esiamplau o arfer da fel y'u gwelwyd o fewn awdurdodau cyhoeddus unigol. Mae'r argymhellion *lefel meso* yn cynnwys esiamplau o sut gall sefydliadau maint canolig ynghyd â rhwydweithiau sy'n cysylltu awdurdodau cyhoeddus ac eraill, hybu gweithredu deddfwriaeth iaith. Mae'r argymhellion *lefel cenedlaethol* yn troi at y gwersi sydd angen eu dysgu o brofiad gwledydd unigol. Maent yn nodi meysydd allweddol lle gall pob un o'r systemau priodol sydd yn gweithredu yn y Ffindir, Iwerddon, a Chymru ddysgu oddi wrth ei gilydd. Amcan yr argymhellion *lefel Ewropeaidd* yw gwella'r sefydliadau a'r fframweithiau sydd yn ceisio cefnogi amrywiaeth ieithyddol a hawliau ieithyddol ar hyd a lled Ewrop.

Argymhellion Lefel Micro

- Rydym yn argymhell bod cynlluniau iaith orfodol Cymru ac Iwerddon yn cael eu defnyddio fel esiampl ar gyfer gwella gwasanaethau dwyieithog o fewn awdurdodau cyhoeddus y Ffindir.
- Rydym yn argymhell bod yr esiamplau da sy'n seiliedig ar dystiolaeth gweithwyr lleol a fframweithiau asesu, fel y cânt eu gweithredu yn y Ffindir, yn cael eu hystyried gan awdurdodau yng Nghymru ac yn Iwerddon wrth iddynt geisio gwella safon darparu gwasanaethau dwyieithog.

- Dylai awdurdodau cyhoeddus dwyieithog ddatblygu eu polisiau recriwtio a hyfforddi er mwyn sicrhau argaeledd parhaol gweithwyr dwyieithog ar bob lefel o'r weinyddiaeth.
- Ni ddylai gweision cyhoeddus na swyddogion iaith gael eu hynysu o fewn eu sefydliadau penodol, na chwaith gael eu gorlwytho â gofynion dyletswyddau cyfieithu, ond yn hytrach dylent dderbyn cydnabyddiaeth a chefnogaeth gan ffi-gyrau gwleidyddol a gweinyddol uwch o fewn yr awdurdod.
- Dylid cydnabod rôl y swyddogion iaith fel proffesiwn sy'n esblygu a dylid cynnig rhagor o hyfforddiant mewn swydd, gan ddefnyddio prosesau a ddatblygwyd gan Gwmni Iaith a Bwrdd yr Iaith Gymraeg, i staff systemau'r Ffindir ac Iwerddon.

Argymhellion Lefel Meso

- Dylid sefydlu rhwydwaith o weision cyhoeddus sy'n ymwneud ag iaith yn y Ffindir ac yn Iwerddon, fel sy'n bodoli eisoes o fewn *Rhwydwaith*, sef rhwydwaith Cymdeithas Lywodraeth Leol Cymru o weision cyhoeddus sy'n ymwneud â'r iaith Gymraeg.
- Dylid gwella'n systematig sgiliau iaith a medrau cyfathrebu personél dewisol sy'n ymwneud yn uniongyrchol â'r cyhoedd drwy fynnu eu bod yn cwblhau rhaglenni hyfforddi sydd wedi eu hachredu gan gyrff cenedlaethol awdurdodedig.
- Dylid cyflwyno materion sy'n ymwneud â rheoli gwasanaethau iaith i raglen datblygiad proffesiynol y rhwydweithiau sefydledig o weinyddwyr cyhoeddus, er enghraifft Prif Weithredwyr a phenaethiaid adrannau Adnoddau Dynol.
- Dylid annog cyfundrefnau masnachol o fewn y sector preifat i ddarparu hyfforddiant mewn swydd ym meysydd ymwbyddiaeth iaith a sgiliau iaith i'w holl staff sy'n darparu gwasanaethau dwyieithog a hynny ar bob lefel.
- Dylai cymdeithasau proffesiynol gynnwys o fewn eu hyfforddiant proffesiynol a'u gofynion achredu ystyriaethau ar sut i ddarparu gwasanaeth iaith er mwyn cydymffurfio â'r broses a chefnogi'r broses o weithredu dyletswyddau a hawliau iaith gydnabyddedig.

Argymhellion Lefel Cenedlaethol

- Dylai bodolaeth cymunedau iaith a ddynodwyd yn swyddogol barhau yn ystyriaeth o bwys wrth drefnu a darparu gwasanaethau cyhoeddus sy'n ceisio ateb gofynion cymunedau targed o'r fath.
- Byddai'n ddoeth petai'r trefniadau sydd eisoes mewn bodolaeth yn y Gaeltacht, ac unrhyw ddarpar ddynodiadau posibl yng Nghymru i'r dyfodol, yn myfyrio ar sut, yn ymwybodol, i roi mewn grym ddeddfwriaeth ganiatáu wrth adnabod ac amddiffyn ardaloedd dynodedig dwyieithog yn y Ffindir.
- Dylid talu mwy o sylw i ofynion cymunedau sydd o ddiddordeb penodol o safbwynt ieithyddiaeth/daearyddiaeth, a'r gwasanaethau a ddarperir, er mwyn amlhau eu defnydd i'r eithaf.
- Wrth asesu ansawdd darparu gwasanaeth dylid calibreiddio'r safonau trothwy uwch drwy nodi gofynion a disgwyliadau'r cymunedau iaith a ddynodwyd yn swyddogol, fel y byddai'n weithredol yn y Ffindir ac Iwerddon.
- Gan fod tuedd i rai ieithoedd edwino, dylid talu mwy o sylw i ddyfeisio mecanweithiau drwy ba rai y gellid sefydlu mewn da bryd genhedlaeth newydd o gynlluniau.
- Ni ddylai cynlluniau iaith fod yn ddim ond estyniad ar arfer sydd eisoes mewn bodolaeth, ond dylent geisio dyfnhau ac ehangu'r amrediad gwasanaethau a ddarperir er mwyn cydymffurfio ag egwyddorion 'cynnig gwasanaeth gweithre-

dol' yn y Ffindir.

- Yn y cyd-destun Gwyddelig dylid mabwysiadu'r arfer Cymreig o gylchredeg drafft o gynlluniau iaith er mwyn ymgynghori â'r cyhoedd.
- Dylai cynlluniau iaith gael eu calibreiddio drwy gyfeirio at set o safonau cenedlaethol ar ddarparu gwasanaeth, er mwyn dod â'r iaith i safle canolog ac er mwyn ei gosod ar yr un gwastad ag unedau eraill o bolisi sy'n cael eu trin fel lles cyhoeddus, er enghraifft addysg ac iechyd.
- Dylai ystyried bod arwahanrwydd dyletswyddau'r system Wyddelig, yn enwedig y dulliau ymchwiliadol ac annibyniaeth swyddfa'r Comisiynydd Iaith, yn fodel effeithiol yn enwedig ar gyfer Cymru ac o bosibl ar gyfer y Ffindir.
- Dylid dyfeisio systemau effeithiol ar gyfer monitro ac asesu gweithredu'r deddfwriaeth iaith, neu dylid eu haddasu o arfer da sydd yn bodoli ar hyn o bryd, megis er enghraifft yn y Ffindir.
- Dylai Iwerddon a Chymru ystyried mabwysiadu arfer da y Ffindir o gynnal arolygon dinesydd yn gyson, a systemau eraill o ansawdd da, a'u hintegreiddio i asesiad a gweithrediad deddfwriaeth iaith.
- Bod elfennau 'gwobrau a chosbau' y cyfryngau rheoleiddio yn cael eu cryfhau yn sylweddol gan eu bod ar hyn o bryd yn wan yn y tair gwlad dan sylw.
- Gan gydnabod amlygrwydd cynyddol deddfwriaeth sydd yn ymwneud ag iaith, dylid talu mwy o sylw i integreiddio deddfwriaeth iaith gyda meysydd cyfraith sydd yn fwy sefydledig.
- Bod gweithredu deddfwriaeth iaith yn cael ei gyfuno'n well gydag agweddau ar asesu polisi mewn meysydd allweddol megis addysg ddwyieithog, gofal iechyd, cynllunio datblygiad cymunedol a pholisi ac arfer y wasg a chyfathrebu.

Argymhellion Lefel Ewropeaidd

- Dylid hybu'r arfer o rannu arfer da mewn perthynas â deddfwriaeth iaith ar nifer o lefelau, e.e., a) o fewn cyfundrefnau rhyngwladol (e.e. Llys Iawnderau Ewropeaidd, Llywodraeth Ewrop, y Comisiwn Ewropeaidd, Cyngor Ewrop ac UNESCO); b) mewn awdurdodaethau ar lefel gwladwriaeth sefydledig a c) mewn awdurdod is-wladwriaethol dewisol.
- Y dylai unrhyw orchmynion Ewropeaidd ar wasanaeth cyhoeddus o ansawdd, o fewn y sector gyhoeddus, gynnwys adran ar sut i reoli amrywiaeth ieithyddol.
- Y dylai rheolaeth gwasanaethau sy'n ymwneud ag iaith gael ei gynnwys fel elfen greiddiol mewn systemau gweinyddiaeth gyhoeddus o ansawdd (e.e. CAF, EFQM). Dylai hyn ddod law yn llaw â chreu a mabwysiadu cist arfau yn gyfochrog er mwyn cywiro gwendidau a ganfuwyd (e.e. Gwella Ansawdd Parhaus).
- Y dylai arfau diagnostig sydd yn ymwneud â rheolaeth iaith, tebyg i addasiad llwyddiannus y Weinyddiaeth Gyllid yn y Ffindir o CAF, gael eu mabwysiadu o fewn gwladwriaethau eraill.
 - Y dylid cael mynediad drwy un porth ar-lein i'r cydweithio agos sydd rhwng y canolfannau dogfennaeth bresennol, sydd â'u gwybodaeth yn ymwneud â deddfwriaeth iaith.
 - Y dylid ymgorffori modylau penodol sydd yn ymwneud â hawliau ieithyddol a'u gweithrediad i curricula datblygiad proffesiynol, er enghraifft, cyfreithwyr, gweinyddwyr cyhoeddus ac arbenigwyr gofal iechyd.

- Y dylid datblygu rhaglenni Meistri Ewropeaidd mewn perthynas â Chynllunio iaith a Rheolaeth iaith . I gloi, mae'r adroddiad yn rhybuddio yn erbyn ystyried Deddfau iaith fel rhywbeth i gymryd lle agweddau mwy arferol ar gynllunio iaith holistaidd. Er y gallai deddfwriaeth iaith fod yn arf o bwys yng nghist arfau polisi iaith, ni ddylid gwanhau egni ieithyddol na gwylidwriaeth ieithyddol i fod yn ddim mwy na set o hawliau ieithyddol yn unig. Ni ddylid ystyried bod deddfwriaeth iaith yn *sui generis* heb y parch sydd yn ddyledus i feysydd eraill o bolisi a chynllunio iaith.

Från lag till handling - Sammanfattning

Rapporten "Från lag till handling" presenterar resultaten från en jämförande studie om genomförandet av av språklagstiftning på makro- och mikronivå i Finland, Irland och Wales. Den officiella språkpolitiken i många demokratiska samhällen har ofta varit beroende av goodwill och frivilliga åtgärder. Under de senaste åren har en växande opinion förespråkat språkliga rättigheter och språklagstiftning som en del av arbetet för att upprätthålla och främja national- och minoritetsspråkens ställning. I Finland antogs den första språklagen så tidigt som på 1920-talet, medan språklagar är ett relativt nytt fenomen i andra länder. Det finns få empiriska studier av hur effektiv språklagstiftningen är i praktiken. Denna studie presenterar nya fakta om hur språklagstiftningen fungerar och för fram nya idéer om hur servicen på national- och minoritetsspråk kunde utvecklas.

Studien

Studien bygger på systematiska jämförelser av hur statliga och kommunala myndigheter i Finland, Irland och Wales tillämpar språklagstiftningen i praktiken. Syftet är att identifiera god praxis som kan spridas vidare för att effektivisera språkplanering och förverkligande av språkliga rättigheter. Arbetet genomfördes av tre nationella team. Det empiriska materialet består av offentliga dokument, enkätundersökningar och fokusgrupper.

Myndigheterna i studien representerar olika förvaltningsnivåer, olika typer av verksamhet och olika språkliga verkligheter. Syftet med att granska olika typer av myndigheter var att identifiera vilka faktorer – den språkliga miljön, typen av kontakt med medborgarna etc – som påverkar de offentliga myndigheternas beredskap att fungera på två språk.

Rekommendationer

Rapporten utmynnar i ett antal rekommendationer med utgångspunkt i de jämförande studierna. Rekommendationerna fokuserar på vad länder och enskilda offentliga myndigheter kan lära av varandra. Rekommendationerna innehåller exempel på hur befintliga system kan finjusteras, men identifierar också områden där det behövs strukturella och institutionella reformer. Rekommendationerna på *mikronivå* härleds från de exempel på god praxis som kan iakttas hos enskilda offentliga myndigheter. Rekommendationerna på *mesonivå* innehåller exempel på hur bl.a. nätverk mellan offentliga myndigheter och andra kan stödja genomförandet av språklagstiftningen. Rekommendationerna på *nationell nivå* bygger på de lärdomar som kan dras från enskilda länders erfarenheter. De anger de viktigaste områdena där systemen i Finland, Irland och Wales kan lära av varandra. Rekommendationerna på *europaisk nivå* pekar ut mekanismer och tillvägagångssätt som på europeisk nivå kunde stödja arbetet med att stärka minoritets- och nationalspråkens ställning.

Rapporten varnar avslutningsvis för en övertro på språklagar som enda instrument för att främja medborgarnas rättigheter till offentlig service på sitt modersmål. På det nationella planet krävs ett helhetsgrepp, där språkaspekten diskuteras i relation till grundlagen och viktig lagstiftning om t.ex. skola och hälsovård. I enskilda myndigheter krävs praktisk aktivitet för att iverksätta språklagstiftningens målsättningar.

Rekommendationer på mikronivå

- De obligatoriska språkförbindelserna (language schemes) i Irland och Wales kan fungera som en modell för de finländska myndigheterna när de utvecklar sin tvåspråkiga service.
- Modeller för utvärdering av språkservice på lokal nivå i Finland (t.ex. Språkbarometern) kan fungera som exempel för myndigheterna i Irland och Wales.
- Tvåspråkiga offentliga myndigheter bör utveckla sin rekryterings- och utbildningspolicy för att säkerställa kontinuerlig tillgång till tvåspråkig personal på alla nivåer i förvaltningen.
- Språkansvariga tjänstemän bör inte isoleras i sina respektive organisationer och inte heller orimligt påbörjas med översättningsjobb, utan istället ges erkännande och stöd från högre uppsatta personer med politiska och administrativa befattningar inom myndigheten.
- Språkansvariga tjänstemäns professionella status bör erkännas och understödjas. Det system för fortbildning och professionell utveckling för språkansvariga tjänstemän som utvecklats i Wales kunde exporteras till Irland och Finland.

Rekommendationer på mesonivå

- Den walesiska modellen med nätverk för kommunala tjänstemän med ansvar för språkfrågor kunde utvecklas också i Finland och Irland.
- De språkliga färdigheterna och den kommunikativa kompetensen hos personal som arbetar med kundkontakter bör utvecklas systematiskt, t.ex. genom nationella utbildningsprogram.
- Frågor om språkliga rättigheter och språklig service bör tas in som ett element i professionella utvecklingsprogram för offentliga administratörer, t.ex. myndighetschefer och chefer för personalavdelningar.
- Uppmuntra organisationer i den privata sektorn att utveckla personalens språkfärdigheter och medvetenhet om behovet av flerspråkig service.
- Uppmuntra branschorganisationer att ta in språkliga färdigheter i sina krav för professionell utbildning och ackreditering av examina.

