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**THE EVALUATION OF THE EFFECTIVENESS OF THE PAN SOUTH  
AFRICAN LANGUAGE BOARD'S MANAGEMENT OF LANGUAGE RIGHTS  
VIOLATIONS**

by

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## DECLARATION

I declare that **AN EVALUATION OF THE EFFECTIVENESS OF THE PAN SOUTH AFRICAN LANGUAGE BOARD'S MANAGEMENT OF LANGUAGE RIGHTS VIOLATIONS** is my own work and all sources I have used or quoted have been indicated and acknowledged by means of complete references.

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Signature – Mr MA Mabasa

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Date

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## SUMMARY

The purpose of this study was to determine the way in which some language rights violations are handled in South Africa. This was motivated by the fact that an explicit part of the general democracy in the country in 1994 and the new constitution was the right of people to use the official languages of their choice and to receive services in these languages. However, the situation is far from ideal because violations of the stipulations of the law are found. From the reports of the Pan South African Language Board, it is mainly persons in the Afrikaans speaking community who lodge complaints of language rights violations. However, at present even this community seems not to be making submissions the way it used to. Because of this, the Pan South African Language Board recently called for proposals to look into the decline of language rights complaints in the country.

Between 1998 and 2004, 279 complaints were lodged. Of these, only 68 had been handled at the time of this research. The problems surrounding this matter include lack of funds and in turn lack of human resources to adequately pay attention to this matter. As long as current problems are not resolved, it will not be possible to adequately promote multilingualism in the country and some languages will continue to suffer.

Therefore the problems surrounding the effective management of language rights violations and especially complaints in this regard lodged with the Pan South Africa Language Board will be the focus of this dissertation.

### Key terms

act

backlog

complaint

complainant

constitution  
democracy  
effectiveness  
evaluation  
lodge (a complaint)  
manage  
monitor  
multilingualism  
perpetrator  
policy  
rights  
violation

## **OPSOMMING**

Die doel van hierdie studie was om te bepaal op watter wyse sommige taalregskendings in Suid-Afrika gehanteer word. Die studie is gemotiveer deur die feit dat daar saam met die algemene demokrasie in die land in 1994 die mensereg verkry is om amptelike tale van eie keuse te gebruik en in hierdie tale dienste te ontvang. Die toestand is egter nie die ideaal nie, want skendings van wetsbepalings word gevind. Dit is volgens die Pan-Suid-Afrikaanse Taalraad (PanSAT) oorwegend persone uit die Afrikaanssprekende gemeenskap wat klagtes lê oor taalregskendings. Tans blyk dit egter dat selfs hierdie gemeenskap nie vertoë indien soos dit voorheen gedoen is nie. PanSAT het om dié rede gevra vir voorstelle om die afname in klagtes oor taalregskendings in die land te ondersoek.

Van 1998 tot 2004 is 279 klagtes ingedien. Slegs 68 daarvan is ten tye van hierdie navorsing gehanteer. Die probleme rondom hierdie saak sluit in 'n gebrek aan fondse en op sy beurt 'n tekort aan mensehulpbronne om voldoende aandag aan hierdie saak te gee. Solank die huidige probleme voortduur, sal dit nie

moontlik wees om veeltaligheid in die land genoegsaam te bevorder nie en sal sommige tale steeds daaronder ly. Die fokus van hierdie skripsie is dus die problem rondom die hantering van taalregteskendings en die klagtes rondom dié skendings wat ingedien word by die Pan Suid-Afrikaanse Taalraad.

### **Sleutelterme**

aantasting (van regte)

agterstand (onafgehandelde klagtesake)

beleid

bestuur

demokrasie

effektiwiteit

evaluasie

grondwet

klagte

klaer

aanhangig maak ('n klagte)

moniteer

regte

veeltaligiheid

wet



## DEDICATION

This mini dissertation is dedicated to my beloved daughter Tsakani Lulama Shallene and my son Malwandla King Mabasa, my only wife Thembi Njakanjaka Xikwamana, the entire Masungwini, Hobyani, Nhlakati, Riswava and Mabasa (Chauke) Families respectively.

