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The Irish Language in the European Union

Abstract

Though , as stated in the constitution, Irish is the first official language of the Irish Republic, when joining the European Union in 1973, the English, the second official language was used as the working language, and Irish only as a treaty language, on the pretext that almost every inhabitant of the Republic has the command of English. It was only about 2004, the year of the EU presidency of Ireland, that the question of elevating Irish to the status of working language was raised.

With the expansion of the European Union language and language policy issues have grown in importance. After the joining of the ten new members there are 20 official languages of the EU. When joining in 1973, Ireland decided to use English instead of Irish as her working language, a decision nowadays deemed a mistake. Ireland fulfilled the presidency of the Union in the first half of 2004 and it was considered appropriate to remedy the omission and attain official language status for Irish as the scope of the languages have also widened.

What is Irish? First of all it is important to stress that Irish and Gaelic are not synonymous. Gaelic is the branch of Celtic comprising the languages of Ireland, the Isle of Man and parts of Scotland, while Irish is the variety of Gaelic spoken in Ireland (1). According to recent surveys 42,8% of the adult Irish population, i.e. about 1,57 million persons, knows Irish to some extent (2). Especially in the regions of the Gaeltacht is the language used in everyday communication. Irish is taught at primarily and secondary schools and there are ones where instruction is exclusively in Irish. The language used to be spoken in the entire island but during the British rule it lost its central position. Since 1830 the use of English as the language of instruction at schools became more widespread. At the end of the 19th c. Celtic revival favourably changed the attitude toward the Irish language and the surveys indicate that its popularity has been growing (3, 4).

In the first six months of 2004 it was Ireland's turn to fulfil European Union presidency offering possibilities to extend the rights of the Irish language in the EU in this exceptional situation (5, 6, 7). Ireland

acceded in 1973 and the then government decided upon English as its working language suggesting that translation might have caused difficulties. It was requested that the role of Irish should be limited and be a so called treaty language,¹ although according to the Irish constitution the Irish language is the first official language of the Irish Republic and English is only the second one.² In consequence the present role of the Irish language in the European Union is the result of the decision made by the Irish government, starting out of the presumption that English is the mother tongue of the majority of the citizens of the Irish Republic. The EU did nothing to prevent Irish to become a fully fledged working language.

The EU status of the Irish language is rather special because it is not an official or working language but has been declared a treaty language. In practice that means that the treaties of the EU are composed not only in the 20 official languages but in Irish too, The Nice treaty, the actual last amendment of the Rome treaty to date, confirmed the content of the previous treaties which ruled that the Irish version of the basic agreement is on par with those written in the other eleven languages;³ i.e. none of the variants enjoys priority to the others, neither can be regarded as the 'original' text. This also holds in the case of the 2003 final version of the draft of the Constitution too.⁴ In this sense the Irish version is official too since it has been accepted that treaties written in Irish are as valid as those written in the other languages, albeit Irish is not a working language.

¹ „We fully realise that the official translation into Irish of all Community acts could give rise to serious difficulties of practical nature. We would, therefore, propose that (...) there should (...) be provision to limit the extent to which Irish translations of Community texts would have to be prepared. What we would have in mind here is that there should be an authentic text of the accession treaty in the Irish language and that official texts in Irish of the existing Treaties should also be prepared.” Letter of Patrick Hillery then minister of foreign affairs of the Republic of Ireland to chairman of the Council on 23.07.1971. (cited in 8)

² *Constitution of the Irish Republic* Article 8.: (1) The Irish language as the national language is the first official language. (2) The English language is recognised as a second official language. (9)

³ *Treaty of Nice*: Part Two, Article 13.: This Treaty, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States. (10)

⁴ *Treaty Establishing a Constitution for Europe* Part IV, Article IV-448: This Treaty, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

Moreover, the Irish language can be used in correspondence with the EU institutions as guaranteed by the Amsterdam Treaty; even though there is no specification about the use of Irish in communication with official institutions, the general rules of the rights of citizens to communicate with the institutions of the Union declare that any one of the listed languages can be used, and Irish is one of them.⁵ The rights have been reinforced by the draft of the constitution that expands the list of institutions.⁶ Thus correspondence in Irish is possible with the European Parliament, the Council of the European Union, European Committee and the European Court (Ó Laighin 2004:6).

After the Amsterdam Treaty took effect, the office of the European Ombudsman also accepts complaints written in English and since the 1. January 2000 there is an on-line form to be filled in Irish on the homepage of the Ombudsman (15). If a EU citizen uses Irish in communication with the Ombudsman, the language of the procedure remains Irish throughout, in spite of the greater difficulties caused in the coordination of its translation and interpreting than in the case of the working languages (Ó Laighin 2004:6).