Rekommendationer på nationell nivå

- Territoriella indelningar enligt språk är viktiga för att upprätthålla minoritets- och nationalspråkens ställning.
- Erfarenheterna från Finland när det gäller territoriella indelningar på språklig grund ger exempel för utvecklandet av Gaeltacht-områdena i Irland och för eventuella framtida territoriella indelningar i Wales.
- Bedömningarna av kvaliteten på den språkliga servicen bör ske mot bakgrund av det behov som finns i de tvåspråkiga områdena i Finland och Irland.
- Med tanke på att en del system för upprätthållande av tvåspråkig service visar tecken på tillbakagång är det viktigt att vidta åtgärder för att förbättra praxis och utforma nya metoder som hjälper myndigheterna att tillvarata sina lagstadgade skyldigheter.
- Språkförbindelser och annan systematisk utveckling av myndigheternas språkliga service bör inte vara enbart kodifiering av existerande praxis, utan syfta till att fördjupa och bredda utbudet av tjänster som tillhandahålls i enlighet med den finska principen om aktivt tillhandahållande av tjänster.
- Den walesiska praxisen att publicera utkast till språkförbindelser (language schemes) för offentligt samråd bör antas i också i Irland.
- De språkliga rättigheterna bör bli en del av de nationella regelsystemen för viktiga funktioner, t.ex. utbildning och hälsovård.
- Irlands modell med en nationell oberoende språkbudsman bör övervägas i Wales och eventuellt också i Finland.
- Effektiva system för uppföljning och utvärdering av språklagstiftningen bör utvecklas t.ex. enligt den finländska modellen med språkbarometrar och språklagsberättelse.
- Kontinuerliga medborgarenkäter och andra kvalitetsutvärderingssystem, som i Finland är integrerade i utvärderingen och genomförandet av språklagstiftningen, kan fungera som en modell för Irland och Wales.
- Språklagstiftningens element för att belöna goda insatser och sanktionera svag regelefterlevnad är svaga i alla tre länder och behöver stärkas i framtiden.
- Med tanke på den allt mer framträdande roll som språkrelaterad lagstiftning spelar bör större uppmärksamhet fästas vid att integrera språklagstiftningen med mer etablerade juridiska områden.
- Genomförandet av språklagstiftningen bör samordnas bättre med utvärderingar av viktiga områden som tvåspråkig utbildning, hälsovård, samhällsplanering och utveckling samt kommunikation- och mediapolitik och praxis.

Rekommendationer på europeisk nivå

- Befrämja utbyte av god praxis gällande språklagstiftning på flera nivåer, t.ex. a) inom internationella organisationer (t.ex. EG-domstolen, Europaparlamentet, Europeiska kommissionen, Europarådet och UNESCO). b) i nationell lagstiftning och c) i regional/subnationell lagstiftning.
- Eventuella framtida europeiska direktiv om kvalitet inom kundservice i den offentliga sektorn bör omfatta avsnitt om förvaltning av språklig mångfald.
- Förvaltningen av språkrelaterade tjänster bör ingå som en integrerad del av den offentliga förvaltningens kvalitetsystem (t.ex. CAF, EFQM). Detta bör kompletteras med skapandet och antagandet av ett parallellt hjälpmedel för att åtgärda identifierade brister (t.ex. kontinuerlig kvalitetsförbättring).
- Utveckla diagnostiska instrument för språkhantering, liknande det finska finansministeriets anpassning av CAF.
 - Utveckla kunskapsutbytet mellan olika institutioner som arbetar med national- och minoritetsspråk. Utveckla en gemensam onlineportal som ger tillgång till den befintliga kunskapen om implementering av språklagstiftning.
 - Integrera kursmoduler om språkliga rättigheter i utbildningskraven för nyckelgrupper, t.ex. advokater, läkare och lärare.
- Utveckla europeiska masterprogram med inriktning på språkplanering och språkservice.

Lainsäädännöstä käytäntöön -Tiivistelmä

Raportti vertailee Suomen, Irlannin ja Walesin kokemuksia kielilainsäädäntöön täytäntöönpanosta, sekä makro- että mikro-tasolla. Kansallisten vähemmistökielten edistäminen on monissa demokraattisissa maissa ollut riippuvaista hyvästä tahdosta ja vapaa-ehtoisesta toiminnasta. Viime aikoina kielilait ja muu kielellisiä oikeuksia vahvistava lainsäädäntö ovat nousseet tärkeään asemaan vähemmistökielten edistämistyössä. Suomessa ensimmäinen kielilaki astui voimaan jo 1922, mutta muissa maissa kielilainsäädäntö on melko uusi ilmiö. Systemaattista tietoa kielilainsäädännön toimeenpanosta ja sen vaikutuksista löytyy melko vähän. Tämä tutkimus pyrkii osaltaan vahvistamaan tietopohjaa kielilainsäädännön toimeenpanosta. Vertailevan tutkimuksen pohjalta, raportin kirjoittajat laativat joukon suosituksia siitä, miten lainsäädäntön toimeenpanoa voitaisiin kehittää sekä kansallisella tasolla, että yksittäisten viranomaisten toiminnassa.

Tutkimus

Tutkimuksen tavoitteena oli selvittää, miten julkishallinnon yksiköt eri tasoilla ja eri toimintasektoreilla toimeenpanevat kielilainsäädäntöä ja muita säädöksiä kansalaisten kielellisistä oikeuksista. Raporttiin on koottu sekä makrotason havaintoja lainsäädännön toimivuudesta, että kokemuksia yksittäisten hallintoviranomaisten toiminnasta. Kunkin maan (Suomi, Irlanti, Wales) tutkimusryhmät vastasivat tiedonkeruusta omassa maassa yhteneväisten periaatteiden mukaan. Kohdejoukon viranomaiset edustivat eri hallinnontasoja (ministeriöt, kunnat, valtion sektoriviranomaiset), erityyppisiä toimintoja/loppukäyttäjiä (esim. terveydenhuolto, poliisi) sekä kielisuhteiltaan erilaisia alueita (vahvasti kaksikieliset alueet, alueet missä vähemmistökielen asema on heikko). Tiedonkeruu koostui dokumenttianalyseistä, kyselyistä sekä fokusryhmähaastattelusta. Tämän lisäksi olemme hyödyntäneet kielilainsäädännön toimeenpanoa valvovien viranomaisten aineistoja.

Suosituks

Raportti sisältää joukon suosituksia kielilainsäädännön ja sen toimeenpanon kehittämiseksi. Korostamme toimenpiteitä, joissa maat tai yksittäiset viranomaiset voisivat oppia toisistaan. Jotkut suositukset tarkoittavat olemassa olevien järjestelmien hienosäätöä, toiset taas sisältävät vaatimuksia rakenteellisista uudistuksista. Mikrotasolla nostamme esille hyviä käytäntöjä tutkittujen hallintoviranomaisten toiminnassa. *Keskitason* suositukset sisältävät esimerkkejä siitä, kuinka viranomaiset voivat tukea kieltä koskevan lainsäädännön toimeenpanoa, esimerkiksi verkostoitumalla muiden vastaavien organisaatioiden kanssa. *Kansallisen tason* suositukset perustuvat havaintoihin siitä, mitkä hyväksi koetut toimintamallit olisivat siirrettävissä maasta toiseen. Lopuksi *eurooppalaisen tason* suositusten tarkoitus on kehittää Euroopan-laajuisia instituutioita ja mekanismeja, jotka pyrkivät tukemaan kielellistä monipuolisuutta ja kielellisiä oikeuksia.

Vaikka kielilainsäädäntö on tärkeä työkalu kansalais- ja vähemmistökielten aseman turvaamiseksi, kielilain olemassaolo ei itsessään takaa kansalaisten oikeuksia palveluihin omalla kielellään. Kansallisella tasolla on äärimmäisen tärkeä, miten perustuslaki sekä tärkeitä palveluja (sairaanhoitoa, koulutusta jne) koskeva lainsäädäntö huomioi kansalaisten kielellisiä oikeuksia. Yksittäisten viranomaisten toiminnassa, kielilainsäädännön toimeenpano vaatii konkreettisia toimenpiteitä henkilöstön rekrytoinnissa sekä jokapäiväisen toiminnan organisoinnissa.

Mikrotason suositukset

- Suosittelemme, että Irlannin ja Walesin pakollisia kielipalvelusitoumuksia käytetään mallina Suomen viranomaisten tarjoamien kaksikielisten palvelujen parantamisessa.
- Suosittelemme, että Suomessa kehitetyt kielellisten palvelujen arviointimenetelmät (m.m. Kielibarometri) otettaisiin käyttöön myös Irlannissa ja Walesissa.
- Kaksikielisten viranomaistahojen tulisi kehittää rekrytointi- ja koulutusikäntöjään varmistaakseen, että kaksikielisiä henkilökuntaa on jatkuvasti saatavilla kaikilla hallinnon tasoilla.
- Kaksikielisiä virkamiehiä sekä kieliasioista vastaavia viranhaltijoita (vrt Irlannin ja Walesin language officers) ei saisi eristää, eikä kohtuuttomasti rasittaa käännöspyyntöillä. Johtavien poliitikkojen ja viranhaltijoiden tuki on tärkeä kieliasioista vastaavien viranhaltijoiden legitimitetille.
- Kieliasioista vastaavien viranhaltijoiden ammatillista asemaa pitää kehittää. Walesissa kehitetyt toimintamallit voidaan käyttää esimerkkeinä Suomessa ja Irlannissa.

Keskitason suositukset

- Kieliasioista vastaavien virkamiesten verkostojen perustaminen Suomeen ja Irlantiin, Walesin mallin mukaan. (*Rhwy-diaith*, Welsh Local Government Association).
- Asiakaspalveluhenkilökunnan kieli- ja kommunikointitaitoja pitää kehittää systemaattisesti, esimerkiksi kansallisen akkreditointijärjestelmän avulla.
- Kielipalvelut ja kielilainsäädäntö tulisi integroida osaksi johtavien viranhaltijoiden ammatillista kehittämisohjelmaa.
- Yksityisen sektorin toimijoita pitää rohkaista ottamaan vastuu kielipalvelujen tarjonnasta, esimerkiksi lisäämällä kielikoulutusta sekä huomioimaan kielitaitoa rekrytoinneissa.
- Eri ammattiryhmille suunnattua koulutustarjontaa tulisi laajentaa käsittämään myös kielipalveluja ja kielellisiä oikeuksia edistäviä kursseja/akkreditointijärjestelmiä.

Kansallisen tason suositukset

- Kielisuhteisiin perustuvat maantieteelliset jaotukset (esimerkiksi kunnan yksi- tai kaksikielisyys) ovat osoittautuneet tärkeiksi vähemmistökielen asemaa ylläpitäviksi tekijöiksi.
- Suomen kokemukset kielilainsäädännön porrastamisesta paikallisten kielisuhteiden mukaan, tulisi ottaa huomioon kehitettäessä Irlannin Gaeltacht-alueita sekä mahdollisia tulevia aluejakoja Walesissa.
- Kielellisten palvelujen mitoituksessa ja laadun arvioinnissa, on Suomen ja Irlannin esimerkkien mukaan otettava huomioon palvelujen tarve kaksikielisillä alueilla.
- Kielilainsäädännön toimeenpanon tukena toimivia mekanismeja (esimerkiksi Irlannin ja Walesin kielipalvelusitoumukset) on kehitettävä jatkuvasti ja olemassa olevan järjestelmien virheitä korjattava.
- Kielipalvelusitoumukset ja muut kielilainsäädännön toimeenpanoa tukevat mekanismit eivät saa olla vaan nykyisen käytännön kirjaamista, vaan viranomaisten tulisi omaehtoisesti pyrkiä parantamaan kansalaisille annettavaa kielipalvelua.
- Walesin järjestelmä, jossa kansalaiset ja järjestöt voivat kommentoida viranomaisten kielipalvelusitoumuksia luonnosvaiheessa, on osoittautunut hyvin toimivaksi, ja voitaisiin ottaa käyttöön myös Irlannissa.
- Kielellisten palvelujen kehittäminen ei saa toimia irrallaan palvelujen sisällön kehittämisestä, vaan kieliaspekti on integroitava esimerkiksi sairaanhoidon laadun kehittämiseen.
- Irlannin malli, missä kielilainsäädännön valvonta on uskottu hallinnosta riippumattoman kieliasiamiehen vastuulle, voisi toimia mallina Walesissa ja mahdollisesti myös Suomessa.
- Kielilainsäädännön tehokasta seuranta ja valvontaa pitää kehittää.
- Hyvä suomalainen käytäntö, jossa käytetään kansalaiskyselyjä ja laatukriteerejä osana kielilain arviointia, pitäisi ottaa käyttöön Irlannissa ja Walesissa.
- Kielilainsäädännön palkitsemis- ja sanktiomahdollisuudet ovat heikkoja kaikissa kolmessa maassa, mistä syystä lainsäädäntöä pidetään usein hampaattomana. Palkkio- ja sanktiomekanismit on syytä kehittää.
- Kansalaisten kielelliset oikeudet ja viranomaisten velvollisuus tarjota palveluja kansalaisten omalla kielellä pitää nähdä laajempina kokonaisuutena, jota on integroitava osaksi muuta lainsäädäntöä.
- Kielilainsäädännön toimenpiano ei ole irrallinen prosessi, vaan sen pitää tapahtua vuorovaikutuksessa kansalaisille tärkeiden toimintojen kanssa (esimerkiksi koulutus, aluepolitiikka, media).

Eurooppalaisen tason suositukset

- Kielilainsäädännön hyviä käytäntöjä pitää jakaa ja kehittää usealla tasolla: a) kansainvälisten organisaatioiden toiminnassa (esim. Euroopan tuomioistuin, Euroopan parlamentti, Euroopan komissio, Euroopan neuvosto ja UNESCO); b) kansallisessa lainsäädännössä c) osavaltioiden/alueiden lainsäädännössä.
- Kansalaisten oikeus julkisiin palveluihin omalla kielellä on otettava osaksi julkisten palvelujen laatua koskeviin direktiiveihin ja muihin vastaaviin säännöksiin.
- Viranomaisen kyky tarjota palveluja kansalaisen omalla kielellä on otettava osaksi virallisia laadunarviointijärjestelmiä (esim. CAF, EFQM). Samalla on tärkeä kehittää työkaluja tunnistettujen heikkouksien korjaamiseksi (esim. jatkuva laadun kehittäminen).
- Vuorovaikutusta eri kielilainsäädäntöä seuraavien organisaatioiden välillä on syytä syventää, esimerkiksi perustamalla yhteinen eurooppalainen verkkoportaali tiedon ja hyvien käytäntöjen jakamiseksi.
 - Kielellisiä oikeuksia ja kielipalveluja koskevia kurssimoduleja sisällytettävä julkishallinnon keskeisten ammattiryhmien jatkokoulutustarjontaa.
- Tietoisuutta kielellisistä oikeuksista ja niiden toimenpanosta voitaisiin tehostaa perustamalla aihepiiriin keskittyviä maisteriohjelmia.

CHAPTER 1: INTRODUCTION

1.1. Background

The European Union in its action plan 2004 – 2006 for promoting language learning and linguistic diversity identified as one important strand of action the need to create a more language-friendly environment.

In this project special emphasis is placed on strengthening the mechanisms that increase the supply of services in multilingual societies. The upholding and promotion of linguistic rights has a strong basis in many international conventions and charters and within national and regional legislation. These emphasise that the individual right to service in one's own language should be promoted at all levels, locally, regionally and nationally. However, when it comes to everyday situations where individual citizens are engaged in contact with the public services, numerous challenges emerge and these need to be dealt with in order for the linguistic rights to become a reality.

These developments are relatively new in many countries and therefore it would be of great interest to share the experiences which have been gained on how to support the delivery of public services which meet the demands of citizens who speak lesser used languages. What are the tools which can be employed in order to make contacts with the public service as successful as possible? How do we establish credible and effective systems for service provision in lesser used languages? In what way are linguistic rights and language service criteria integrated as quality factors in the provision of public services? What are the best mechanisms and systems that provide public services on equal terms in the lesser used language?

Throughout the 1990's a number of member organisations within EBLUL, the European Bureau for Lesser Used Languages, raised concerns about how best to advance the interests of the Lesser Used Languages. Some preferred a strategy which relied on language promotion only whilst others cautioned that such efforts would be insufficient to bring about the required changes and therefore argued in favour of seeking rights for members of the language community through legislation and regulation. However, very little empirical analysis had been undertaken concerning the effectiveness of existing legislation. Consequently those who doubted the wisdom of involving lesser used languages within the Courts system and legislative regimes of selected European States expressed a great deal of caution and reticence in imitating a language rights model as had been developed for example in Canada. But even Canada has a great deal of internal diversity in this respect. The Federal level model of language rights is qualified in its application by the principle of service delivery only "where reasonable and practical". Also it is not a uniform model. Several other provinces have their own apparatus while only New Brunswick resembles the federal model.

These reticent views were countered by arguments presented at successive European Commission/EBLUL Partnership for Diversity (PFD) conferences at Helsinki (2003) and Dublin (2004). A decision was taken to gather detailed evidence to support or reject such arguments when representatives of EBLUL, Kulturfonden and Comhdháil Náisiúnta na Gaeilge met in Dublin in 2004 and decided to seek European Commission support to undertake research on the implementation of language legislation.