## ABBREVIATIONS

CPPRCRLC : Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

DAC : Department of Arts and Culture

HR : Hearing Committee

JCD : Justice and Constitutional Development

LR : Language Rights

LRV : Language Rights Violation

LHRVs : Linguistic Human Rights Violations

LRC : Language Rights Complaints

LRVCs : Language Rights Violations Complaints

NLBs : National Language Bodies

PanSALB : Pan South African Language Board

SAHRC : South Africa Human Rights Commission

SAPS : South Africa Police Services

LRDC : Language Research and Development Centre

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## CHAPTER 1

### PROBLEM STATEMENT, AIM AND RATIONALE AND RESEARCH QUESTIONS

#### 1.1 Problem statement

In the field of language politics linguistic rights are seen as basic human rights and are entrenched as such in a democratic constitution. Many language rights violations (LRVs) nevertheless occur in multilingual South Africa despite the fact that the Constitution of the Republic of South Africa declares all South Africa languages official and stresses equal language rights for speakers of all these languages. Language rights violations have to be effectively evaluated and managed. The obvious body to manage language rights violations is the Pan South African Language Board (PanSALB), established under PanSALB Act No. 59 of 1995 with its Amendment Act No. 10 of 1999. The main task of PanSALB is to protect and develop minority languages and promote multilingualism.

The *Universal Declaration of Linguistic Rights* (1995:3) argues that;

Language communities are currently under pressure from dangers arising from lack of self-government, a limited population or one that is partially or wholly dispersed, a fragile economy, an uncodified language, or a cultural model opposed to the dominant one, which make it impossible for many languages to survive and develop unless the following basic goals are taken into account.

- In a political perspective, the goal of receiving a way of organizing linguistic diversity so as to permit the effective participation of language communities in this new growth model.
- In cultural perspective, the goal of rendering the worldwide communications space compatible with the equitable participation of all peoples, language communities and individuals in the development process.

- In an economic perspective, the goal of fostering sustainable development on the participation of all and on respect for the ecological balance of societies and for equitable relationships between all languages and cultures.

For all these reasons, this Declaration takes language communities and not states as its point of departure and is to be viewed in context of the reinforcement of international institutions capable of guaranteeing sustainable and equitable development for the whole of humanity. For these reasons also it aims to encourage the creation of a political framework of linguistic diversity based upon respect, harmonious coexistence and mutual benefit.

It may therefore be argued that the lack of a clear language policy seriously hampers the Pan South African Language Board's effective management of language rights violations.

The rights that are referred to are, however, not clearly stipulated or specified. The South African government seems to be theorizing about rights which are however, not implemented by the government nor by the established or constituted bodies. The latter institutions do not seem to have sufficient powers.

Furthermore, PanSALB does not seem to handle language rights violations effectively. One reason could be that PanSALB does not have authoritative power and is therefore a toothless dog. Since its establishment language rights complaints are diminishing possible due to ineffective handling of these complaints.

The *National Language Policy Framework* (2002:13) argues that:

Where the effective and stable co-operation of government at any level requires comprehensive communication of information, it must be published in all 11 official languages.

The NLPF however argues that the publication and printing of official documents are still predominantly in English and Afrikaans. As such, the PanSALB must take the necessary steps to redress this situation.

An annual report by PanSALB in 2000 (2000:31) argued that: “The investigation of a language rights violation complaint may take between **two** and **five** months.” According to the report the duration which LRVs took to be resolved seemed to be too long seeing that the complaint had to be lodged, the letter to acknowledge a complaint had to be written to the complainant and there was a need to assess whether this was a valid complaint or not, in other words if PanSALB was the right body to investigate the specific language rights violation complaint. An unnecessary delay in communication among PanSALB, complainants and the accused therefore could hamper the investigation process.

Over a period of time complaints about language rights violations received by PanSALB were monitored and the outcomes evaluated. The preliminary findings are that few language rights violations have been satisfactorily resolved by PanSALB in the period 1999 to 2004 which is the focus of this study. To prove and substantiate this claim, the following information on the handling by PanSALB of language rights complaints lodged between 1999 and 2004 may be relevant:

From 1999 to 2004, the Pan South African Language Board’s record for handling linguistic rights violations complaints is not impressive. This is based on the complaints lodged during the said period and satisfactorily dealt with as opposed to pending cases which were carried over or still needed to be attended to by the end of the period. More attention to this in chapter 4.

PanSALB Annual Report (1998:12) argues that:

[...] complaints on the tendency to use English only in the country and no regard for multilingualism were forwarded to the Board.

According to the above statement, PanSALB was not satisfied with the manner in which English is used as the only language which is used in the public domain whereas other official languages are not used. It seems as if the management of language rights violations by the Pan South African Language Board is a threat to multilingualism because of the hegemony of English even though the Constitution of the Republic of South Africa, Act 108 of 1996, declares equitable use and treatment for all eleven official languages.

The way in which PanSALB manages linguistic rights complaints has a causal effect in terms of settling these complaints. It may be argued that the more the language rights violations are received and not dealt with in time, the higher the number of outstanding complaints will be. Hence the term “backlogs” for these complaints. There seems to be a definite problem in the way in which PanSALB’s management of language rights violation complaints are being handled.

A further concern is the way in which PanSALB interacts with different government departments, institutions of higher learning and private sectors with regard to language rights disputes.

