

Northern Ireland

Proposed Irish language act could breach Good Friday deal, lawyer says

Austen Morgan QC believes key Sinn Féin demand in Northern Ireland power-sharing negotiations may violate equality clause



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People walk past a poster calling for an Irish language act in Belfast, Northern Ireland. Photograph: Clodagh Kilcoyne/Reuters

A "standalone" Irish language act - one of Sinn Féin's key demands in the deadlocked negotiations to bring back power sharing in Northern Ireland - could be a breach of the Good Friday agreement, a legal expert on the 1998 peace accord has claimed.

Austen Morgan QC, the author of The Belfast Agreement - a Practical Legal Analysis, said an act that only protected the rights of Irish speakers would violate a key clause in the Good Friday deal promoting parity of esteem between all cultures in Northern Ireland.



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The barrister said such an act could be argued to be a breach of paragraph three of article one of the agreement on equality, which states: "All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland."

Morgan, who in 1998 acted as a legal adviser to David Trimble - who soon after became first minister and later won the Nobel peace prize - during the negotiations leading to the agreement, said there could be a "respectable legal challenge" if an Irish language act that excluded all other cultures was introduced.

The Derry-born author lawyer said the Good Friday agreement's objective on culture was, in the words of the document, for "linguistic diversity" and "the cultural wealth of the island of Ireland".

Morgan continued: "An Irish language act would not be per se contrary to [the paragraph]. However, in the Sinn Féin/DUP context, where the latter offered a culture act, it would appear that the advancement of Irish was contrary to other languages.

"[The paragraph] binds 'all participants' in the talks. That included Sinn Féin. However, while Sinn Féin could argue that it never signed up to the Belfast agreement, it has sought to give that impression, so would never argue that it was not bound.

"The challenge could be to a Northern Ireland department (culture) or the secretary of state, to prevent them acceding to Sinn Féin's demand when the DUP offer is on the table. An applicant could seek a declaration that it was contrary to the Belfast agreement."

Sinn Féin wants the act to be a "standalone", meaning it would only concern the rights of Irish speakers and giving the Gaelic language equality in law with English.



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The Democratic Unionist party, fearing criticism from more hardline unionists, has argued for a more all-embracing culture act that would not only guarantee the rights of those who speak Irish but also Ulster Scots speakers, as well as incorporating aspects of Orange/Protestant culture.

There is internal opposition within the DUP to a standalone Irish language act because this would, according to party sources, "not provide political cover" for the DUP facing criticism of selling out by even more hardline unionists.

Meanwhile, the DUP MP Sammy Wilson has rubbished an attempt to legally challenge his party's deal that kept the Conservatives in power with a promise of more than £1bn to Northern Ireland.

The Green party candidate Ciaran McClean has already raised £20,000 to hold a judicial review into the deal in an attempt to have it declared illegal and a breach of the Good Friday agreement.

Wilson said: "The only [ones] who will make anything out of this will be the lawyers of the person who is running it. Fools and their money are easily parted. The amount that has been raised shows you that there are still quite a few fools about.

"I would imagine in six to eight months' time some lawyers will be going on their holidays on the basis of money which has been donated by people with more money than sense. And we'll still have the pact and we'll still have the billion pounds to fund public services in Northern Ireland."

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