It was essential that a variety of approaches to language legislation be analysed and that the examples chosen would reflect both established and very recent experiences. Thus Finland was chosen as its language legislation dates back to 1922 (revised 2004) and therefore offers a very mature model for consideration. Wales was selected for the by now well established implementation of the 1993 Welsh Language Act. Finally Ireland was chosen so as to capture the range of challenges and opportunities created by its newly enacted Official Languages Act 2003. Key agencies in these respective countries were anxious both to support and to benefit from the proposed study which promised to identify examples of best practice which could feed into language planning and policy.

1.2. Bilingual public services in Finland, Ireland and Wales: a comparative perspective.

The legal frameworks for linguistic rights differ from one country to another, as do the instruments by which such linguistic rights are implemented. This project seeks to analyse three distinct models together with a range of different means by which the provision of public services in the lesser used language are promoted. The aim of this piece of research is to examine existing practices, to disseminate robust examples of good practice and to propose recommendations for improvement. Thus this project will examine in detail those instruments which influence the quality of bilingual public services at the point of contact between the individual citizen and the relevant authorities.

In Finland the reformed Language Act came into force in 2004. The purpose of the act is to ensure the constitutional right of every person to use his or her own language, either Finnish or Swedish, before courts and within other authorities.

It is specifically provided that an authority may offer better linguistic services than that which is required in the act. Each authority supervises application of the act within its own area of operation. An authority shall ensure in its activity and on its own initiative that the linguistic rights of private individuals are secured in practice. The Ministry of Justice supervises enforcement and application of the act and issues recommendations in questions related to legislation on national languages, as well as each electoral period the Government reports to the Parliament on the application of language legislation and on the securing of linguistic rights. The Government also appoints a Delegation for language affairs that support the implementation of the act.

Two development projects have also been undertaken in 2003-2004 in order to support the implementation of the act. The Ministry of Finance has elaborated a language criteria appendix to the European Common Assessment Framework for quality management. The Association of Municipal and Regional Authorities in Finland, AFLA, was also commissioned to carry out a project to develop *Language charters* in seven pilot municipal organisations. The language charter model is modelled on the experience of the British service charters, but specifically from a lesser used language perspective. The language charter is non-statutory.

In the case of Ireland a new Official Languages Act came into force in 2003. The primary objective is to ensure better availability and a higher standard of public services through the medium of Irish. The Act affords a limited number of language rights to Irish citizens, as specified in Chapter 3 and by placing obligations on public bodies creates “rights” for citizens. In addition the Act enables the responsible Minister to place a statutory obligation on Departments of State and public bodies to make specific provision for delivery of such services in a coherent and agreed fashion through a statutory planning framework, known as a “scheme”. This scheme is to be confirmed on a three-year renewable basis between the head of the body concerned and the Minister.

Notified public bodies have a duty to prepare a statutory scheme detailing the services that they will provide through the medium of Irish and/or English, and the measures to be adopted to ensure that any service not provided by the body through the medium of the Irish language at present, will be provided in the future. To realise the scheme public bodies have a duty to ensure that an adequate number of their staff is competent in the Irish language and that the particular Irish language requirements associated with the provision of services in Gaeltacht areas are met. This seems to have a limiting effect on service provision rather than a requirement to enhance language capacity. The Act also provides for the establishment of Oifig Choimisinéir na dTeangacha Oifigiúla (Office of the Official Languages Commissioner), to supervise and monitor the Act and to ensure that the Act is implemented. The Commissioner has the power to investigate complaints and to take legal action against any public body where requested information is not provided. While the 2003 Act is central to the Commissioner’s mandate, language provisions in other pieces of legislation also fall under his jurisdiction.

In many ways the Official languages Act in Ireland is very similar to the Welsh Language Act 1993, which mandates the Welsh Language Board to require a public body to prepare a scheme on the measures which it proposes to take in terms of the use of the Welsh language in connection with the provision of services. Although UK government departments and Crown Bodies are not under a statutory duty to prepare schemes, the Government gave an undertaking that they would do so.

Service provision revolves around communication between organisations and the public; organisations therefore need to cater for those who wish to deal with them in Welsh. The drafting of a scheme starts with an internal “language audit”. The draft scheme is then submitted to a public consultation procedure. After any necessary changes the scheme is submitted to the Board for final agreement. The Board has to date agreed over 550 Language Schemes with public bodies in Wales and other public bodies in the rest of the UK who provide services in Wales. Bodies which do not adhere to their own schemes can be investigated by the Board and if a severe case of non-compliance is detected then a full investigation is launched with an option to refer the case for Ministerial intervention. However, unlike Canada there is no provision, as yet, for court remedies or for financial penalties.

1.3. Project outline

The general aim of the project is to analyse the delivery of bilingual services provided by public authorities. By employing different methodologies to investigate the key elements of service provision, namely language schemes in Wales and Ireland and the language related aspects of the CAF-model in Finland, a better understanding of service delivery mechanisms is achieved. The results of the project contained within this comparative study are offered as a contribution to European thinking on linguistic diversity issues within public administration and civil society.

On the basis of the comparative analysis, the study suggests different ways to improve the efficiency and impact of the tools currently employed. It is important to identify and highlight successful mechanisms for service in the lesser used language. The project looks in detail at the relationship between the successful delivery of bilingual services and the take up of those services by lesser used language speakers. The main aim of the study therefore, is to learn from current activities so as to provide examples of best practice for the consideration of the relevant authorities. Our hope is that the results of this study will feed in to the professional discourse and practice of language planning and policy at the European level.

1.4. Project organisation

This study is the result of co-operation between three national teams based at Åbo Akademi University in Finland, Cardiff University in Wales and Dublin City University in Ireland. The academic teams have sought active co-operation with the European Bureau of Lesser Used Languages together with the national funders of the project, Svenska Kulturfonden in Finland, Foras na Gaeilge in Ireland and the Welsh Language Board in Wales as well as with other relevant partners in each country. The teams have worked at two levels; internationally they have compared and contrasted their findings and insights with significant current developments within the field, while at the level of the nation they undertook their enquiries independently although following common agreed guidelines. The team leaders met at regular intervals to discuss issues of common concern and to prepare successive drafts of the report and its attendant case studies. Observations from the project have been presented during the course of the project: in the EBLUL board meeting in Brussels December 2005, in a seminar organized by the Swedish Assembly of Finland in Helsinki in May 2006, at the EBLUL Partnership for Diversity in Skye in June 2006 and the International Conference on Language and Law in Galway in 2007. Similar national-level dissemination has subsequently been undertaken at various venues in Finland, Ireland and Wales.

1.5. System comparisons and case studies

This report summarizes macro and micro level evidence of the implementation of language legislation in Finland, Ireland and Wales. On the macro level, we compare the language acts themselves, their position in the legal system and the mechanisms put in place in order to support the implementation of the act in question. In addition, material produced by the agencies in charge of supervising the implementation of language acts was also used. In particular documentation from The Office of the Language Commissioner and the Department of Arts, Heritage and the Gaeltacht in Ireland, the Welsh Language Board, and the Finnish Ministry of Justice proved especially useful. On the micro level, the question of how act becomes action has been addressed through a number of case studies in each country.

Each national team made the final decisions about the number and type of public authorities to be studied, as portrayed in Table 1. Primarily, the cases represent those public authorities with a direct interface with the public as defined by established criteria within public administration. The selected cases cover a variety of public authorities subject to language legislation:

- Public authorities representing different levels of government
- Public authorities representing the local/regional self-governmental sector
- Public authorities representing different types of end-products (health care, policing, written or oral communication)
- Public authorities representing different linguistic situations (number of lesser used language speakers)
- Public authorities representing different approaches to the implementation of the language act (for example approached as a question of general quality vs. approached as a matter of language only)

By such purposeful sampling it was anticipated that a range of behaviour patterns together with clear evidence of good practice of bilingual service provision among the Finnish, Irish and Welsh public authorities would be identified.

The Finnish team was able to select cases and draw upon evidence from two projects launched in the wake of the new Language Act. One of the projects was initiated by the Ministry of Finance and included participant authorities from all levels of the state administration. The other project, administered by the Association of Finnish Local Authorities, covered local government and joint municipal authorities. Both of the projects aimed at developing mechanisms to support the implementation of the renewed language act. In addition to the documentation from these two projects, the Finnish team based its observations upon interviews, survey data and other material highlighting the implementation of language legislation in individual authorities.

The Irish cases analyses in this project were among the first public authorities which were requested to prepare language schemes in accordance with section 11 of the Official Languages Act 2003. The team targeted public bodies according to size, location and remit. Thus a representative sample of Government Departments, National Bodies, Regional Health Boards, Local Authorities and Local Education Authorities were invited to participate in the study.

Five representative bodies agreed to participate. None of the Local Education Authorities invited to be part of the study agreed to do so. Representatives from the selected bodies were invited to an introductory meeting which was attended by the international coordinator and the Irish team. This meeting further outlined the nature and scope of the research project and allowed the representatives to identify key issues to be considered and studied. The team carefully analysed the language schemes that had been agreed by the relevant bodies with the Minister. A summary of this analysis was sent to each of the respective bodies for clarification and comment.

A detailed questionnaire was sent to the participating bodies in order to collect quantitative and qualitative data. The questionnaire covered the following areas

- Size and remit of the organisation
- Linguistic structure of the communities being served by the respective bodies
- Quantification of services provided through Irish only or through English and Irish
- Recruitment, training and development
- Marketing and promotion of Irish language services
- Irish language services to internal customers
- Internal structures to provide Irish language services
- Other relevant policy provisions

Data extracted from the questionnaire were used by the team to identify topic areas for discussion in a focus group meeting of key personnel from the respective bodies.

The Team also undertook a study of relevant published documentation. These documents included Guidelines issued under section 12 of the Official Languages Act and annual reports of the Language Commissioner. Organisations also provided additional internal documentation as requested by the team. The Team also held a meeting with the Language Commissioner in order to gather and verify research.

The Welsh team surveyed and monitored the full range of established language schemes before selecting eight Welsh public bodies for more detailed work. The sample was comprised of five local authorities, namely Conwy, Gwynedd, Carmarthen, Caerphilly and Cardiff and three public bodies, namely the North Wales Police, Carmarthen Health Board and Pembroke National Park Authority.

The experience of Crown Bodies and State Departments in the UK was also investigated. Thus case study material was derived from the following central government departments:

- The Home Office: ten departments
- The Central Information Office
- The Department for Work and Pensions, including the DWP Network Agencies e.g. Jobcentre plus, Pension Service
- The Disability and Careers Service, the Child Support Agency and other Businesses.

The main data sources for public bodies in Wales were in-depth interviews, the perusal of relevant files and reports and participant observation. Interviews were held with language officers, senior managers, and other staff who were not directly responsible for the schemes together with a range of politicians on a national and a local level. No interviews were held with customers as the remit of the investigation was to examine the internal workings of the schemes and their legislative context.

The main information derived from UK Government Departments was data gathered at interviews together with the analysis of official documents, reports and deliberations within and between departments. Interviews were held with language officers and heads of department in the Home Office, the Central Information Office and the Department for Work and Pensions and with other civil servants who were not directly responsible for the schemes. A comprehensive analysis was also conducted on data and material generated by Crown Bodies and Governmental Departments. In this summary report we have chosen not to include the detailed analysis of the individual case studies, they may be referenced in, for example, Williams (2010). The leader of the Welsh team also spent two days per week over an eighteen month period during 2005-2007 in the Welsh Language Board's offices monitoring and observing the processes by which complaints were handled and investigated. He was also able to utilize extensive documentation from the WLB which covered the process from the initiation to the renewal of language schemes. In addition an evaluation was conducted on how the public consultation was organized since this is a statutory requirement of the ratification process for the scheme. The opportunity was also taken to conduct in depth interviews with the public servants responsible for the investigation and reporting of complaints within the Welsh Language Board.

Table 1.1.: Overview of case studies

| | Finland | Ireland | Wales |
|---|---|---|--|
| Central government agencies | Ministry of Labour National Board of Consumer Affairs | Department of Arts, Heritage and the Gaeltacht Office of the Revenue Commissioners, Office of the Ombudsman and Office of the Information Commissioner. | Home Office, Department for Work and Pensions, Central Office of Information. |
| Regional government agencies (general field of competence) | Provincial government of Southern Finland | | |
| Single-functional authorities at regional/local level (policing, health, taxation) | (Regional hospital districts of Vaasa and Southern Ostrobothnia) Regional taxation office of Itä-Uusimaa Customs authority of Western Finland | Health Service Executive (Western Area) | North Wales Police, Carmarthenshire Local Health Board, Pembrokeshire Coast National Park Authority. |
| Local government (county councils, cities/municipalities) | Lohja/Lojo Kokkola/Karleby Korsholm/Mustasaari Ekenäs/Tammisaari Lapinjärvi/Lappträsk Pernå/ Pernaja Espoo/Esbo | Galway County Council | Caerfilli Cardiff Carmarthenshire Conwy Gwynedd |

*The cases were selected in 2005. Later reforms may have changed the boundaries and remits of the public authorities in each country. This is the case especially in Finland, where major reforms of local, regional and central government have been carried out since 2005.

1.6. About the report

The report should be read as an explorative study. Very few comparative studies of the implementation of lesser used language legislation have been published hitherto, and the approach which combines macro and micro level analyses is to our knowledge unique. This innovative study seeks to add to the body of knowledge by creating new data and developing new ideas about public service delivery. However, we are conscious of the degree to which the limitations of published data may have influenced the nature of the work. We believe that the comparative approach used in this report reveals the strengths and weaknesses of the three systems, and offers pointers where countries can learn from each other. Systems and elements of systems are never fully exportable from one country to another, but international good practice can be used to inform one's own national system of language legislation and adapted to suit the national context.

Chapter 2 of the report includes a brief introduction to the three countries and their respective language acts. Chapter 3 asks what are the similarities and differences between the language acts in our respective contexts and how the national systems lead to different types of outcomes. Chapter 4 provides an interpretation and commentary on the case studies and international comparison, whereas chapters 5 and 6 draw out policy implications and recommendations derived from our analysis. Additional data together with further observations on the structure of the language regimes are to be found in the appendix.

CHAPTER 2: FINLAND, IRELAND AND WALES: A BRIEF OVERVIEW OF LANGUAGES AND LANGUAGE LEGISLATION

This chapter provides a brief overview of the language legislation and the position of the lesser used language in Finland, Ireland and Wales.

Finland

Three pillars of legislation

The legal position of the Finnish and Swedish languages in Finland is based upon three pillars: a) the constitution, b) the language act and c) provisions on language rights in special legislation (for example education, culture and health care). According to section 17 of the Finnish constitution (731/1999),

“The national languages of Finland are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish and Swedish populations of the country on an equal basis”

The new language Act (423/2003), replacing the former act from 1922, builds upon the provision in the constitution:

“The purpose of this Act is to ensure the constitutional right of every person to use his or her own language, either Finnish or Swedish, before courts and other authorities. The goal is to ensure the right of everyone to a fair trial and good administration irrespective of language and to secure linguistic rights of an individual person without him or her needing specifically to refer to these rights. An authority may provide better linguistic services than what is required in this Act”.

The Language act applies to courts and other state authorities, local governments and joint municipal authorities, independent institutions under public law, Parliamentary offices and the Office of the President of the republic.

The Act does not apply to universities and churches, in respect of which provisions on languages are contained in the University and Church Acts.

In addition to the Act, provisions about linguistic rights are included in many other pieces of legislation. Legislation on education contains provisions on the language of instruction, language as an educational subject and the language of examination. Legislation on broadcasting, theatres, pictorial presentations, libraries, youth work and physical education contains provisions on linguistic rights related to cultural activity. Furthermore, legislation on health care and social welfare contains provisions on the linguistic rights of patients and social welfare clients. These other provisions are very important for the overall position of Swedish as the lesser used national language of Finland, since they provide guarantees for Swedish as a vibrant language within most sectors of society, including autonomous Swedish-language schools, universities and cultural institutions.

The Finnish Language Act is ‘language neutral’ in the sense that it regulates the rights and duties of Finnish and Swedish speakers on an equal basis. Although Finnish is the dominant language (about 95% of the population), Finnish is often the local lesser used language in the bilingual areas stretching through the coast line from Lovisa in South-Eastern Finland, to the Helsinki metropolitan area, to Turku in South-West and up to Kokkola in Western Finland.