PanSALB Annual Report (1999:30) states that:

It should be pointed out that most complaints came from Afrikaans speakers. This shows that there is a need for PanSALB to educate people about their rights and improve its system of monitoring and attending to issues of language rights violations.

Therefore there seems to be a need for PanSALB to educate Bantu language speakers as far as language rights complaints are concerned. This is further supported by Henrard (2002:189) when she is emphatic about the significance of language awareness campaigns to equip Bantu language speakers with

knowledge of linguistic human rights violations and also with knowledge about the Pan South African Language Board's office where their language rights complaints can be lodged.

This can be supported by Claude and Welch (1995:4) when they argue that:

Lack of knowledge compounds the problems.

Minority rights seem to be neglected when language rights complaints are dealt with and, furthermore many complaints are not dealt with effectively. PanSALB's Annual Report (2000:33) emphasises that its legal section has an obligation to investigate complaints which have been lodged. This research project will try to evaluate the effectiveness of the steps or procedures followed when LRVCs are investigated and handled and to suggest ways to handle these complaints more effectively.

PanSALB Annual Report (1998:12) argues that

[...] complaints on the tendency to use English only in the country and no regard for multilingualism were forwarded to the Board. In response, the Board wrote a letter requesting a meeting with Cabinet. It is during this meeting that the Board intends to raise this issue and other language related matters in the country, with government.

According to the above statement, PanSALB was not satisfied with the manner in which English is used as the only official language in high-function formal contexts whereas other official languages were not used. This would impact negatively on the multilingualism that the new South Africa democratic government was allegedly aiming to promote. Linguistic and human rights violations were surely affecting everyday life. Some violators are undermining their own languages and think that English is above all South African official languages simply because of its global usage or dominant worldwide.

The above-mentioned report indicates that PanSALB is aware of the dangers of monolingualism and the dominance of English in High Function Formal Context (HFFC). Nevertheless PanSALB still supplies the complainant form in English at the expense of all other South African languages. PanSALB itself apparently values the use of English to the exclusion of all other official languages and does not recognise, promote and further multilingualism as stipulated in the PanSALB Act 59 of 1995 and the Amendment Act 10 of 1999.

## **1. 2. Aim and rationale**

The aim of this study is to evaluate PanSALB's management of language rights violations (between 1998 – 2004) and suggest possible solutions for problem areas as encountered in the above-mentioned period.

The PanSALB Annual Report (2001: 26) states that:

Over the past number of years, a framework has been developed for investigations into alleged language rights violations that fit into the framework of powers and competences defined in the Pan South African Language Board Act, 1995. This Act requires investigation of all complaints lodged.

In this research project the aim is to investigate whether the alleged framework points to valuable mechanisms and methods to settle the complaints.

The PanSALB Act (1995:8) states that:

The Board, in addition to any powers and functions conferred on or assigned to it by law shall make recommendations with regard to any proposed or existing legislation, practice and policy dealing directly or indirectly with language matters at any level of government, and with regard to any proposed amendments to or the repeal or replacement of such legislation, practice and policy.

The focus of the research is to investigate the way in which complaints are lodged with the Pan South African Language Board and how these complaints

are dealt with by PanSALB and its legal section. An explanation will be sought if becomes clear that PanSALB is not effectively fulfilling its roles or obligations as mandated by the government.

### **1.2.1 What language rights violations consist of**

Language rights violations (LRV's) may consist of verbal utterances, conducts or false interpretations that result in denying a person an opportunity to exercise or enjoy his or her language rights.

LRV's may happen in two ways, namely intentionally or unintentionally.

In the case of intentional LRV's, it can be argued that an accused may be guided by anger or frustration to violate other people's linguistic rights. Unintentional LRV's may happen due to the violator's lack of knowledge of the existence and nature of language rights.

### **1.2.2 Where and how language rights violations are observed**

Language rights violations may be observed in different situations, for example in a government department like Home Affairs. A citizen of this country may for example apply for an identification document, grant or passport using the language of his or her choice because he or she cannot speak English. The applicant may not be assisted because of his or her inability to express himself or herself in English. A case has been reported where this has led an applicant to suicide.

Language rights violations may also be observed in the Department of Justice and Constitutional Development where, for example, during court proceedings, the interpreter may interpret incorrectly so that the Judge or Magistrate may sentence an innocent person to imprisonment.

Language rights violations can also be observed in the media. Many instances occur as may be substantiated by programs broadcasted on television or radio which are often in a language that the audiences do not understand. Language rights violations go against the constitution or the language policy of the Republic of South Africa. The declared eleven official languages of the Republic of South Africa are perceived as not being valued on the same level as the dominant language. English seems to be used dominantly in economic, educational and political functions to the detriment of the other ten official languages.