There are several arguments raised against the use of Irish as an official language within the EU. Albeit the primary legal sources are being written in Irish as well and these come under equal treatment with the other, official languages, the EU does not provide accessibility to the secondary legal sources in Irish. The language use of the institutions of the Union has been regulated by the Treaty on European Union and its amendments. In Article 290. of the treaty the right of decision was delegated to the Council.⁷ The question of languages has gained special importance since the first decree of the Council dealt with the regulation of languages. In Decree 1858/1 there was the list of official languages set down which

⁵ The *Treaty of Amsterdam* amending the treaty on European Union, the treaties establishing the European communities and certain related acts: Part 2: 11) In Article 8d, the following paragraph shall be added: "Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 4 in one of the languages mentioned in Article 248 and have an answer in the same language." And 81) "Pursuant to the Accession Treaties, the Danish, English, Finnish, Greek, Irish, Portuguese, Spanish and Swedish versions of this Treaty shall also be authentic."

⁶ Article 8. of the draft: 'Citizens of the Union shall enjoy ..the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Constitution's languages and to obtain a reply in the same language'. Since the draft has been issued in Irish too and is considered authentic, the Irish language also enjoys the above right.

⁷ Amendment in the *Treaty of Nice*: Article 290 shall be replaced by the following: The rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the Statute of the Court of Justice, be determined by the Council, acting unanimously.

later was repeatedly renewed as new countries joined the EU.⁸ Irish is the exception since Ireland suggested during the process of her accession that the Irish language be not of official status; it was accepted by the Council (cf. f.n.1).

The Treaty of Accession of Ireland in 1973 recognised Irish as a treaty language⁹. It is important to point out that only the Danish and English languages received equal status with the original four (French, Dutch, Italian, German).¹⁰ The treaty of accession thus indicates it is only in special contexts that the Irish versions are valid and equal to the other ones. Furthermore, the use of the Irish language in the Parliament is not accepted, or more precisely, its use is involved in considerable difficulties. If Irish representatives wished to speak in Irish in the EU parliament, they should apply for a permission to be able to do so.¹¹ The same rules apply to the use of Irish in the Court of the EU. The practical disadvantage is that the above institutions are not equipped for interpretation in Irish thus it calls for extra organisation (8).

Neither *The Official Journal of the EU* has been translated into Irish nor the official website of EUROPA is accessible in Irish. In addition, electronic communication with the EU Committee is also impossible. Seán Ó Neachtain handed in a written question to the Committee where he pointed out that correspondence in the mother tongue guaranteed by the Treaty runs into obstacles if someone wished to correspond in Irish. In his answer Romano Prodi pointed out that the website EUROPA is accessible only in the official languages of the EU and since no EU document accepts Irish as an official language, it cannot be used in electronic correspondence (25).

Especially in the personnel sector would be advantageous if the Irish language could achieve the official and working language status. The employment policy of the Union prescribes the knowledge of at least two of

⁸ CELEX 31958R0001 (24).

⁹ Article 3. of the *Treaty of Accession of the Irish Republic*: 'This Treaty, drawn up in a single original in the Danish, Dutch, English, French, German, Irish, Italian, languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.' (14).

¹⁰ *Act of Accession* Title 2. Article 155.: The texts of the acts of the institutions of the Communities adopted before accession and drawn up by the council, or the Commission in the Danish and English languages shall, from the date of accession, be authentic under the same conditions as the texts drawn up in the four original languages. They shall be published in the *Official Journal of the European Communities* if the texts in the original languages were so published'. (14)

¹¹ In the 1980s Mary Banotti, a newly elected member of the EU Parliament started her inaugural address in Irish; after having been reprimanded by the chairman, she resumed in Italian.

the official languages.¹² The required level of foreign language knowledge depends on the area of work. For applicants for jobs in the institutions of the EU it means that Irish is not accepted either as a mother tongue or as a foreign language (17). The new Staff Regulation adopted on the 1. May 2004 preconditions a working knowledge of a second foreign language for promotion (Glanville 3004:3). Irish is one of the optional languages¹³ that certainly is advantageous to native speakers of Irish and to those who learn it as a foreign language.

The official recognition of the Irish language would increase the chances of Irish applicants to work for the EU. There is no Irish section of the translation and interpreting departments. In case of a change in the status of Irish, the creation of Irish sections would provide new work places for speakers of the Irish language. According to estimations the creation of Irish translation and interpreting sections would allow the employment of about 250 Irish native speakers under European conditions in highly prestigious jobs (17). The recognition of Irish as a working language would work out positively in its role as the language of instruction at schools and would enhance its general prestige as well. The status as an official language involves important financial advantages. While in Ireland it is the duty of the government to provide for the Irish translation of the most important documents of the Union to make them accessible to the Irish public (see the website of the Irish Presidency 19), translation and interpretation into the official languages are financed from the Union budget.

The recognition of Irish as a working language, its becoming equal to the other European languages would positively help changing the attitudes to it and motivate learners to master it. Since clubs fostering Celtic culture, maintaining customs enjoy increasing popularity (7), the propagation of the Irish language seems to be timely too.

In deed since 1973, the accession of the Irish Republic to the EU no Irish government have made any efforts to have the Irish language accepted as one of the working languages of the EU (26). The Committee has argued that there is only one important requirement to have a language accepted: the translation of the *acquis communautaire* into the given language. Though the translation of legal matters of the Union is the task of the

¹² According to Title III. Part 1. Article 28. of *Staff Regulations*: "An official may be appointed only on condition that: (...)he produces evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties." (16) These are the general requirements; there are further specifications for certain jobs.