Public authorities are assigned duties to provide services in Finnish and Swedish through the constitution, the language act and the sector legislation. The linguistic division of the country defines the linguistic status of the individual authorities. Language charters and equivalent mechanisms have been introduced in order to support the implementation of the language act. The mechanism is voluntary, which means that the individual public authority decides on whether to implement it, how to implement it and how to monitor it.

Table 2.1. Elements of language legislation in Finland

| Legislation/mechanism | Function |
|--|---|
| The constitution | Defines the status of the national languages and the individual's right to public services in his own language. |
| The language act | Provides the general framework (minimum standards) for the duties of public authorities to deliver services in both national languages. |
| Sector legislation (e.g. legislation on education) | Specifies the duties to deliver services in the lesser used language within each sector. Most detailed provisions concerning education and culture. |
| Linguistic division of the country | Identifies unilingual and bilingual municipalities. The duties to provide services in the lesser used language are generally tied to the linguistic status of the municipality/district/public authority. |
| Legislation on knowledge of languages | Includes general provisions about the knowledge of the national languages required by civil servants and how such knowledge is demonstrated. |
| Language charters and equivalent mechanisms | Voluntary mechanisms that support the implementation of the language act. The function of the charter or equivalent can be to: - ensure the implementation of legislative requirements - set a higher standard of performance for linguistic services - than required in the legislation |

The linguistic division of the country defines the duties of local and regional authorities to provide services in Finnish and Swedish

The duties of local and regional authorities to provide services in both languages are dependent on the linguistic status of the municipality or district. The linguistic status of a local or regional public authority is determined as follows:

- Every Finnish citizen has an officially registered mother language (usually Finnish or Swedish).
- Based upon this registration, municipalities are defined as either unilingual or bilingual.
- A municipality is designated bilingual if the population includes both Finnish and Swedish speakers and the minority comprises at least eight (8) percent of the population or at least 3,000 persons. On recommendation of the municipal council the Government may determine that municipalities with a smaller minority (below 6% or 3,000 persons) is bilingual, even if it would turn unilingual according to the statutes.
- The municipality is the atom of all other administrative divisions. The linguistic status of state district authorities or joint municipal authorities comprising more than one municipality is dependent on the linguistic status of the individual municipalities.

- The linguistic status of public authorities is stated in a Government decree and is updated every 10th year. The latest decree is from 2002 and it will be updated in 2012.

Table 2.2 shows the designated linguistic status of Finnish local authorities in 2005 and 2010. In 2005, 44 of 416 local authorities in Finland were designated bilingual. Of the 44 bilingual local authorities, 21 had Finnish and 23 Swedish as the official majority language. Three mainland local authorities have Swedish as their only official language. Due to a major amalgamation reform, the number of local authorities has declined between 2005 and 2010. Major mergers of (small) municipalities have taken place in the bilingual areas in Southern Finland, thus reducing the number of bilingual local authorities.

Table 2.2 Number of Finnish local authorities according to official language in 2005 and 2010. (The 16 officially Swedish municipalities on the Åland Island are not included in the numbers.)

| Linguistic status | Number of municipalities 2005 | Number of municipalities 2010 |
|---|-------------------------------|-------------------------------|
| Unilingual, Finnish-speaking (F) | 369 | 292 |
| Unilingual, Swedish-speaking (S) | 3 | 3 |
| Bilingual, Finnish-speaking majority (FS) | 21 | 18 |
| Bilingual, Swedish-speaking majority (SF) | 23 | 13 |
| | 416 | 326 |

The statutory obligations to provide services in both languages vary depending on the linguistic status of the municipality. The principles for service provision and handling of cases in unilingual and bilingual municipalities defined by the language act can be roughly summarized as follows:

Table 2.3 Statutory provisions and linguistic rights in unilingual and bilingual local authorities

| | Unilingual | Bilingual |
|-----------------------------------|-------------------------------------|--|
| Service delivery | The language of the municipality 5) | Both languages, the person's own language 1) |
| Hearings | The language of the municipality 2) | The person's own language 1) |
| Letters, notices, messages | The language of the municipality | The language of the receiver 1) or both languages |
| Administrative processes | The language of the municipality | The processing language 3) |
| Municipal council | The language of the municipality | Both languages |
| Other authorities, Office holders | The language of the municipality | The language of the municipality according to the administrative regulations |
| Extract from the minutes | The language of the municipality 2) | The processing language 4) |
| Information and public notices | The language of the municipality | Both languages |
| | | |

- 1) A persons own language is here seen as the language the person chooses or the legal person's language in the minutes.
- 2) Everyone has a right to use and be heard in their own language in a matter that the authorities initiate and that direct affects fundamental rights for the individual.
- 3) The Authorities shall choose the language of the party. Whereas there are several parties the authorities shall decide upon the processing language and heed the parties' linguistic rights. If this choice can't be made on the basis if this information, the majority language in the municipality shall be chosen.
- 4) In a case concerning an individual the extract from the minutes shall be given in the same language as it has been processed. If the processing language is different than that of the individual, the individual has a right to get a translation of the decision.
- 5) According to the special legislation, individuals have the right to education in their own language. Unilingual municipalities are obliged to provide its minority-language speaking residents with access to education in their own language.

Decentralized implementation – general monitoring

Individual public authorities are assigned broad responsibility and considerable discretion in the implementation of the language act. Authorities are obliged to follow the language act and provisions in special legislation, but there is no specific contract (like the Irish or Welsh language scheme) between the state and individual public authorities defining the preconditions of implementation.

The Ministry of Justice is in charge of monitoring the implementation of the Language Act. A department of 2–3 persons provides information and guidance for individuals and public authorities and prepares the tri-annual report to the Parliament about the implementation of the act. The approach of the report (first report 2006, second 2009) is general rather than specific. It addresses strengths and weaknesses in the implementation of the act, but does not identify authorities with good and bad performance.

There is no specific institution for handling complaints about language legislation. Depending on the nature of the case, citizens can appeal to the provincial government (for example complaints about treatment within the health care system), to the courts or to the Parliamentary Ombudsman.

Bottom-up activity to support the implementation of the new Language Act

The Language Act sets out the minimum standards for public service delivery in Finnish and Swedish. It is explicitly stated in the act that a public authority may provide better linguistic services than that which is required. In order to support the implementation of the language act by providing public authorities with instruments to ensure, improve and monitor the quality of linguistic services, two national projects were launched in 2003.

The Language Charter project, hosted by the Association of Finnish Local and Regional Authorities, was built up around the idea of a language charter as a means of specifying the standards of linguistic services. The Language Charter project surveyed altogether seven municipalities and two regional public health districts representing different linguistic minority situations. A more detailed description of the language charter project and the experiences so far is found in the following section.

A parallel project, organized by the Ministry of Finance, approached mainly state authorities (national, regional and local). The idea of this project was to use the Common Assessment Framework for quality management within the public sector as the basis for improving the standards of linguistic services. The pilot authorities have assessed how their organisation, routines and policies presently support the implementation of the language act and how the quality of the procedures can be improved.

Altogether 17 public authorities at different levels participated in the two pilot projects. The experiences from the project hosted by the Ministry of Finance have been compiled in a report *Service på eget språk. Slutrapport för stödprojektet för verkställandet av den nya språklagen* (Ministry of Finance 2005). The experiences from the language charter project have been published in a report *God service på två språk. Språkförbindelser i praktiken* (Association of Finnish Local and Regional Authorities 2005).

The explicit aim of both projects was to provide other public authorities with good examples of how best to implement the new language act.

Ireland

Constitutional Status of Irish

The 1937 Constitution (Bunreacht na hÉireann) states the legal status of Irish as follows:

Article 8.1 The Irish language as the national language is the first official language.

Article 8.2 The English language is recognised as a second official language.

Article 8.3 Provision may, however, be made by law for the exclusive use of either of the said languages for any one or more official purposes, either throughout the State or in any part thereof.

Article 25.4.4° Where the President signs the text of a Bill in one only of the official languages, an official translation shall be issued in the other official language.

Article 25.5.4° In case of conflict between the text of any copy of this constitution enrolled under this section, the text in the national language shall prevail.

Article 40 to 44 guarantees fundamental rights to the citizen.

The right to use Irish is a constitutional one. There have been several court cases taken by individual citizens in order to ascertain their rights under the constitution. Article 8 was invoked relatively recently in one of the major judgements (Hardiman) in the Supreme Court case taken on behalf of Ó Beoláin April 2001:

“ In my view the Irish language which is the national language and, at the same time, the first official language of the State, cannot (at least in the absence of a law of the sort envisaged by Article 8.3) be excluded from any part of the public discourse of the nation or the official business of the State or any of its emanations. Nor can it be treated less favourably in these contexts than the second official language. Nor can those who are competent and desirous of using it as a means of expression or communication be precluded from or disadvantaged in so doing in any national or official context.”

Ó Beoláin v Fahy [2001] 2 I.R. 279 ar 324.

Irish as an official language in the EU

On joining the EEC in 1973 the Irish Government did not request official working language status for the Irish language. Since then the status of Irish in the EU has improved incrementally and the Irish language was designated as an official working language with effect from the first of January 2007.

Provisions about territorial or functional autonomy based on language

A dedicated Government Department was set up by statute in 1956 with responsibility for the Gaeltacht (Irish speaking areas). This does not involve functional autonomy per se. There are several Gaeltacht areas around the country and these are not administered separately but as part of the local government areas or the local health board areas. A Gaeltacht Authority, Údarás na Gaeltachta, was set up in the 1970's to promote employment in these Gaeltacht areas but emphasis on language promotion was not central to the implementation of the Authority's policy. In recent years some additional emphasis has been placed on language based employment in the areas of translation and media in particular.

The Official Languages Act 2003

Overview of Act

The primary objective of the Act is to ensure better availability and a higher standard of public services through Irish. The Act specifies some basic general provisions of universal applicability, e.g. correspondence to be replied to in the language in which it was written, providing information to the public in the Irish language, or in the Irish and English languages, bilingual publications of certain key documents, use of Irish in the courts.

To ensure better availability and higher standard of public service through Irish a statutory obligation is placed on Departments of State and public bodies to make specific provision for delivery of such services in a coherent and agreed fashion through a statutory planning framework, known as a "scheme". The scheme is to be agreed on a three year renewable basis between the head of the body concerned and the Minister. The Act provides for the preparation of guidelines by the Minister for public bodies in relation to the preparation of draft schemes. The scheme will secure significant improvement in the level of public services available through Irish over time, as demand requires.

Main provisions of the Act

The main provisions of the Act can be divided into five categories. i) Direct rights that are provided for in the legislation, ii) Duties that are specified in regulations, iii) Duties in relation to schemes, iv) The establishment of the Office of the Language Commissioner, v) Placenames

Direct Rights

- The right of any person to use the Irish language before either House of the Oireachtas including any committee thereof. **[Section 6]**
- Publication of Acts simultaneously in both Irish and English. **[Section 7]** Section 7 has since been amended by section 62 of the Civil Law (Miscellaneous Provisions) Act, 2011 to allow for the publication on the internet of an Act of the Oireachtas in one official language only prior to its printing and publication simultaneously in each official language.
- The right of a person to be heard and to use the Irish language in court proceedings. **[Section 8]**

- The duty of public bodies to reply to correspondence in writing or by electronic mail - in the language in which that correspondence was written. **[Section 9 (2)]**. The duty of public bodies to ensure that any communication providing information to the public in general or a class of public (eg mailshots) – in writing or by electronic mail – is in the Irish language only or in the Irish and English languages. **[Section 9 (3)]**
The duty of public bodies to ensure that certain key documents shall be published in each of the official languages simultaneously, for example, annual reports. **[Section 10]**
- Irish version of the Gaeltacht placename as specified in the Placenames Order must be used in any Act of the Oireachtas or in any Statutory Instrument made after the Placenames Order comes into force; in maps prepared and published by Ordnance Survey Ireland or with its permission on or after 1 January 2005; the scales of which are on any scales from and including 1: 1 to 1:9,999; and On road or street signs erected by or on behalf of a local authority **(Part 5)**.

2. Duties under Regulations

The Minister has the power to make regulations generally for the purposes of: giving full effect to the provisions of the Act **[Section 4]** ensuring that the Irish language only, or the Irish and English languages together, are used, on oral announcements, -whether they be live or recorded, on stationery, on signage and on advertisements. **[Section 9 (1)]**

3. Duties under “Schemes”

- **Section 11** provides that public bodies have a duty to prepare a statutory scheme detailing the services that they will provide through the medium of Irish, through the medium of English, and through the medium of Irish and English; and the measures to be adopted to ensure that any service not provided by the body through the medium of the Irish language will be so provided.
- **Section 12** provides that guidelines shall be prepared to assist public bodies in the preparation of schemes.
- **Section 13** provides that public bodies have a duty to ensure that an adequate number of its staff are competent in the Irish language. **[section 13 (2) (c)]** the particular Irish language requirements associated with the provision of services in Gaeltacht areas are met. **[Section 13 (2) (d)]**. the Irish language becomes the working language in its offices situated in the Gaeltacht areas within a certain timeframe to be agreed between the public body and the Minister. **[Section 13 (2) (e)]**
- **Section 14** sets out the procedures concerning confirmation of a draft-scheme. Once a “Scheme” is confirmed a copy will be forwarded to the Language Commissioner. Schemes will usually remain in force for 3 years and thereafter fall to be renewed. This process will be used to secure a significant gradual improvement in the level of public services which will be available through Irish.

4. The Language Commissioner’s Office

Section 20 provides for the establishment of the Office of the Language Commissioner to supervise and monitor the Act and to ensure that the Act is implemented. The Language Commissioner also has the function to ascertain whether any provision of any other enactment relating to the status or use of an official language was not or is not being complied with. The Commissioner will be known as **An Coimisinéir Teanga**. The Commissioner will have the power to investigate complaints and take legal action against any public body where requested information is not provided. The Commissioner will be independent and will be appointed by the President.

All public bodies (c.650) are affected by the legislation and the Minister may add to that list at any time. Bodies which receive more than 50% of their funding from the State may also be asked to prepare a language scheme. Public Bodies which become privatised may still be asked to prepare language schemes.

The position of language schemes or equivalent mechanisms in the implementation of the language act

The preparation of schemes is mandatory once a public body receives a request from the Minister to prepare a draft scheme. The public body has 6 months to prepare the draft scheme and must consult with the public during the process. Once confirmed by the Minister a scheme lasts 3 years at which time it is reviewed and the public body will be asked to prepare a new draft scheme which will increase the number and quality of services in Irish.

Main language provisions in other legislation

Some 130 pieces of legislation have been enacted since 1922 with provisions regarding the Irish language. It is not possible within the scope of this report to cover this broad body of legislation but we present the following as a brief overview.

Language and the Courts

- Language requirement for Judges and Police Officers working in the Gaeltacht
- Attorneys & Barristers

Language and Education

- support services are provided through Irish to recognised schools
- in Gaeltacht areas schools are expected to contribute to maintenance of Irish as the primary community language
- National University of Galway must include provisions for the Irish language in its strategic plan
- Schools inspectorate obliged to evaluate the effectiveness of the teaching , development, promotion of the use of Irish in schools and centres for education.
- Specific duties laid on the School of Celtic Studies regarding research and recruitment policies

Language and Commerce

- insurance companies must provide customers with their insurance policy in Irish if the customer completes the application form in Irish;
- Advertising companies are entitled to reduced rates for advertising in Irish on National Public Broadcasting Service

Language and Transport

- All road signs are bilingual
- permanent signs posted & tickets issued by state transport body must be in Irish or bilingual.

Wales

In Wales several acts of the UK Parliament have made reference to aspects of Welsh language provision, the most notable of which have been the Welsh Courts Act, 1942, the Welsh Language Act 1967 and the Education Act 1988. However, the critical piece of legislation in terms of our current investigation was the Welsh Language Act of 1993, which gave a legal basis for the implementation of bilingual public services. Unlike the subsequent Gaelic Language Act 2006 passed by the Scottish Parliament which has force only within Scotland, the Welsh Language Act, 1993 is not limited to Wales and has purchase for Welsh speakers' ability to access certain Welsh language services wherever they live in the UK. This has wide-reaching ramifications for the implementation of the 1993 Act as we shall see below in terms of which public bodies are required to prepare a language scheme.

The Welsh Language Act's title gives a reasonable summary of what it sought to achieve:

'An Act to establish a Board having the function of promoting and facilitating the use of the Welsh language, to provide for the preparation by public bodies of schemes giving effect to the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality, to make further provision relating to the Welsh language, to repeal certain enactments relating to Wales, and for connected purposes' (Welsh Language Act, 1993).