### **1.3. Research questions**

The following research questions regarding the evaluation of the effectiveness of the management of language rights violations by PanSALB are asked:

- 1.3.1 What is understood by linguistic human rights?
- 1.3.2 How are language rights entrenched in the South African constitution?
- 1.3.3 What is the nature of language rights violations?
- 1.3.4 Does PanSALB manage language rights violations effectively? If not:
  - 1.3.4.1 Are the necessary human and financial resources made available to PanSALB?
  - 1.3.4.2 Does PanSALB have the required legal knowledge and experience as far as linguistic human rights matters are concerned?
  - 1.3.4.3 Does PanSALB have any legal authority to manage language rights violations effectively?
  - 1.3.4.4 What solutions are suggested for the problem areas?

It is argued that the Pan South African Language Board has a major role to play with regard to the management of language rights violations. PanSALB has been given the mandate in South Africa to ensure that language rights complaints are dealt with effectively; but this report will show that there are backlogs and delay

in the handling of language rights violations complaint cases which have been reported. In some cases nothing was done.

## CHAPTER 2

### THEORETICAL FRAMEWORK AND LITERATURE REVIEW

#### 2.1 THEORETICAL FRAMEWORK

The theoretical framework is that of sociolinguistics, and more specifically language politics. From a sociolinguistics point of view, language is an important tool because it is used daily for communication. Language usage in society can either have a positive or negative impact on the members of society.

Within the framework of language politics language rights are seen as basic human rights to be guarded in a constitution. In a multilingual country such as South Africa all the languages are seen as national assets, and the languages of minorities are equally important and deserving of development and protection.

There are eleven official languages in South Africa. For example, in Limpopo province, four indigenous languages are spoken namely, Xitsonga, Tshivenda, Sepedi and isiNdebele. In a telephone conversation with an official of the Limpopo Department of Provincial Education the latter stated that isiNdebele is taught in public school but nevertheless still a marginalized language.

The way in which linguistic rights violations affect minority groups is usually ignored. As a result minority groups are the ones who generally lodge language rights violation complaints. These violations and also the right to complain about them are aspects of the politics of language in a multilingual country and therefore form an integral part of the theoretical framework of this study.

From a sociolinguistic point of view the existing relationship between language and society cannot be separated because society uses language as a tool to communicate.

## 2.2 LITERATURE REVIEW

This literature review is aimed at a better understanding of issues such as linguistic rights entrenched in the constitution, the marginalisation of minority languages and the effects thereof, language rights violation complaints and the mandate and role of PanSALB.

The United Nation Development Program Report (2004: 9) states that:

Human development and human rights are mutually reinforcing, helping to secure the dignity of all people, building self-respect and the respect of others.

Linguistic human rights are listed in the South Africa Bill of Rights, Chapter 2 of the South African Constitution, the highest law in the country. *The Constitution of the Republic of South Africa*, 1996 (Act 108 of 1996:15, clause 30) states that:

Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

Skutnabb-Kangas and Phillipson (1994:1) also argue that: “Linguistic rights should be considered basic human rights.”

The two authors state that a lack of linguistic rights often prevents a group from achieving educational, economical and political equality with other groups. This means that language rights and human rights cannot be separated from each other (1994:7).

Flowing from the constitutional entrenchment of linguistic rights (see *The Constitution of the Republic of South Africa* 1996, clause 6, pp 4-5) a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities was established. The said Commission stated

explicitly that their mandate was to: “Promote respect for the rights of cultural, religious and linguistic communities” (2002: 1).

The fact that all South African languages do not receive equal treatment or have equal social status, parity and esteem go against the constitution, the language policy of the country and the aims of the commission mentioned above. The way in which human rights are being violated is extreme. Historically, English has and still is given first priority over all other official languages in South Africa. This state of affairs leads to inequality in terms of status, priority and esteem in comparison with other languages. For this reason this state of affair leaves room for an opportunity for language rights violations. Such language rights violations are a problem not only to the PanSALB legal section and its Hearing Committee, but to South Africa as a whole.

Cuvelier et al (2007:7) argues:

The appeal to linguistic human rights is predicted on three factors. First, languages are equal and it is the right of all peoples to use their languages to the fullest degree. Second, arising from the right to one’s language, any policy of exclusion or discrimination is unfair and unjust. Third, any policy of exclusion must be countered by appropriate remedial measures.

The Constitution of the Republic of South Africa has a mandate to fulfil, namely to make sure that all South African official languages are used equitably (in other words in a just and fair manner) to enable speakers of all languages to participate in the life of their country. The management of language rights violations is, however, a tall order because all languages are not accorded the treatment they should be receiving. For example, certain language policy objectives that are pursued by the government may militate against language rights standards because the government itself adopts as a goal the diffusion of a single language across the whole of the state. This invariably marginalises the other languages in the country.