¹³ Article 45. of *Staff Regulations* has been modified:

government in question, the Committee offers extensive assistance to it.¹⁴ After official recognition the task and costs of translation will be covered by the EU (Ó Laighin 2004:9).

The question is, however, treated with scepticism; there are arguments against the recognition of Irish as an official language on the grounds that almost the entire population of the Irish Republic speaks English and the number of those who use Irish in everyday communication is merely 340.000 (2). If regarded on theoretical level, it does not matter at all how many of the citizens use Irish and there cannot be any argument to oppose the realisation of the much-advocated multi-language character of the Union. In practice, when accepting a language as an official one, it has never been considered how many speakers it has. The propagators of Irish frequently quote numeric data. They claim if small states like Estonia (1,4 million inhabitants) and Slovenia (1,9 million inhabitants) have the right to use their mother tongue as an official language of the EU, the speakers of Irish are also entitled to expect a similar recognition of their language (6).

Usually the Maltese language is taken as an example that has become an official language after the accession of Malta. The parallel lies in the fact that in both countries, Ireland and Malta, there are two official languages, English being the second one, and in both cases the accession negotiations were carried out in English (Ó Laighin 2004:10). The difference, however, lies in the status of the first language of these countries within the Union.

Since the Maltese Constitution names the Maltese language as the first official language thus its status as the national language is also emphasized.¹⁵

Frequently the arguments in favour of the official recognition of the Irish language are based on comparisons with the number of Maltese speakers, that there are only about 380.000 of them and yet their language belongs to the official ones of the EU; according to the 2002 Irish census the number of inhabitants claiming a knowledge of Irish was more than 1,5 million, of which about 3400.000 used it in everyday communication (2). In Ireland it is considered to be an important argument in the battle

¹⁴ "Any candidate country wanting its national language to become an official language of the European Union is under the obligation to translate the *acquis communautaire* into that language, using its own resources. In that case the Commission can give technical assistance to help these countries set up the framework needed to carry out the work." (27).

¹⁵ Part 1. paragraph 5. of the Maltese Constitution on languages: (1) The National language of Malta is the Maltese language. (2) The Maltese and the English languages and such other language as may be prescribed by Parliament (...) shall be the official languages of Malta (...) (20).

toward the recognition of Irish: since the basic situation is similar in the countries, the number of Irish speakers being greater than those of Maltese consequently Irish should have equal rights.

However, in contrast to the Irish government (cf. f.n.1), during the accession negotiations the Maltese party insisted upon the Maltese language to receive the status of an official language of the EU, even though English is also an official language in Malta. All the requirements were fulfilled: Maltese being the official language of the country and the intention that the translation of the *acquis communautaire* would be completed by the time of the accession was also declared.¹⁶

It is believed that the establishment of the Irish as an official EU language would not meet serious legal obstacles; probably no objections would be raised within the Union if the Irish government tried to supplement Regulation 1958/1 connected to the Founding Treaty and to have the official status of the Irish language acknowledged. Both the Founding Treaty and the Constitution Treaty¹⁷ stress the constructive role of multilingualism in Europe and that the Union is in full support of it. It is the task of the Committee to decide upon the acknowledgement of official languages. Regulation 1958/1 described four languages: French, German, Dutch, Italian, as official ones as these were the ones the treaties were written in and each was the official language of one or more of the member states.¹⁸ The regulation also mentions the case when a state has more than one official language and according to Article 8. in such instances the legal regulation of the state in question is authoritative.¹⁹ Thus Ireland could be entitled to the official acceptance of the Irish language since the required conditions are met: Irish is the official language of the Irish Republic, moreover it is a treaty language of the Union. The Irish government should take two important steps: one is the translation of the *acquis communautaire* into Irish, the other the official declaration of the intent to the Committee of the Union (Ó Laighin 2004:9). In the knowledge of the basic principle of the Union in supporting multilingualism, there is no reason to doubt that the acceptance of Irish as an official language would be successful.

¹⁶ "It is for the Maltese authorities to adopt a position on Maltese becoming an official language; (...) Without prejudging its final position on the matter, Malta has informed the Commission that it has started translating the *acquis communautaire* into Maltese." (28)

¹⁷ Constitution Treaty Article II-82: "The Union shall respect cultural, religious and linguistic diversity." (11)

¹⁸ "(...) Whereas each of the four languages in which the Treaty is drafted is recognised as an official language in one or more of the Member States of the Community (...)" (24)

¹⁹ "If a Member State has more than one official language, the language to be used shall, at the request of such State, be governed by the general rules of its law." (24)

During the period of Ireland's presidency the debates over the language status became more frequent. It has to be pointed out that the acceptance apparently depends mainly on the Irish government. It is not a negligible task considering that the acknowledgement would bring positive changes to the prestige of the Irish language, in its appreciation, as well as in regards of its maintenance and development. If it were recognized that there are no serious obstacles in the way of its acceptance as an official language of the Union, and actions were taken to its fulfilment, it would be balm to the old linguistic wounds of 1,5 million, or at least 340.000 Irish citizens.

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