The Act is a unique piece of legislation. Among its key provisions are that it places a duty on the public sector providing services to the public in Wales to treat Welsh and English on an equal basis. This is the first time that any such provision and language equality in terms of the public sector has been recognised in UK law. It also confirmed that Welsh speakers have an absolute right to speak Welsh in court, thus reinforcing the Welsh Courts Act of 1942. The most far reaching and important provision was that the Act established the Welsh Language Board giving it a statutory role in the Act's implementation. This is significant for the WLB has matured to become one of the most effective language planning agencies within Europe and has had a huge impact on the revitalization of the Welsh language.

That said it should be noted that there was much that the Act did not do, certainly in comparison with the recommendations of the non-statutory advisory Welsh Language Board which was in place between 1989 and 1993. The Act did not amend employment law to allow employers to designate posts as requiring the ability to speak Welsh. Nor did the Act place any demands on organisations outside the public sector, nor include a statement which gave official status to the language. Perhaps most critically the Act did not venture to define the individual language rights of citizens, a feature which makes Wales quite distinct from Ireland, Finland and Canada and a deficiency which is only now receiving some remedial attention in current legislation. Nonetheless, however one views the 1993 Act, no one can realistically deny the fact that the language now enjoys a higher status than ever before in modern times. The principal instrument by which the Welsh Language Board facilitates the opportunity to choose Welsh as a language of service delivery within the public sector is the agreed Language Scheme. Section 11 of the Act notes that the Welsh Language Scheme applies to public bodies (all sectors) and Crown Bodies, as well as organisations eligible under the public service remit e.g. water companies. Sections 5 to 16 of the Act concentrate on institutional duties, and on the form, content and process of the preparation, consultation, approval and review of language schemes. Section 12 and 13 of the Act, specify that it is compulsory for a scheme to note a schedule for action, to offer a description of the manner in which the named body would ensure publicity for its scheme and how it would seek consultation with the public in accordance with statutory guidance offered by Welsh Language Board.

A **Language Scheme** is a document which allows Welsh speakers to receive public services in their own language as a matter of course, just as English speakers can. In addition, a Language Scheme outlines how the public body considers the linguistic dimension to their public functions to ensure that their work facilitates linguistic equality, without undermining the Welsh language.

Language Schemes ensure that a wide range of services and information are available in Welsh and English, in accordance with the individual's language choice. Illustration of some core services now available which were not accessible in Welsh prior to the 1993 Act are detailed below:

- applying for a passport or driving license
- receiving health services
- sorting out VAT or income tax affairs
- phoning helplines
- getting advice on benefits or in a Job Centre
- receiving information from local councils
- receiving further and higher education

In addition a comprehensive overview of the guidelines for the content of Language Schemes is provided by the Welsh Language Board when it names a public body. In turn the named body may seek additional information or the exchange of best practice from organisations within the same field, such as University education or health delivery systems who have successfully implemented a Language Scheme.

Who is required to prepare a Language Scheme?

There is a sliding scale of application, which may be divided into four categories of organisation.

Category One are those bodies identified by Section 6:1 of the Welsh Language Act (1993) as being subject to its directive. These are essentially Local Authority Bodies and organisations who manage the Public Administration system in Wales.

Category Two bodies comprise the former public utilities which have since become privatised, such as the Water Companies, and any such similar body which has been created since the implementation of the 1993 Act.

Category Three bodies are those contractual bodies which have been re-designated or created as a result of political reforms and political initiatives, e.g., the Millennium Centre in Cardiff upon which are placed linguistic considerations as part of its grant receipt negotiations, but which strictly speaking does not constitute a statutory obligation to implement a Language Scheme under the 1993 Act. Health Authorities in Wales follow a similar pattern for they prepare Language Schemes as part of their contractual obligations with government rather than on a statutory basis. In similar fashion the Housing Associations (Cymdeithasau Tai) which the National Assembly for Wales oversee, have as one of their terms and conditions, the requirement to prepare a Language Scheme. A more contentious service is the educational body, the Sector Skills Councils, who have a contract with the Sector Skills Development Agency. The National Assembly argues that the councils should not necessarily be required to prepare a Language Scheme, whereas the Welsh Language Board holds the opposite view. The result in the first ten years or so of the Act's implementation was a patchwork compromise of partial regulation, determined as much by the individual predispositions of key managers as by any general quasi-legal obligation. Such irregularities have been reduced somewhat in the past ten years or so.

The fourth category is the voluntary submission of agencies and bodies to the requirements of an agreed Language Scheme. This is an admixture of bodies comprising a wide range of commercial enterprises from train companies to telecommunications and retail enterprises.

Implementation of the scheme

The Statutory Guidelines 'Welsh Language Schemes – Their preparation and approval in accordance with the Welsh Language Act 1993', outlines what should be included within a Welsh Language Scheme. The document also provides guidance on how to prepare a Scheme, details of the necessary public consultation and the timescale required for its submission.

In terms of contents, the Scheme should note the measures the organisation intends to take to implement the principle of equality as laid out in section 5 of the 1993 Act, and the way the organisation intends to implement each of those measures.

In addition to the Statutory Guidelines, the Welsh Language Board prepared the following guidance: 'Standard Welsh Language Scheme for Town & Community Councils'; 'Appendix for Colleges of Further & Higher Education'; 'A Framework for preparing an Educational Welsh Language Scheme.'

Having agreed on a draft Language Scheme, the draft usually needs to go out to public consultation, prior to receiving the Board's approval. This is an important stage as the consultation responses are considered as part of the approval process. With over fifteen years experience, the monitoring process has moved towards a greater reliance on self-monitoring and on a simplified assessment scheme facilitated by the preparation of a template by the WLB to ease the burden on the recipient body.

To date over 550 Language Schemes have been approved. These include all those types of bodies named in the 1993 Welsh Language Act and a supplementary range of bodies either brought under the remit of the Act as a result of privatisation measures or because of a 'voluntary' submission to the principles of equal opportunity of which the Welsh language is now a firmly entrenched part.

Monitoring of the scheme

Scheme implementations are monitored by the public body and the Board. Since 1996 the public bodies have been required to prepare annual progress reports which are considered by the organisation's Council or Board of Governors before being presented to the Welsh Language Board. The Annual Monitoring Report Framework provides guidance on the aspects that need to be monitored and suggestions on the kind of monitoring systems which can be adopted. The Board considers these reports along with other evidence from the public and others. Independent surveys from the service user's perspective are also commissioned by the Board occasionally, to gauge the success of language schemes.

After a period of implementing the Language Scheme (approximately 3-4 years), a statutory obligation requires an evaluation of the organisation's performance and a revision of the Scheme. At that time, the organisation and the Board undertake a fuller evaluation of the Scheme and its implementation with a view to reviewing and revising the Welsh Language Scheme. Currently the monitoring process is more interactive than in the early period and adopts a lighter touch than in previous years. This is in part the result of a regular dialogue, good socialisation experiences and in part reflects the increased pressure on the WLB to administer a greater number of schemes each year as more and more bodies fall under its remit. There is also a tendency to adopt a sectoral approach, dealing with a cluster of bodies together, such as Police Authorities or Health Authorities. This is facilitated also by the interaction within the sectors in advance of meetings with Board representatives and with a broad learning curve as Language Schemes become a more normal part of the administrative landscape. Within the past five years the Welsh Language Board has also been far more pro-active in launching investigations into possible breaches of agreed language schemes. Consequently its regulatory functions are now seen to be far more robust than in the past.

The Language Scheme is the central instrument of the application of the Welsh Language Act 1993. For the most part it works reasonably well, but in cases where bodies vacillate or refuse to enter into a dialogue with the WLB then direct intervention at the highest political level is entertained.

There have been a wide variety of 'voluntary' services provided in Welsh prior to the 1993 Act and many of these have been of a very high standard, particularly 'in' the field of Education, the Courts of Law and Public Administration. However, the basic weakness of such provision was that it was often idiosyncratic and did not cover large areas of the country. In that respect citizen expectation of a high quality of service was enigmatic to say the least and this is a structural weakness in the system which the current schemes are currently seeking to address.

Devolution and language policy, 1999–2011

Constitutional change in the UK produced a variable devolution settlement whereby a Scottish Parliament and a National Assembly for Wales were established in 1999. The bilingual National Assembly puts into operative effect the reality of two official languages as acknowledged in the Welsh Language Act of 1993. A priority for the Assembly's first term was a thorough review of the condition of Welsh carried out by both the Culture Committee and the Education Committee. The key recommendation was the political goal of establishing a bilingual society to be encouraged by the implementation of a new government strategy as enunciated in *Iaith Pawb* (2003). Critical decisions on language policy are now being taken by involved and informed politicians, leading many to presume that civil society has also been 'empowered' by devolution in respect of formulating and implementing language-related policies. The largely positive trends identified by the 2001 census on the Welsh language also boosted self-confidence as a 2 per cent increase in the proportion of Welsh speakers was recorded between 1991 and 2001, producing a total Welsh speaking population of 582,000 (20.8%). The overall pattern from the censuses of 1981 and 1991 is retained with only Anglesey, Gwynedd, Ceredigion and Carmarthenshire having over 50 per cent of their population who can speak Welsh. In terms of absolute numbers, Carmarthenshire has the largest numbers of Welsh speakers.

Following a comprehensive review of the state of Welsh undertaken during 2002, the Wales Assembly Government (WAG) has committed itself to achieving the following five goals:

- 1 by 2011 to increase the proportion of Welsh speakers by 5 percentage points from the 2001 census baseline
- 2 to arrest the decline in heartland communities, especially those with close to 70 per cent+ Welsh speakers
- 3 to increase the proportion of children in pre-school Welsh education
- 4 to increase the proportion of families where Welsh is the principal language
- 5 to increase the provision of Welsh-medium services in the public, private and voluntary sectors.

Iaith Pawb was the operative benchmark for calibrating government commitment between 2003 and 2010. It has now been supplemented by the Welsh Government (2010b) revised strategy *A living language: a language for living. A Strategy for the Welsh language*.

Iaith Pawb adopted many of the fine recommendations put to the Assembly's Education and Culture reviews during 2002. The most notable of these are: the operation of the principle of language equality; devising an effective in-house bilingual culture; deciding how Welsh will be a crosscutting issue in all aspects of policy; producing bilingual legislation; developing a professional bilingual legislative drafting team of jurilinguists as in Canada; developing innovative IT translation procedures; prioritizing the NAFW's translation needs; finessing WAG's relationship with the Welsh Language Board and its many partners; relating its bilingual practices to other levels of government, institutions and to civil society.

A critical area of sociolinguistic maintenance is language transmission both within the family and within the education system. Thus a campaign has been launched to boost language acquisition, principally through the statutory age 5–16 education provision, life-long learning, and latecomer centres. In an increasingly mixed language of marriage context the successful pilot project on the ‘Twf’ – Family Language Transfer – programme will be extended to other sites in Wales. There is a commitment to boosting the bilingual services of NHS Wales, and of Iaith Gwaith, the Welsh in the workplace programme. Finally, in order to access such increased choice, the government has recognized the need to invest in language tools and the sociocultural infrastructure both through increasing the resources of the WLB and through its own in-house developments.

Beyond the realms of public administration there remains the pressing need to promote Welsh within the private sector. This would include greater political and legal encouragement, with sanctions where necessary; the adoption of holistic perspectives rather than a fragmented and sectoral mind-set; the development of appropriate terminology and sharing of best practice; a Language Standardization Centre; the highlighting of the economic benefits of bilingualism; encouraging a professional discussion regarding the role of Welsh in the economy; developing role models among the SMEs and larger companies; influencing key decision-makers who are often based outside Wales. Whether a single new Welsh Language Act could deliver such a diverse range of responses was always going to be problematic, but there can be no doubt that the absence of binding legislation affecting the bilingual delivery of goods and services from whatever source is the greatest impediment to the realization of a fully functional bilingual society.

In the summer of 2007 the Labour Party and Plaid formed a coalition government, based on the agreed policy aims enunciated in ‘One Wales’ (2007). Of particular note was the agreement to strengthen Welsh-medium education, to implement National Assembly Welsh language legislation, including the establishment of a Language Commissioner and to boost the role which Wales might play within the international community. There has been growing pressure either to update or reform the process by which the political and legislative aspects of creating a Bilingual Wales, Iaith Pawb’s declared aim could be achieved. Among the proposals discussed were calls for a new language act at Westminster, together with additional linguistic clauses and legislation as part of the National Assembly’s commitment to increasing equality and advancing the anti-discrimination agenda. Since 2005, a government inspired debate on the integration of the Welsh Language Board into the National Assembly’s administrative structure has occasioned a great deal of speculation. It was assumed that some of the WLB’s existing duties would be subsumed into a reconfigured agency which would promote the language, develop policies, coordinate Government activities in favour of the Welsh language, conduct investigations into the failures of the system, and carry out research to gather evidence for the formulation of far-reaching policies.

In the most recent past there has been mounting pressure to reformulate and strengthen the legislative opportunity afforded by the Welsh Language Act, both to strengthen the status of Welsh within a revised political landscape and to take account of the rights of consumers and workers within designated parts of the private sector. A critical element of this campaign, fronted in their quite different ways by both Cymdeithas yr Iaith Gymraeg and the Welsh Language Board have been the calls for the establishment of a Welsh Language Commissioner and the specification of a range of language rights for its citizens. The primary role of the Commissioner would be to ensure that language legislation works and to offer practical and statutory methods by which the outstanding obstacles to service delivery may be resolved. Together with these institutional changes there would need to be a clarification and statutory definition of the rights of individuals, whether as a customer, employee or student. Some argued that the new legislation should establish specific rights for those domiciled in Wales, such as the right to become fluent in Welsh, and the right to express themselves in Welsh, whether in speech or writing, in every aspect of their dealings with public bodies and some private agencies or companies. These rights, it was assumed, would evolve as the system comes to recognise and implements the reality of bilingual life in our country and in the fullness of time it is intended that Welsh will become a normative as well as an official language.

Having passed a Legislative Competence Order which transferred responsibility for legislating on aspects of the Welsh language from Westminster to Cardiff the Assembly proposed a new system for language regulation which focussed on the establishment of a Language Commissioner. In 2010 the Welsh Government argued that its new Language Measure would be an improvement on the current legislative arrangements.

The aim of the Measure is to provide greater clarity and consistency for Welsh speakers about the services they can expect to receive in Welsh.

- The Measure confirms the official status of the Welsh language;
- Creates a new system of placing duties on bodies to provide services through the medium of Welsh;
- Creates a Welsh Language Commissioner with strong enforcement powers to protect the rights of Welsh speakers to access services through the medium of Welsh;
- Establishes a Welsh Language Tribunal;
- Gives individuals and bodies the right to appeal decisions made in relation to the provision of services through the medium of Welsh;

The Measure

- Creates a Welsh Language Partnership Council to advise Government on its strategy in relation to the Welsh language.
- Allows for an official investigation by the Welsh Language Commissioner of instances where there is an attempt to interfere with the freedom of Welsh speakers to use the language with one another.
- The Measure is intended to modernise the existing legal framework regarding the use of the Welsh language in the delivery of public services. In doing so, it meets the commitments made in the 'One Wales' document."

Source: Welsh Assembly Government statement, February 7th 2011

This Measure gives a prominent role to the Commissioner to be more than an Ombudsman, for the office holder is expected to be 'a champion for the Welsh language'. The language service standards (replacing the language schemes discussed in this report) which will be upheld derive from the full authority of the NAFW and are thus meant to be read across to all aspects of policy as part of the cross-cutting mandate of the Assembly's commitment to official bilingualism. As envisaged the Commissioner will have a strong regulatory function, but as an agency of government language policy the Commissioner is consciously allocated the responsibility of developing language rights in response to the implementation of new service standards. The Measure includes a Welsh Language Tribunal facility which is intended to scrutinise whether or not the Commissioner's investigations adhere to the letter of the law and thus forestall any 'rush' to test or challenge the Measure's application through the courts.

Thus by the Spring of 2012 it is anticipated that having abolished the Welsh Language Board and established a Language Commissioner, having replaced language schemes by language service standards and having committed itself to the development of a form of language rights, a new language legislative regime will be operative in Wales, in part due to the findings of this current project. The devil is in the detail, and just as we have seen in this project, the true worth of any bilingual service delivery system is its implementation as socio-legal fact. Thus we wait with interest to see to what extent the new system is indeed a robust improvement on current arrangements.

CHAPTER 3: A COMPARATIVE ANALYSIS OF LANGUAGE LEGISLATION AND ITS IMPLEMENTATION IN FINLAND, IRELAND AND WALES

In addition to the individual pieces of language legislation analysed in this study we have also sought to identify the broad parameters of the respective language policy, management and legal systems within which they are embedded. The influence of systemic effects is always hard to summarise in a brief manner but what follows is an initial attempt to capture the main elements which condition the implementation of language legislation in each country. We have divided our considerations first by comparing the three Acts in question and secondly by comparing the meso and micro level mechanisms that support the implementations of the language acts.