May (2001:153) states that:

When a language is marginalised the linguistic functions of the language itself will be limited and it may further contribute to the language's marginalisation.

The establishment of PanSALB under Act No. 59 of 1995 with its Amendment Act No. 10 of 1999 meant that marginalisation of any of the official languages was to be curtailed. Language rights violations had to be brought to PanSALB's attention in the form of complaints. This could, however, mean that the provisions of the constitution were not adequately implemented.

In this regard Cuvelier et al (2007:9) argues that:

A constant complaint about a language policy points to a lack of adequate attention to policy implementation.

According to Cuvelier et al, it may therefore be said that ongoing complaints about language policy could be due to little attention towards policy implementation.

The problem statement in chapter 1 points to the fact that minority rights seem to be neglected when language rights complaints are dealt with and, furthermore, that many complaints are not dealt with effectively. This is supported by PanSALB's Annual Report (2000:33) that:

(PanSALB's) legal section has an obligation to investigate complaints which have been lodged.

This research project will try to evaluate the effectiveness of the steps or procedures followed when LRVCs are investigated and handled and to suggest ways to handle these complaints more effectively.

Proper procedures should be followed when language rights violations complaints are investigated. This can only be possible with the presence of a language policy. Weinstein (1990:29) argues that:

Language policies afford speakers of designated linguistic varieties potential mobility and meaningful participation in government and the economy.

McGoldrick (1996:161) emphasises that the question of continuing violations has been raised in a number of communications to the new democratic government, but nothing is being done about it.

The government should ensure that human rights violations are taken seriously so that everyone becomes aware of the consequences thereof.

Tomasevski (2000:19) supports the role, obligation and responsibility of government with regard to protection of human rights in general and language rights in particular when he states that:

Human rights thus constitute obligations for governments.

Newberg (1980:2) supports this notion but stresses that at times the act of overlooking human rights violations by government is not always deliberate. He states that

[...] in the process of orchestrating relations with other country(ies) rarely do governments violate human rights out of ignorance or as whim; rather, the violation of rights is often an act of desperation, perceived as necessary to maintain power and authority.

Shue (1980:94) argues that:

I have already conceded elsewhere that no right, not even the right to be tortured, is absolute in the sense that one cannot even conceive imaginary

situations in which violation of the right would, given the alternatives, be the least evil course.

According to Shue, it can therefore be said that there is absolutely no right to be tortured and language rights violation must be given choices.

## 2.3 DEFINITIONS OF CONCEPTS

The main concepts used in this research dissertation are defined as follows:

A **Bill of Rights** refers to part of the South African Constitution which sets out the human rights protected by the Constitution.

A **right** refers to something that an individual possesses and is free from constraints.

Shue (1980:14) states that;

A right is the rational basis, then, for a justified demand.

**Human rights** refer to the basic rights that everyone has, simply because they are human.

Mubangizi (2004:2) states that:

In a general sense human rights are understood as rights which belong to an individual as a consequence of being a human being and for no other reason.

All mankind is therefore viewed equal, regardless of race, sex, colour or creed and equality should be one of the goals of the Pan South African Language Board.

**Language rights** refer to rights that protect the language from being infringed or violated in communication contexts.

The *National Language Policy Framework* (2003:28) states that:

Language rights are laws determining the situations in which citizens can make language choices.

**Minority rights** refer to the rights of a group of people whose rights are very limited or constrained.

Henrard (2002: 20) argues that:

The right to political participation of every citizen in a state can thus be interpreted widely so that it would have positive repercussions for minority protection.

According to Henrard, minority rights protection of the citizen of the state can be interpreted in various ways and the term “right” is the main core of individual human rights, minority rights and the right to self-determination.

A **campaign** means a plan with many parts, usually by a group of people, to get others to notice something that they feel strongly about.

A **complaint** can be defined as a statement in which someone complains about something.

The PanSALB Annual Report (2001:26) states that:

Over the past number of years, a framework has been developed for investigations into alleged language rights violations that fit into the framework of

powers and competences defined in the Pan South African Language Board Act, 1995. This Act requires investigation of all complaints lodged.

A **complainant** refers to the person who lodges the individual complaint about the violation of his or her rights.

A **constitution** refers to a set of laws that govern a legally constituted body.

**Cultural diversity** refers to the huge number of various cultures which have been combined together.

Eisenberg and Spinner-Halev (2005:7) state that:

One way to interpret equality in relation to cultural diversity is to suggest that minority accommodation allows minority groups to receive the kind of cultural support that majority groups receive free.

According to Eisenberg and Spinner-Halev both minority and majority groups should therefore receive equal treatment.