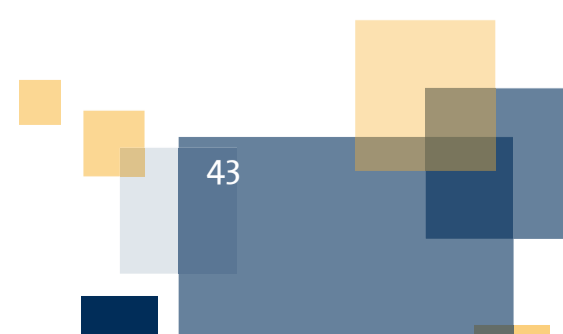
3.1. Constitutions, language acts and individual rights

The main differences between Finland, Ireland and Wales in relation to legislation concerning the position of the lesser used language and linguistic rights at large can be summarized as follows:

- Official/constitutional status of lesser used language
- Experience of specific language legislation
- Existence of other pieces of legislation concerning provisions about language
- Existence of rights legislation – either within language act or in addition to it – with regard to language.

Table 3.1 Overview of legislation concerning lesser used languages in Finland, Ireland and Wales in recent years.

| | Finland | Ireland | Wales |
|--|-----------------------------------|---------------------------------|-------------------|
| Official status of lesser used language | Yes, constitutional | Yes, constitutional | No |
| First language act | 1922, new act in force since 2004 | 2003 | 1993 |
| Other pieces of legislation concerning provisions about language | Numerous | Up to 130 pieces of legislation | Some |
| Rights legislation with regard to language | Yes, strong | Weak/non-existent | Weak/non-existent |



Official status of lesser used language

Regarding the official status of the lesser used language, there is a fundamental difference between Finland and Ireland on the one hand, and Wales on the other hand. In Finland, the constitution defines Finnish and Swedish as the national languages of the country. Bunreacht na hÉireann (Constitution of Ireland) states: “The Irish language as the national language is the first official language. The English language is recognised as a second official language. Provision may, however, be made by law for the exclusive use of either of the said languages for any one or more official purposes, either throughout the State or in any part thereof.” The Welsh Language Act 1993 does not confer on Welsh the status of an official language, but it does place a duty on the public sector to treat Welsh and English on the basis of equality. However, the National Assembly for Wales has recently acquired legislative competence over Welsh language affairs which has implications for the designation of Welsh as an official language.

Main elements of language acts

Any comparison between different pieces of language legislation must take into account the period of time language during which such legislation has been effectively in place. The current Finnish language Act came into force in 2004, but replaced an older act from 1922, which means that rights and duties related to language are deeply embedded in the institutional setting of public authorities in Finland. By contrast both the Irish (2003) and Welsh (1993) language acts are newer, which in its turn offers a different challenge to public authorities. Superficially the contents of the three language acts are relatively similar. All three acts focus on the public sector and include provisions about statutory duties for public authorities concerning the lesser used language. The Finnish and Irish acts also include provisions on linguistic rights. The precise institutions and mechanisms instituted in the acts will be examined in detail below. The overall experiences of the merits of language legislation are thus relatively similar.

Finland benefits from the convention of Finnish and Swedish being long-established official languages within public administration. In accordance with the new language act (423/2003), the awareness of linguistic rights and duties has grown and some improvement can be seen concerning, for example, rights in relation to correspondence communication practices. Many public authorities, however, neglect their duty to serve the public in Finnish and Swedish. The language act has not proven totally efficient in the wave of administrative reforms that started in 2005, a year after the enactment of the new language act. Both contracting out services to private actors and amalgamation of public authorities into larger units have affected the efficiency of the language legislation.

In Ireland, the Official Language Act is still relatively new and organisations are still in a learning phase as regards its implementation. The statutory basis has improved the delivery of bilingual services. Correspondence communication rights have improved, but there have also been complaints on the amount and cost of translations. Positive effects of the office of the language commissioner can be recognized. There is also a growing practical recognition that language schemes are statutory and have to be implemented.

The Welsh Language Act of 1993 established the Welsh Language Board as a statutory body and instituted Language Schemes. The Act is a UK Parliamentary Act and covers bilingual services wherever they are located within the UK. The statutory basis has improved the delivery of bilingual services. The enforceability of language requirement remains an issue for some agencies and Crown Bodies. Lack of individual language rights is a major civic concern. Privatisation of former public utilities and dictates of the market place makes single overarching new legislation difficult.

Parallel legislation

The constitutions and the language acts are not the only pieces of legislation instituting rights and duties related to language. In Finland and Ireland, these other language related provisions are more numerous than in Wales. In Finland, acts on education, health care, culture, media and local government include important provisions about the position of the Finnish and Swedish languages. From the point of view of the individual, these acts may be more important than the language act itself. Changes in other pieces of legislation may harm or benefit the implementation of the language act. For example, a number of recent reforms have weakened the position of the Swedish language within the school system which is likely to have long-term repercussions on the preconditions for bilingual public administration.

In Ireland, there are up to 130 pieces of legislation with specific language provisions. Official Languages Equality principle is included in the Quality Customer Service charter. The Language Commissioner has conducted a number of investigations on the pieces of legislation outside the language act. Language is not covered as part of the equality agenda and the number of individual language rights is limited under the Irish system.

In Wales, the position of language within the public sector is affected by statutory duties and regulations and by the citizen charter and best value principles. No individual rights related to language are recorded. Attempts to mainstream the Welsh language within equality legislation demonstrate mixed results.

3.2. Public bodies subject to language legislation

The three acts studied apply somewhat different standards as to the scope of the language act. The differences can be summed up in the following points:

- Specific or general defining principle for the public bodies obliged to follow the language act.
- Territorial variation in the position of lesser used language.
- The extent to which private bodies are included in the language act.

Table 3.2 Scope of language legislation

| | Finland | Ireland | Wales |
|--|---|--|---|
| Defining principle: which public bodies are within scope of language act | General: Language act defines preconditions | Specific: Language act lists public bodies required to implement the act | Specific: Language act lists public bodies required to implement the act |
| Territorial variation in position of lesser used language (formal) | Yes, municipalities are designated unilingual or bilingual according to language registration | Yes, but limited to provisions in Language Scheme covering designated Gaeltacht areas | No formal variation |
| Private bodies and the language act | Act concerns public bodies delivering services on behalf of the public sector | Act concerns public bodies delivering services on behalf of the public sector and has provision to extend to private bodies in certain circumstances | Act concerns public bodies delivering services on behalf of the public sector |

Main principle for definition of public authorities that are required to provide services in the lesser used language in the Language Act

Which public authorities are required to implement the language act? In Ireland and Wales, the act identifies the individual public bodies covered by the act. About 650 public bodies are listed in the Irish Language Act. The Minister for Community, Rural and Gaeltacht affairs can request a public body to prepare a language scheme. The requirement for ministerial initiation of language schemes allows a great deal of political or administrative discretion within the system. In Wales, those public bodies required to provide bilingual services in both Welsh and English are identified by Section 6:1 of the Welsh Language Act. Our analysis suggests that inconsistency in the implementation of language schemes necessitates a complete review of the system and a greater effort to promote the virtues of the schemes or better still the introduction of a set of national standards of Welsh language service delivery undergirded by stronger legislation and regulated by a Welsh Language Commissioner (Williams, 2010).

In Finland, duties to provide services in Finnish and Swedish vary according to level of government and linguistic status of the area. The act does not identify individual public bodies. Central government bodies are designated bilingual, whereas regional and local administrative bodies are either unilingual or bilingual according to the linguistic status of the municipalities in the area. The linguistic status is updated and defined every 10th year.

Territorial variations in statutory provisions for minority language

Finland and Ireland share a common feature in that the language acts recognize some limited territorial dimension of the status of the lesser used language. Stronger status is often related to a strengthened ambition and/or better results. In Finland, authorities classified as bilingual (Finnish or Swedish majority) have extended duties of providing services in both languages. Follow-up studies show considerable variation in implementation of bilingual services according to local position of Swedish/Finnish language.

The Irish language act includes specific provision concerning Gaeltacht areas. Public bodies with a strong Gaeltacht remit were chosen to prepare the initial set of language schemes.

In Wales, the language act does not recognize any internal differentiation within Wales in terms of statutory provisions. In practice, there is considerable variation in both the quality and range of agreed services and this is a major failing of the current arrangements. Fragmentation and inconsistency of service delivery is perhaps inevitable given the current mechanisms for embedding the Welsh language within the public sector. Also one should recall that all these developments have been implemented only since 1996 and thus the system is still relatively new in comparison with, for example, the National Health Service or the Education System which have their own corresponding national standards of service delivery, evaluation and regulation.

Private bodies and the act

All three language acts studied concentrate on the position of the lesser used language within the public sector. Private bodies performing tasks on behalf of the public sector are covered by the act, but private companies in general are not obliged to follow regulations on signage, service and correspondence included in the language acts. A common trait for all countries is that new contracting out-practices and blurred boundaries between public and private sectors pose a challenge to the implementation of language legislation. In Finland contracting out and public-private partnership has resulted in a discussion about the value/weight of language in contracts: Should language be seen as integral or add-on? In Ireland, the present act includes a provision which could allow the inclusion of bodies where 50 % of expenditure comes from the state. There is a provision for the Act to be extended to other private institutions. The Welsh language act states that partnership agreements initiated by public bodies come under the remit of that body's language scheme. In practice, this requirement has been difficult to realise at times.

3.3. Implementing language legislation: a comparison of institutions and mechanisms

The institutions and mechanisms applied in the implementation of the language legislation vary considerably between Finland, Ireland and Wales. We observe differences between:

- Centralized and decentralized implementation of the act.
- Independent and integrated monitoring of the act.
- Direct and indirect relationship between central authority in charge of language planning and individual public authorities.
- Standardized and non-standardized instruments for implementation of language legislation.

Table 3.3. Comparison of the mechanisms and systems in place for implementation of language legislation

| | Finland | Ireland | Wales |
|--|--|--|--|
| Basic characterisation of implementation and monitoring | Decentralised | Centralised | Centralised |
| Authority with overall responsibility for implementation of language act | Ministry of Justice | Department of Arts, Heritage and the Gaeltacht Language Commissioner | Welsh Language Board |
| Monitoring of language legislation | Integrated (MoJ, normal channels) | Independent Commissioner | Integrated (WLB) |
| Relationship between central authority and individual public body | Indirect | Direct (initiation and renewal of language schemes, investigation) | Direct (initiation and renewal of language schemes) |
| Standard/compulsory mechanism for implementation of language act | None | Language scheme | Language scheme |
| Sanctions/compensations for non-compliance | No financial penalties. Some soft measures | Provision for financial penalties not activated. Investigation by Commissioner | Few measurable sanctions. WLB investigation procedures |

Responsibility for implementation and monitoring of language legislation

The Irish system for monitoring the implementation of language legislation differs from the two others, since it institutes the Office of the Language Commissioner as an independent supervisory authority, whereas the Ministry for Arts, Heritage and the Gaeltacht confirms schemes with public bodies. The Commissioner is to monitor implementation of Act including language schemes. He may initiate investigations on the implementation of Act i) by request of Minister, ii) as a result of a complaint or iii) on his own initiative. It is also a function of his office to carry out investigations into the compliance with language provisions in all other Acts.

The Irish system is thus characterized by a separation of functions not found in either Finland or in Wales. The independence of the office of the language commissioner and the separation of the monitoring from the confirmation functions has resulted in a robust compliance system.

In Wales, the Welsh Language Board is in charge both of language planning and the implementation of language policy. Rigorous and systematic compliance procedures are undertaken by the Welsh Language Board. There is also a provision for referring cases of serious non-compliance to relevant Minister(s) for intervention. Calls for UK Crown Bodies to be included within the audit and monitoring system so as to provide a consistent and systematic approach to government services have been a constant feature of the criticism levied at the current arrangements.

In the Finnish system, the Ministry of Justice carries the overall responsibility for the implementation of the language act. The responsibility of the Ministry of Justice does not, however, include any mechanisms of intervention in activities of single public authorities, since the main principle of making language legislation work is decentralization (see below). The monitoring of language act organised as a part of the general activities of the Ministry and may vary from time to time dependent on political priorities. There is no specific monitoring/complaint system for linguistic matters. Complaints about language are handled within the regular institutions and processes dealing with complaints from the public, that is, the courts, the provincial government, the Parliamentary Ombudsman and the Chancellor of Justice.

Political monitoring

The political monitoring of the implementation of the language act is in all three cases based upon a regular report to the parliament concerning the implementation of the language act. The senders and the profile of the reports vary. In Finland, the language act requires that the government presents a report to the parliament every third year. The fact that the government as a whole, not the Ministry of Justice, presents the reports adds political prestige to the report, even if the two reports of 2006 and 2009 have not gained very broad political attention. In Wales, the Annual Report of the Welsh Language Board identifies the principal developments in the implementation of the act and its interpretation. In Ireland, separate Annual reports are delivered by Commissioner [published] and Minister [unpublished] to Houses of Parliament on implementation of Act. The Commissioner may; publish commentaries on the practical application and operation of the provisions of the Act, publish commentaries based on the experience of holders of the office in relation to investigations and findings, following investigations and publish a report in relation to any investigation carried out or other function performed by him.

Centralized and decentralized, standardized and non-standardized systems

The Finnish system for the implementation of the language act can be characterized as decentralized and non-standardized. Individual public bodies carry the responsibility for implementing the language act. The possibilities of higher level bodies (Ministry of Justice) to intervene in the activities of lower level bodies are very limited. According to the Finnish (and generally Nordic) tradition individual local and central government bodies enjoy considerable discretion in the implementation of legislation, language legislation included (Loughlin and Williams, 2007). The Irish and Welsh systems are to a larger degree centralized and standardized. The mandatory language scheme is one of the standardized mechanisms used to commit public bodies to the implementation of the scheme. The rights of central level bodies (e.g. the Language Commissioner, the sponsoring Department) to intervene in activities of lower level bodies are more extensive in Ireland than in Wales, but could be adopted in Wales to very good effect.

Role of central authority vis-à-vis individual public authority

The role of the central authority vis-à-vis the individual public authority is passive in Finland and active in Ireland and Wales. In Finland, central government agencies – especially the Ministry of Justice – provide information to support the implementation of the language act, but have no mechanisms to interfere with activities of lower level bodies unless the body itself asks for support.

The Irish language scheme system ensures the active role of the sponsoring department, initiates preparation of schemes and monitors schemes from a time frame perspective. The Commissioner provides support and advice to ensure proper compliance with the provisions of the Act. The role of the Welsh Language board in the implementation of the language act is active. The WLB initiates, monitors and provides support, but this requires agreement between the WLB and the responsible public authorities and other named bodies identified under the legislation.

Implementation of language act in individual public authorities

In Wales and Ireland, the language scheme is the standardized mandatory mechanism for implementation of language legislation within individual public authorities named in the language act. Finland lacks a standardized mechanism equivalent to the language scheme. According to Nordic practice, individual authorities enjoy considerable discretion in the implementation of mandatory legislation. On a voluntary basis, public authorities can agree languages schemes or charters setting the standards of performance concerning services and administration in the lesser used language.

Procedure for adopting and monitoring language schemes

In Ireland, the language schemes are prepared on the basis of an agreement between public authority and Minister for Arts, Heritage and the Gaeltacht following request from the Minister. Statutory guidelines on the preparation of schemes are published under the Act. In Wales general guidelines for language schemes are published by the WLB. Draft schemes go out to public consultation before they are finalised by individual authority and agreed with the Welsh Language Board. The implementation of the language scheme is monitored both by the public authority itself and the Welsh Language Board. Revision of language schemes happens as a result of direct interaction between the public authorities and the WLB.

Organisation of local responsibility for lesser used language services

In Finland and Ireland, no standardised model exists as to how the implementation of language legislation is organized in the individual authorities. Models vary depending on size, type and location of authority. In Wales, a language officer appointed in each authority also functions as liaison between individual authority and the WLB. Where the role of language officer is reinforced by the commitment of middle managers and chief executives, language schemes are more likely to be effective. However, language officers are not necessarily appointed to function at a strategic level and at times may perceive themselves to be both isolated and vulnerable. A network of language officers who regularly exchange information and best practice procedures can mitigate against such tendencies to feel isolated and vulnerable within large organisations.