Patten and Kymlicka (2003:1) argue that:

Political theory in the last decade has been awash with discussions of cultural diversity and ethnic, racial, and religious pluralism, with books exploring 'the ethos of pluralization,' 'strange multiplicity,' and 'the politics of recognition'. Yet there is one form of diversity which has received relatively little attention from political theorist: linguistic diversity.

It may be deduced from this statement that linguistic rights are culturally, socially, politically, religiously, economically and ethnically embedded.

**Democracy** may be defined as the system of government in which people vote to choose their leaders and contribute to decision making.

Reddy (1985:10) states that;

[...] the struggle of the African people is indeed for the liberation of all the people of South Africa from racist tyranny and for the establishment of a genuinely democratic State.

According to Reddy the people of South Africa seemed to have been freed from all oppressions. This is contradictory when matters pertaining to language rights violations are not being handled effectively in a new democratic country.

**Language policy** refers to a policy of a society in the area of linguistic communication, that is, the set of positions principles and decisions reflecting that community's relationships to its verbal repertoire and communicative potential. This definition can be supported by the one from the National Language Policy Framework (2003:28) that defines a language policy as:

An official decision/decreed on the status of various languages spoken in heterogeneous/multilingual communities, for example which language will be the national or official languages, which languages will be used as regional languages and what their status will be.

It may therefore be argued that the lack of clear language policy has a negative impact on the management of language rights complaints in the Republic of South Africa.

**Linguistic diversity** can be defined as the ways in which a variety of languages are used in the economic, political, social, religious and cultural activities at high formal function context.

**Majority rights** refer the rights of a group of people whose rights are not limited or constrained. In this case linguistic rights violation cases are treated with respect because of the group's social status or position within the society.

**Multilingualism** can be defined as the use of two or more languages.

The National Language policy Framework (2003: 29) states that:

Multilingualism is the use of three or more languages by an individual or by a group of speakers such as the inhabitants of a particular region of a nation.

The importance of functional multilingualism is widely accepted within the framework of language politics.

A **violation** can be defined as a situation in which a person's human rights are treated without respect.

A **linguistic/language rights violation** is a multicultural phenomenon because different cultural groups are involved in the infringement of these rights. There are various types of language rights violations:

### **Emotional language rights violations**

Emotional language rights violations mostly result from a feeling of discontentment with the way in which the country is transforming. The issue of ethnic groups, tribalism and racism has a detrimental effect in the sense that communication as a social problem leads to emotional behaviour. Monolingualism results in emotional language rights complaints because if people cannot express themselves clearly in a conversation or discussion, they become frustrated and emotional. Abusive behaviour sometimes results from this

frustration. Low esteem may ultimately lead to an inferiority complex with resulting language rights violations.

### **Verbal linguistic/language rights violations**

In this case a language rights violation becomes personalised to an extent that both complainant and the accused exchange words by shouting and verbal abuse or abuse by means of gestures. Verbal LRV's imply very few options for a compromise. Verbal language rights violations imply that the constitutional language stipulations should be implemented and monitored in a governable way.

## **2.4 RECENT RESEARCH ON LANGUAGE RIGHTS VIOLATIONS AND COMPLAINTS AND THE ROLE OF PANSALB**

The focus of the study was the period 1998-2004. As the dissertation will only be completed in 2011, however, reference is made to some of the relevant research on the topic published in 2009 and 2010.

### **2.4.1 LANGUAGE POLICY INCONGRUITY AND AFRICAN LANGUAGES IN POST-APARTHEID SOUTH AFRICA (BEUKES, 2009)**

The article discusses problems that are in keeping with the research findings in this dissertation (see chapter 1 and chapter 6), namely that there is “a ‘gap’ between ‘intention’ and ‘performance’” (Beukes 2009:35) regarding the implementation of the constitutional ideals of multilingualism and language equality. This impacts negatively on the role of the African languages in education among other things. Beukes argues that a body such as PanSALB is pivotal in achieving the wellbeing and future role of the African languages by addressing attitudinal problems.

#### **2.4.2 DIE PAN-SUID-AFRIKAANSE TAALRAAD EN DIE REGULERING VAN TAALSIGBAARHEID IN SUID-AFRIKA – 'N ONTLEDING VAN TAALREGTEKLAGTES (DU PLESSIS 2010)**

Du Plessis' article explores the “linguistic landscape” (in other words the language visibility on public signs) as an important aspect of language policy in multilingual societies. Findings in this regard made by PanSALB between 1997 and 2006 are analysed. Of the 390 complaints concerning language rights violations during the said period 14 pertained to language visibility. Of these 14 only five were conclusively investigated by PanSALB and the findings published. In the article an analysis is provided of these five cases and some principles are then set out, namely (Du Plessis 2010:185):

- Language visibility is crucial to support the linguistic aims of the constitution.
- Monolingual signs are unacceptable.
- State authorities are constitutionally obliged to regulate language visibility.
- Language visibility should reflect the official language profile of a specific area.
- A citizen with a direct interest in a public sign (of example a number plate) should be offered a choice in the matter.
- A specific official language may be displayed more prominently, but other official languages of an area should also be displayed.

The conclusion is that a lack of policy guidelines regarding language visibility is a shortcoming in the practical implementation of the constitution. PanSALB could play an important role to address this shortcoming. PanSALB itself should, however, firstly make sure that its own policy guidelines in this regard are in place.

### **2.4.3 LANGUAGE COMPLAINTS AS AN INSTRUMENT OF LANGUAGE RIGHTS ACTIVISM. THE CASE OF PANSALB AS A GUARDIAN OF THE RIGHT TO MOTHER-TONGUE EDUCATION (NYIKA 2009)**

The article discusses language activism and the instruments of activism. It is found that the so-called “struggle” for the Afrikaans language has been linked negatively to language activism under Afrikaner Nationalism. Under the new dispensation language activism may take the form of lodging a language violation complaint. The article focuses on complaints lodged with PanSALB between 1997 and 2007. The conclusion is that mother tongue education remains a “site of struggle” (Nyika 2009:258) between English and Afrikaans. As found in the own research (see dissertation findings) the insight offered by Nyika is that the pro-Afrikaans activist use this instrument more than any other group. The pro-African language activist, however, are prepared to embrace English and this impacts negatively on the case for multilingualism. There is a subsequent decline in the number of complaints lodged with PanSALB and no new education-related complaints were lodged in 2006/2007. This again points to a lack of confidence in PanSALB’s ability to protect language rights effectively. The latter conclusion is in keeping with the findings in this dissertation.

Chapters 2 deals with the theoretical framework, literature review, definitions of concepts namely Bill of Rights, right, human rights, language rights, minority rights, campaign, complaint, complainant, constitution, cultural diversity democracy, language policy, linguistic diversity, majority rights, multilingualism, violation, language rights violation and types of linguistic rights violation. Reference is also made to some recent research on language rights violations and complaints.

## CHAPTER 3

### RESEARCH METHODOLOGY

#### 3.1 INTRODUCTION

In this chapter the methods employed in this research project are discussed briefly.

Without a research methodology, it may be practically impossible to do any research because the research methodology enables the researcher to plan his/her research. Researchers observe, question, predict and make connections as they research. The research process is therefore unique to each researcher and to each researching experience. Research questions are important for the following reasons:

Research questions give direction for the study.

They also set out the principles that the study is focused.

They give a clear focus as far as the research is concerned.

They help to focus attention with regard to crucial aspects of writing up the study.

They aid me with the clarification of thoughts about underlying reasons for the study I have chosen to go about.

Well formulated research questions help me to be clear about certain important research practices and give direction to the research.

#### 3.2 RESEARCH DESIGN

Two types of research methods can be distinguished namely, qualitative and quantitative research methods.

### 3.2.1 QUANTITATIVE METHOD

This may be defined as a general term that refers to research in which values of variables are characterised by numbers or symbols. A quantitative researcher collects as much information as possible.. This implies that data are summarised and analysed with statistical techniques. This is supported by Sarantakos (2005:50) when he argues that:

Quantitative methods are generally geared towards documenting subject attributes expressed in quantity, extent, or strength, as well as guaranteeing – among other things – objectivity, accuracy, validity and reliability.

The **advantages** of quantitative methods are the following:

- (a) The research findings can be verified and validated.
- (b) It allows for a broader study and involves more subjects in order to promote the generalisation of results.
- (c) Can permit for greater objectivity and accuracy of results.
- (d) By the use of standard means, an exact copy of the research can be made and later analysed whilst making comparison with similar studies.

The **disadvantages** of quantitative methods are the following:

- (a) The research findings are not always reliable the dataset is much narrower and sometimes superficial;
- (b) A standardised, objective and normative pattern is applied.
- (c) There is no degree of active participation.
- (d) The fact that this method provides numerical descriptions rather than detailed narrative data leads to limited results.
- (e) Bias and false representation may occur because of the absence of a participating subject.
- (f) No hypothesis based on cause and effect variables.

### 3.2. 2 QUALITATIVE METHOD

Qualitative research is a quest for quality. This is taken as a practical term which involves detailed, verbal descriptions of characteristic cases and settings. This usually involves fewer cases investigated in more depth than quantitative research. Sotirios Sarantakos (2005:50) argues that:

Qualitative methods as a whole are unique and marked by certain criteria.