Sanctions/Compensation

Regarding sanctions for non-compliance with the act, the Irish language act includes the most specific provisions. Breaches in compliance are identified within the Commissioner's Independent Annual Report to Parliament. The measure for imposing financial penalties for non-compliance has not been activated. Recommendations derived from Commissioner's Investigations are expected to be complied with, if not appealed to the High Court on a point of law. Sanctions may be applied against public servants who refuse to provide requested information to the Office of Language Commissioner while it is carrying out an Investigation under the Act. A provision for setting up a compensation scheme under Act has not been activated.

The Welsh language acts does not include financial penalties for non-compliance, nor is compensation offered for breach of an agreed service. There are few measurable sanctions, but the WLB through its investigation procedures has a proven influence to ensure compliance.

The Finnish language act does not include any financial penalties or sanctions for non-compliance and as noted above, central authorities have few possibilities of correcting poor performance within individual public bodies. As a response to the 2009 report about the implementation of the language act, however, the Prime Minister addressed a letter to all public bodies, in which he requires the authorities to follow the language act.

3.4. Meso and micro level observations from Finland, Ireland and Wales

Clearly a critical element influencing the manner and degree to which individual language acts achieve their desired aims is the accompanying infrastructure within which such acts are required to operate. This section provides a summary both of those supporting mechanisms created by language legislation together with pre-existent institutions, such as government departments, local government organisations and other networks within civil society which influence the resultant patterns of implementation.

Government / State institutions providing support for the implementation of language legislation (information, public awareness)

The Irish Language Commissioner provides ongoing information and public awareness materials for both public bodies and the general public. In Wales, the WLB is a key actor, but many UK and Welsh government departments provide citizen information and details of language services. In Finland the Ministry of Justice provides general support and information concerning the language act, whereas the Ministry of Finance, which carries the overall responsibility for administrative policy has been active by launching a project to support the implementation of the language act within central government and state bodies.

Other institutions providing support for the implementation of language legislation

In addition to the formal public bodies, semi-public and third sector institutions also play an important role in providing support for the implementation of language legislation. The institutional set-up varies from country to country, but altogether semi-public and third sector bodies perform functions in relation to public awareness, training and the promotion of language-related campaigns.

In Finland, the semi-public *Folktinget* (the Swedish Assembly of Finland) plays a key role in the promotion of public awareness concerning linguistic rights. *Folktinget* also functions as a formal channel between the Swedish-speaking population and the national government. In addition, the *Association of Finnish Local Authorities* is an important institution. The association has a Swedish section providing information and expertise for the bilingual municipalities. In addition, the AFLA serves as a platform for formal and informal networks between local politicians and administrators from the bilingual municipalities. By and large, the implementation of language rights draws invaluable benefit from the rich supply of Swedish-speaking third sector and semi-public institutions.

In Ireland, Gaeleagras was established by the Department of Finance in 1971 with the general aim of promoting the Irish language throughout the Civil Service and has made a significant contribution over the years especially in the areas of recruitment and training. This organisation ceased in 2011/2012 to be replaced by transfer of duties to the Department of Arts, Heritage and the Gaeltacht. Foras na Gaeilge provides national accreditation of translators and also provides a national terminology database, focal.ie, in conjunction with Dublin City University. Local Government Management Services Board offer some limited assistance to language officers on a national basis in their work with the implementation of the Act.

In Wales, the Welsh Local Government Association is a key partner and hosts *Rhwydiaith*, a forum for the exchange of best practice in bilingual public administration. But perhaps of greater significance is the WLB practice of hosting or co-hosting occasional seminars, workshops and thematic problem-solving exercises which bring practitioners together. Such initiatives in equality and diversity training, language awareness training and even in the WLB's own seminars on how to manage the transition from the current system to one wherein a Welsh Language Commissioner will determine the regulatory landscape are all crucial to empowering public servants within the system.

In addition to the institutions mentioned, networks between language officers (Ireland and Wales) are seen as important means of promoting the implementation of language legislation. Systems for education and training are also crucial, but vary tremendously depending on the basis set-up of the education system in each country. New mechanisms for seeking public opinion on the implementation are emerging. The Language Barometers in Finland and Wales are examples of this trend. Likewise, the Finnish projects to support the implementation of the language act have offered examples of how language could be integrated in the quality management of each public body, by using, for example, the Common Assessment Framework for European public administration.

Micro level observations

For historical reasons organisations charged with the delivery of bilingual services vary tremendously in their internal structures, patterns of leadership and management, processes of monitoring and evaluation, human resources and scale of operation. Ultimately of course, they may also vary in their institutional commitment to the implementation of agreed language schemes. This section seeks to identify the most pertinent elements that tend to influence both the quality and range of services provided.

Altogether, the preconditions for successful implementation of language legislation can, independent of country, be traced to one or both of the following circumstances: a) territoriality-the location within an area/region where the lesser used language is predominant b) political will-the existence of a dedicated commitment to the provision of services in the lesser used language.

The elements of successful language policies in individual authorities are tied to *leadership, recruitment and training*. Political support for the lesser used language is important. Evidence from the cases, especially in Finland and Wales, shows that leadership – in practice often dedicated individuals – have great influence on the overall language policies of an organisation. However, the evidence may question if there is a possible over reliance on charismatic leadership in some organisations rather than establishing robust structures in support of language.

Recruitment policies have proved important in all countries. Even if successful examples of staffing and in-service training policies, especially from Finland and Wales can be reported, the evidence suggests that the recruitment of competent bilinguals is more likely to deliver quality service than over dependence on in-service training. From the Welsh case studies we learn that it is important to provide the possibility of enhanced career development as a result of exercising Welsh language skills to a high level. In some Finnish cities, pay bonuses for the use of the lesser used language have proved to be efficient incentives in enhancing the active offer of service.

It is evident from the above that a considerable range of factors are operative when considering the implementation of language legislation. In truth few of these factors are uppermost in the minds of the drafters of individual pieces of legislation, and fewer still occupy the daily concerns of managers within public administration. Nevertheless any evaluation of the effectiveness of language acts must seek to recognise most if not all of the above elements as contributory factors influencing the social acceptance of legislation.

To conclude, the system comparisons and case studies indicate that due attention be paid to the following elements of language acts and equivalent legislation.

1. Officially designated areas
2. Efficient agreement of effective Language Schemes including active offer of services in the lesser used language
3. Monitoring and evaluation of the implementation of language legislation
4. Promotion and regulation of language legislation
5. The role of managers and political leaders in the implementation of language legislation
6. The absence or presence of language rights.

CHAPTER 4: COMMENTARY SECTION

We are conscious that individual acts of language legislation together with a legal and constitutional system within which they are embedded are the most critical factors in determining the contours of official language policy within the countries discussed in this report. However, legislation and the implementation of new language related opportunities must of necessity be interpreted within a wider socio-political context.

Of prime significance is the constitutional standing of the language in question. Clearly where the official language has either primacy, as in Ireland or co-equality as in Finland, the resultant character of the political system reflects the integral nature of the established language rights of the citizens. By contrast, the Welsh case demonstrates that without such constitutional guarantees, both the Welsh language and the absence of language rights, become a matter of permanent political agitation. The adoption of a more consistent, robust and modern language regime could serve to reduce such political tensions, especially if the Welsh language were to be treated more as a public good and mainstreamed into the culture of a national set of standards of service delivery as currently happens in the education, health and justice sectors.

A critical question which underlies much of the discussion in this domain is to what extent the introduction of specific language acts bolsters or limits the linguistic rights afforded to citizens. It might be assumed that the enactment of any language act would be interpreted as an enhancement of citizens' entitlements. However, it is also possible to argue that a detailed specification of language related provisions within certain spheres only could be a severe limitation on the freedom of citizens to use their language in all domains. Typically language acts relate to education, public administration, courts systems and other aspects of life under the control of the state. What is often absent is any consideration of entitlement and empowerment within the private and voluntary sectors. Yet in truth these are the areas which are also of crucial importance to the vitality of lesser used languages.

A further consideration is to ask what practical difference is made if language legislation only places a statutory obligation on public bodies to deliver a specified range of bilingual services, rather than also granting accompanying language rights. Do obligations in effect equate to right? In Finland and Ireland both institutional duties and individual rights characterize their language legislation provisions. In Wales however, legislative provision is made essentially for institutional responsibilities and obligations, with individual rights being limited largely to the courts system.

Paradoxically language legislation may in fact limit established language rights. Thus in some circumstances, such as in Ireland between 1937 and 2003, Irish citizens often had to make recourse to the courts to establish in practice their language rights. The courts, referring to the Constitution have traditionally upheld the rights of Irish citizens to services through Irish. Having enacted its Official Languages Act in 2003, Ireland now faces the issue of determining what is the relationship between generic constitutional rights and organisational duties as specified under the 2003 Languages Act.

A general issue of great significance is the relationship between language promotion and language regulation. Our study has highlighted the extremely valuable work undertaken in each country by many organisations and community groups to advance the cause of lesser used languages. We have also emphasised the positive gains made by having a robust system of language complaints investigation and a compliance monitoring structure. A critical weakness of such regulatory functions is the absence of serious consideration given to rewards and sanctions. Throughout this study we have been conscious that providing increased opportunities by law to use a lesser used language does not automatically lead to a change in language related behaviour. Part of the reason for this reticence maybe due to the lack of capacity or limitations in language awareness, but part also stems from the absence of real sanctions. A peculiar feature of language legislation and policy, unlike many other aspects of law and governance, is the issue as to how responsive the state is to breaches in legislation. It would appear that in the main routine issues of lack of compliance are dealt with adequately by the regulatory bodies in Finland, Ireland and Wales. However, in cases of unresolved breaches, where for example a language commissioner or a regulatory body had established a serious lack of compliance, the question may be asked what are the ultimate sanctions in place? In some circumstances this may involve Ministerial intervention, or censure by a parliamentary committee, but by and large there are few systemic gua-

rantees that such flouting of the law will not be repeated. In extremis of course an appeal to a supreme court may be possible. But such forced action by the citizen appears counterproductive to the normalisation of language rights. It would appear inconsistent that some organisations, including government departments, can plead *mea culpa* and acknowledge that they have broken the law, yet still not face sanctions or change their pattern of behaviour in the future. We recommend that this complex issue be the object of further studies.

Analysing the delivery of bilingual services has been a major feature of this study. We have observed that a more integrated, holistic perspective on systemic language use in organisations is required. Too often, both in their conceptualisation and in practice language-related functions of public bodies are perceived as add-on elements rather than being seen as integral to the delivery of high quality services. Deficiencies within the schemes and services were most often related to a lack of language competence or confidence by front line personnel and consequently customers often switched to the dominant language of the service provider in order to progress their conversation or requirement. In order to reduce such language switching it would seem pertinent to focus on the language skills profiles of public servants, especially when such skills are required by agreed language schemes. We maintain that language sensitive recruitment policies are critical to capacity building in organisations and can be more significant in realising bilingual services than in-house language awareness and training courses alone. Thus in the case of the North Wales Police Force, for example, a significant improvement in the delivery of their services was occasioned by a positive recruitment policy in favour of competent bilinguals together with a series of language awareness courses offered as part of the professional development of their staff.

A related issue is the degree to which customers believe in and trust the degree to which their involvement with a public body will be undertaken in the language of their choice. In our investigations it was evident that the front line service delivery element of language schemes receives a great deal of attention by public bodies. This is a very welcome development, but does it go far enough? Does it really satisfy the requirements of a bilingual society and realise the promise of language expectations and rights? We think not and would recommend that much more evidence be gathered on how routine decisions made by public organisations impact on language services. The ambition of many bodies to provide a full bilingual service may be called into question, yet others are committed to providing a comprehensive service but may be unsure as to how best to progress such ambitions.

A fundamental issue in describing the process of 'From Act to Action' is in determining the role and experience of the individual recipient of services within the system. Our enquiries did not focus directly on the attitudes and behaviour of individuals in different contexts, although such aspects did feed into our observations and deliberations. A follow-up project may wish to employ measurement techniques which seek to capture such experiences. For the moment it is enough to observe that most public bodies claim that the general pattern of customer satisfaction with the bilingual services on offer are evaluated systematically.

One of the arguments often heard for the absence or weakness of bilingual services is that there is very little observable demand coming from the general public. The whole issue of need versus demand as a basis for service provision is contentious in some contexts and too often the onus is placed on the shoulders of the individual. A more healthy approach is that whereby an 'active offer' of a satisfactory service is the norm, as in Canada, among other societies. However, even in Canada as Cardinal and Sauvé (2009) have shown it does not necessarily follow that citizens receive full entitlement to long established services in the language of their choice. Organisations are never language neutral, thus if the general public perceives a particular body to operate largely or exclusively in one language, it is very difficult to change such perceptions even though legislation allows for active bilingualism. The 'active offer' principle is one proven method of encouraging the use of the lesser used language as has been shown when services were provided in Irish as the default language within Gaeltacht areas, or in Welsh by Gwynedd County Council. Yet we recognise that these are exceptions to the general rule and the more problematic issue of guaranteeing satisfactory bilingual services in the vast majority of cases remains.

A further consideration is how to achieve a satisfactory bilingual service when one moves beyond the target language as a medium of communication only and one seeks to use the language for professional and subject-specific purposes, such as those

concerned with children's' welfare and the Health System writ large. A particularly poignant example which has occurred all too often is where the professional does not provide the required service because they cannot gain insights into the patient's condition, beliefs and value system because of a language barrier. This is relatively common in the case of very young children and aged people, or those who present with mental health issues, and in some cases clearly the system fails such people because of a lack of understanding of the patient's identity being embodied in his/ her own language.

The professional response, all too often, is to advocate the preferred use of the state or dominant language and not to express a great deal of sympathy for the communicative needs of the patient. Such attitudes are reinforced by a belief that the system is more efficient if it does not actively offer a bilingual service.

These considerations go well beyond the scope of language legislation and relate more directly to the education system, the socialisation process and the nature of the international division of labour which has been accelerated by recent globalisation processes.

CHAPTER 5: POLICY IMPLICATIONS

This chapter summarizes the most important policy implications drawn from the case studies of the implementation of language legislation in Finland, Ireland and Wales. The policy analysis recognize the status of language acts as being fundamental for the protection of linguistic diversity, but also recognises the importance of institutions and mechanisms supporting the active implementation of language rights and duties as stated in the respective language acts.

Language acts

Historically, since medieval times, the thrust of language legislation has been to secure the primacy of the State language, and has tended to discriminate against all other competing languages. In reality language legislation precluded or proscribed the use of the indigenous language of long suppressed peoples. In this sense language legislation was an instrument of the extension of state power and of colonisation.

In more recent times, language legislation has been enacted so as to preserve, protect and promote formerly discriminated languages. This changes both the role and perception of the legal system as an instrument for the promotion of language policy in selected cases. Allied to this has been the significant growth in a range of legal measures aimed at reflecting linguistic diversity within increasingly multicultural societies.

In consequence, language legislation may be viewed in a more positive light as a constructive element of language policy, offering an additive rather than a subtractive perspective on the relationship between language, law and citizenship. This relationship has been enriched by the increased number of pieces of language legislation within the EU. However, this body of knowledge and practice is in need of scholarly and professional evaluation, so as to inform both citizens and public policy makers of the key trends in language and equality legislation.

The merits of language legislation

The value of language legislation discussed in the case studies can be summarized as follows:

- At root, language legislation recognizes *the symbolic value of a language*. According official recognition to a language may serve as an important symbolic signifier of a peoples' heritage. It can also encourage the promotion of social cohesion and identity. However, the symbolic value of language recognition through legislation can clearly be enhanced when allied with practical active implementation.
- Language legislation *considers language as an integral element of both human rights legislation and an equality agenda*. In principle, language-related issues are increasingly seen as part of an equality and human rights agenda and are thus more likely to be mainstreamed into public policy. Consequently, language clauses and language precepts are now a more common feature of equality and human rights legislation and need not be confined to language-specific acts.
- Implicitly language legislation *recognizes the worth of a language and its associated cultural systems*. According a language an official status can lead to the legitimisation of associated cultural activities and may enable speakers to access state funding and recognition as a constituent element of civic life. The sound implementation of language rights and services is enhanced by an awareness of the significance of cultural context and practices, for such services are never merely linguistic or translation episodes.
- Language legislation *influences the power relationship between the citizen and the state*. Typically, speakers of lesser used languages have considered themselves to be in a weak or dependent position when availing of public services. The widespread adoption of the principle of 'active offer' should reduce this dependency and increase the attraction and take-up of such services.

- *Most critically language legislation, when allied to sound policy, is a recognition of treating the recognised language as a public good.* Such recognition should encourage the mainstreaming of language issues within public administration. One implication of such a reconfiguration is to allow for the costs involved in affording language rights to be considered as legitimate mainstream expenditure. Too often in the past language issues have been unduly politicised because they were not conceived as being part of the public good. Evidence of incremental recognition of language as a legitimate domain within public administration also leads to a consideration of language as contributing to the quality of life issues, adding value to public services and enhancing diversity. Ultimately such recognition may also heighten the sense that a particular language may now belong to a common shared heritage by valuing the intrinsic worth of its speakers.

However, we recognise that mainstreaming the language in question as a co-equal element of public service remains a significant challenge.

Language Acts themselves are a necessary but not sufficient condition for instituting language rights within any system, but to be truly effective a great deal of attention and vigilance needs to be expended on creating robust supportive implementation mechanisms. Hence the import of the title “From Act to Action”. We have sought to demonstrate that without sufficient vigilance aspects of some Acts may indeed lead to “Inaction”. A strong regularity agency, be it a Language Commissioner or a Department of Justice special unit, would appear to be a *sine qua non* for the effective implementation of language rights and public services, else fragmentation of service and inconsistency of remedial action will persist in this sector.

Language Acts, Constitutions and Legal Institutions

The focus of this study has been service provision within public administration. However, we are conscious that there exists a body of case law relating to challenges to, and the upholding of, aspects of language legislation in the courts system of the respective legal regimes. Experts in constitutional law have deliberated widely on the relationship between language policy and the role of legal institutions in arbitrating disputes which may arise from the introduction of new legislation. Critics may argue that all too often the respective language acts tend not to add to the body of individual language rights, but rather focus on institutional arrangements for the delivery of bilingual services from the public sector. This may be because a limited number of language rights are already enshrined in articles of the constitution and other super-arching legislation. But more realistically it may also be the case that the powers that be wish to limit the State’s exposure to a new raft of language rights. This is why we argued above that in some circumstances, the enactment of detailed language acts themselves may act as a limitation on the constitutional standing of the official language in question. Language Acts can unintentionally narrow the scope of a language’s relevance in specific domains.

As a matter of policy it seems wise to argue that in reviewing language acts any proposed revisions should normally seek to augment rather than to curtail language rights which derive from the constitutional standing of the recognised language(s). On the basis of our review we would argue that it is preferable, where possible, to specify language rights in legislation, rather than run the risk of subjecting assumed rights to political and administrative interpretation.

CHAPTER 6: RECOMMENDATIONS

This chapter includes a set of recommendations based upon the evidence from the Finnish, Irish and Welsh case studies. The recommendations focus on the learning potential between systems, countries and individual public authorities. The recommendations include examples whereby existing systems may be fine-tuned as well as calls for structural and institutional reform. *Micro level* recommendations are derived from the examples of good practice as observed from within individual public authorities. *Meso level* recommendations include examples of how intermediate institutions together with networks linking public authorities and others can support the implementation of language legislation. *National level* recommendations draw on the lessons to be learned from the experience of individual countries. They indicate key areas where each of the respective systems which operate in Finland, Ireland and Wales can learn the one from the other. Finally, *European level* recommendations are designed to improve Europe-wide institutions and mechanisms which seek to support linguistic diversity and language rights.

Micro Level Recommendations

We recognise that bilingual public authorities need designated language policies in order to adapt overall legislation and general guidelines to the specific organisation and its customers. The more successful local language planning examples have paid considerable attention to considerations such as leadership, personnel development, staff training, the delivery of customer services and regular monitoring and evaluation.

- Consequently we recommend that the Irish and Welsh compulsory language schemes serve as an exemplar for the improvement of bilingual services within Finnish public authorities, subject to their being applied consistently.
- Correspondingly we recommend that the good examples of evidence-based local personnel and evaluation mechanisms, as practiced in Finland, be considered by Irish and Welsh authorities in their efforts to improve the quality of the delivery of bilingual services.

The strategic planning of the integration of bilingual services within local administration remains an underdeveloped feature. Language officers, middle managers and front-line public servants charged with the delivery of lesser used language services are integral to the realisation of language schemes and services. Yet far too often they are inadequately equipped to discharge their duties. In particular language officers work under great pressure while exercising little real power to influence events within their respective organisations, The role could be better served if 'language' were to be considered as a more integral element within the equality agenda and mainstreamed within public administration.

Thus we recommend that:

- Bilingual public authorities should develop their recruitment and training policies so as to ensure the continuous availability of bilingual personnel at all levels of the administration.
- Public servants and language officers not be isolated within their respective organisation, nor unduly burdened with the demands of translation duties, but rather be given recognition and support from senior political and administrative figures within the authority.
- The role of language officers be recognised as an evolving profession and that additional in-service training, using processes as developed by Cwmni Iaith and the Welsh Language Board, be extended to the Irish and Finnish systems.

Meso Level Recommendations

Too often language planning and language policy is categorised as either top-down (state level) or bottom-up (community), whereas there is a great scope for purposive planning at the meso level, namely the level of local government or regional health care services. In reality this is the level at which language rights are most often exercised. Thus we recommend:

- The establishment of networks in Finland and Ireland of language-related public servants as currently exists within *Rhwychiaith*, the Welsh Local Government Association network of Welsh language public servants.
- The linguistic skills and communicative competence of selected front-line personnel be systematically improved by requiring them to complete training programmes accredited by approved national bodies.
- The introduction of language service management issues into the professional development programme of established networks of public administrators, such as the Chief Executives and the Heads of Human Resources departments.
- The encouragement of private sector commercial organisations to deliver in-service language awareness and skills training to personnel at all levels charged with the delivery of bilingual services.
- That professional associations include considerations of language service delivery within their professional training and accreditation requirements in order to comply with and support the implementation of recognised language duties and rights.

National Level Recommendations

In all three countries geographical divisions and variations in the strength of Irish, Swedish and Welsh have prompted different solutions to the protection of historical language communities. Currently there are strong pressures to reduce such spatially differentiated recognition and on the basis of our study we would advise against such pressures or tendencies. We recommend:

- That the presence of officially designated language communities should remain a significant consideration in the organisation and provision of public services, which seek to meet the needs of such target communities.
- That both existing arrangements in the Gaeltacht and possible future designations in Wales would do well to reflect on the conscious application of enabling legislation in recognizing and protecting designated bilingual areas in Finland
- That greater attention be paid to the requirements of geolinguistically distinct communities and the services provided so as to maximise usage.
- That in evaluating the quality of service provision the higher threshold standards should be calibrated by reference to the requirements and expectations of the officially designated language communities as would apply in Finland and Ireland.

Where applicable language schemes have been proven to be an important instrument of language planning and of public administration. Their application however has been inconsistent and not always fully exploited as an element of high quality service provision. We recommend

- That given the tendency of some language schemes to atrophy, greater attention should be paid to devising mechanisms by which a new generation of schemes are put in place in good time.

- That language schemes should not simply be an extension of existing practice, but seek to deepen and widen the range of services provided in accordance with the Finnish “active offer of service” principles.
- That the Welsh practice of issuing draft language schemes for public consultation should be adopted in the Irish context.
- That language schemes should be calibrated by reference to a national set of standards of service delivery, so as to mainstream the language and bring it into line with other policy areas treated as a public good, such as education and health.

Evidence based principles as identified in this study suggest a strict separation of responsibilities between promotion and regulation. This implies a separation of implementation functions whereby the compliance, complaints and statutory regulatory functions are discharged by a quasi-legal body. We recommend:

- That the separation of functions of the Irish system, especially the investigative procedures and the independence of the office of the Language Commissioner, be considered as an effective model. Thus it would be advisable were Wales to formalise a division of labour whereby the promotional activities are the direct responsibility of a government department. and the regulatory responsibilities invested in the establishment of a Welsh Language Commissioner. The same separation of functions may also hold for Finland in the future.
- That efficient systems for monitoring and evaluating the implementation of language legislation be devised or adapted from existing best practice as for example in Finland.
- That the Finnish good practice of continuous citizen surveys and other quality systems, being integrated into the evaluation and implementation of language legislation, be considered for adoption in Ireland and Wales.
- That the ‘rewards and sanctions’ elements of regulatory instruments be strengthened considerably, as they are currently weak in all three countries surveyed.
- That given the increasing salience of language related legislation greater attention should be paid to integrating language legislation with more established fields of law.
- That the implementation of language legislation be better co-ordinated with aspects of policy evaluation in key areas such as bilingual education, health care, community development planning and communications/media policy and practice.

European Level Recommendations

It is evident that citizens value the recognition given to their respective languages by the enactment of Language Acts within the legal system. Although the European Union does not have a competence for language planning and legislation *per se*, its deliberations and actions do have a significant impact on the contours of bilingualism and multilingualism in often very unpredictable ways. As the European Union comes to recognise some elements of language as a public good it is pertinent that new methods and approaches to managing linguistic diversity be developed, especially within public administration and in relation to the needs of new speakers as well as established users of such services.

We recommend:

- That the sharing of good practice in relation to language legislation implementation be advanced at a number of levels within international organisations (e.g. the European Court of Justice, the European Parliament, the European Commission, the Council of Europe and UNESCO); b) in established state level jurisdictions, and c) selected sub-state jurisdictions.
- That any future European directive on quality customer service within the public sector include a section on the management of linguistic diversity.
- That the management of language-related services should be included as an integral element of public administration quality systems (e.g. CAF, EFQM). This should be accompanied by the creation and adoption of a parallel toolkit to remedy identified weaknesses (e.g. Continuous Quality Improvement).
- That diagnostic instruments concerned with language management, similar to the proven Finnish Ministry of Finance adaptation of the CAF, be adopted within other states.
- legislation would allow access from one connected portal online.

As capacity building has been identified as a major determinant of the success of language legislation, we further recommend:

- That specific modules related to language rights and their implementation be incorporated into the professional development curricula of, for example, lawyers, public administrators and health care specialists.
- That European Masters programmes be developed in relation to Language Planning and Language Management.

Whilst each of these recommendations is targeted to specific issues, we are mindful in concluding that a number of caveats also obtain. Thus

- While Language Acts are valuable in themselves they should not be seen as a substitute for the more routine and fundamental aspects of holistic language planning.
- Neither should language vitality be reduced to an identifiable set of language rights alone.
- The “spirit of the legislation” may be a significant and hitherto under-valued means by which language policy can be promoted and should be harnessed as and when necessary.
- There is a constant danger of language legislation being considered *sui generis*, without due regard for other policy fields and influences derived from parallel reforms and changes within the legal system.

These insights, recommendations and policy initiatives are submitted for general discussion in the hope that some of the issues discussed here may inform and impact on the respective official language regimes under consideration.

May we close by thanking the sponsoring agencies, not only for commissioning us to undertake the research, but also for their willingness to discuss our findings and, where relevant, to advance, promote and flesh-out the policy implications of our analysis. Embedding us as authors in confidential and highly significant political and legislative discussions has been a real privilege and a valued opportunity to impact on public policy in this field at both the state and international level.

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APPENDIX 1: RECENT DEVELOPMENTS CONCERNING IMPLEMENTATION OF LANGUAGE LEGISLATION FINLAND (2013)

Siv Sandberg

The Language Act

Major administrative reforms (see below) have changed the linguistic status of state and local authorities and have had implications for the implementation of the Language Act. Some of the projects launched to support the implementation of the act have faded, while others have continued. The survey instruments (Språkbarometern/Kielibarometri) measuring citizens' satisfaction with state and local government services have been developed further and provides solid empirical data on the quality of bilingual services. The government has proposed a number of adjustments of the Language Act in connection with the new legislation on local government reform and amalgamation (Government's Proposition 31/2013, Spring 2013). The aim of the adjustments of the act is to make linguistic rights less vulnerable to changes in territorial boundaries. The third government report on the implementation of the Language act will be presented to the parliament in 2013.

Administrative reforms

As noted already in the report, subsequent administrative reforms have challenged the implementation of language legislation in Finland. Linguistic rights at the local and regional levels are to a certain extent dependent on the linguistic status of the local authority and thus sensitive to changes of municipal boundaries. In the beginning of 2013, the number of local authorities in the Finnish mainland was 304, a decline with over 100 local authorities since 2005 (416 mainland local authorities). The number of local authorities with Swedish as the majority language has declined during the same period of time. Further amalgamation reforms are to be undertaken in the years 2011–2015. In addition, reforms of regional state authorities, police districts and courts of justice follow the same trend towards larger districts. All in all, these reforms pose major challenges to the implementation of the provisions of the language act.

Long-term language strategy

In its government programme of June 2011, Prime Minister Jyrki Katainen's six-party cabinet presented plans for a long-term language strategy, safe-guarding the position of Finnish and Swedish as the national languages of Finland. The strategy was prepared under the lead of the Prime Minister. The committee preparing the strategy consisted of members representing the political parties in cabinet, as well as of persons representing public authorities and interest organisations. *"The implementation of linguistic rights will be developed [...]. A long-term language strategy will be prepared under the lead of the Prime Minister in order to develop two viable national languages, and, on this basis, concrete measures will be specified for the Government's term of office".*

The first long-term strategy for the national languages, Finnish and Swedish, was published in December 2012. The strategy emphasizes the national benefits of bilingualism. It highlights problem areas and stresses especially the importance of various forms of education in order to maintain the status.

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RP 31/2013 Regeringens proposition till riksdagen med förslag om ändring och temporär ändring av kommunindelningenslagen, upphävande av vissa bestämmelser i kommunindelningenslagen och ändring av språklagen (Government's proposition 31/2103 concerning changes i.a. of the Language Act).

APPENDIX 2: RECENT DEVELOPMENTS CONCERNING IMPLEMENTATION OF LANGUAGE LEGISLATION IN IRELAND (2013)

Peadar Ó Flatharta

Language Schemes

The Official Languages Act's principal mechanism for the delivery of bilingual services is its system of agreed Language Schemes, as adapted from the Welsh model.

The minister responsible for language affairs may require any of the c. 650 public bodies to prepare and agree a language scheme. When the head of the public body agrees a scheme with the Minister the document becomes a statutory language plan for that organisation for a set period of three years or until a new scheme is agreed. Schemes must indicate the level of services provided through the medium of English, through the medium of Irish or in Irish and English. Schemes must show how the provision of services through Irish will be improved in the following three years or until a new scheme is agreed.

One of the key weaknesses of the Irish model concerns the way that the power to initiate language schemes rests within the political system (Williams and Ó Flatharta, 2013). This provision is open to interpretation and could result in a stop start approach as changes occur in the political system. One Minister may see the language schemes as a priority while another may well see the schemes as being irrelevant and cumbersome.

In his annual report of 2012 The Language Commissioner reported as follows:

“Overall, of the 104 language schemes that were confirmed from the outset by public bodies, a combined total of 79 had “expired” by the end of 2012; this means that 3 out of every 4 or 75% of all schemes had expired. In the case of 11 of these language schemes, they had expired for a period of at least four years and a further 13 had expired for more than three years. Details of the public bodies whose schemes have expired and those whose schemes have been renewed are available in this Report.

In addition, there were 39 other public bodies whose first draft scheme had been requested by the Minister for Arts, Heritage and the Gaeltacht but for whom no scheme had been agreed or confirmed by the end of 2012. In the case of ten of these, more than six years had elapsed since they were first asked to prepare a draft scheme.”

An Coimisinéir Teanga (2012) Tuarascáil Bhliantúil/Annual Report

Review of Language Act and merger of the Office of the Language Commissioner

In its programme for government 2011 the newly elected Irish Government announced its intention to review the Official Languages Act. The formal review process was launched by the Minister in November 2011 and included a public consultation process. The results of this review have not been published to date.

Shortly after announcing the review of the Language Act the Government announced that it had decided that to “merge the functions of Language Commissioner with Ombudsman Office. To be progressed in the context of the ongoing review of the Official Languages Act 2003.” (17/11/2011).

Gaeltacht Act

The Gaeltacht Act was enacted in 2012 and provides for a new definition of the Gaeltacht and amends the structure of Údarás na Gaeltachta (the Gaeltacht Development Authority).

Under the Gaeltacht Act 2012, it is envisaged that the Gaeltacht will in future be based on linguistic criteria instead of on geographic areas and that language planning at community level will be central to the new definition of the Gaeltacht. Areas located outside the existing statutory Gaeltacht will be given the opportunity to achieve statutory recognition as Irish Language Networks or as Gaeltacht Service Towns, subject to fulfilling particular criteria.

In addition the Act gives statutory effect to the implementation of the *20-Year Strategy for the Irish Language 2010-2030* by Údarás na Gaeltachta in the Gaeltacht.