It can be said that a good qualitative research study design is one which has clearly defined purpose, in which there is coherence between the research questions and the methods or approaches proposed.

In this project a qualitative approach was used to determine how LRVC's were lodged and handled by PanSALB. Qualitative methods such as interviews and observations were combined with information gathered from the PanSALB documents concerning the handling of language rights violation complaints and backlogs in this regard.

**Advantages** of qualitative methods:

- (a) The research findings are more reliable.
- (b) Conversation involves all participants, that is, active engagement
- (c) More in-depth and comprehensive information is produced.
- (d) There is a direct encounter with the world
- (e) People can apply their minds to practical experiences by means of their subjective information and participant observation.
- (f) Cause and effect variables make hypotheses possible.

## **Disadvantages of qualitative methods**

- (a) The process is time consuming.
- (b) It has a deductive reasoning approach
- (c) It is not easy to prevent or detect bias induced by the researcher.
- (d) It has a limited scope because of its in-depth comprehensive data.
- (e) Subjectivity of the inquiry makes it difficult when the reliability and validity of the approaches and information are established

A qualitative approach was preferred compared to a quantitative approach because by means of personal interviews the actual viewpoints and feelings of respondents could be gained. The responses were seen as more reliable than those derived from impersonal questionnaires.

## **3.3 RESEARCH INSTRUMENTS**

### **3.3.1 INTERVIEWS**

The aim of an interview is to engage in a dialogue in order to gain information. This also implies open-ended questions regarding people's experiences, perceptions, opinions, feelings and knowledge. As the most widely used technique for conducting systematic social enquiry, interviewing provides empirical data about people's lives. Therefore, interviews may be taken as special forms of conversation. All interviews are therefore interactional.

In order to obtain information that was accurate and reliable ten interviewees, five complainants and five accused were interviewed. This will be discussed in more detail in chapter 4.

## **3.4 RESEARCH ROUTE**

### **3.4.1 LITERATURE REVIEW**

Literature relevant to the topic of human and linguistic rights as well as the mandate given to the PanSALB by the Amendment Act No. 10 of 1999 are discussed and form a basis for the evaluation of PanSALB's management of language rights violation complaints.

### **3.4.2 INTERVIEWS**

Some questions were formulated that were chiefly intended for complainants. These questions are in line with the principles advocated by PanSALB. Five complainants and five alleged perpetrators were interviewed. By means of the questions the respondent's mind was focused while he or she was attempting to provide his or her own response.

In the case of interviewees whom the interviewer was unable to interview face to face because of the distance, they were contacted via e-mail and responded by e-mailing back answers to the questions. These respondents had enough time to prepare themselves before giving their response.

Questions were in one case tape-recorded. Relevant information was provided that will be stored for 15 years and will remain unchangeable.

### **3.4.3 PERUSAL OF RELEVANT DOCUMENTATION AND CONTACT WITH PANSALB OFFICIALS AND THE HEARING COMMITTEE**

The researcher contacted the PanSALB senior legal advisor, the Hearing Committee and also made use of available documents and materials of the complaints lodged and dealt with and those complaints which were still pending by the end of the research period.

#### **3.4.4. ANALYSIS, CONCLUSION AND RECOMMENDATIONS**

The researcher will respond to the information gathered, making final conclusions as well as some recommendations.

#### **3.5 CONCLUSION**

Chapter 3 is an outlay of the research methodology. It emphasizes the important role of the methodology applied in any scientific research project. Two types of research methods have been identified namely, quantitative and qualitative methods. The advantages and disadvantages of these methods were differentiated. The reason why the one method was preferred over the other was explained. An outlay was given of the research route.

## CHAPTER 4

### OVERVIEW: LODGING LANGUAGE RIGHTS VIOLATIONS COMPLAINTS AND THE ROLE AND FUNCTIONING OF THE PAN SOUTH AFRICAN LANGUAGE BOARD

#### 4.1 INTRODUCTION

In this chapter an overview is given of the nature of language rights violations, places where these violations may occur and the aim of lodging language rights complaints. Attention is also given to the required complaint procedure and the way in which the PanSALB Legal Section and its Hearing Committee function. This overview follows on the study of relevant PanSALB documentation and interviews that the researcher conducted with representatives from the PanSALB Legal Section.

The Pan South African Language Board was mandated in accordance with both the Constitution of the Republic of South Africa, 1996, Act 108 of 1996 together with the Pan South African Language Board Amendment Act No. 10 of 1999 to accomplish the following tasks:

Develop an awareness of language rights among the citizens of South Africa, irrespective of, race, colour, creed, gender or sex.

Make recommendations to the state to improve the carrying out of human rights.

Undertake studies and report to Parliament on matters related to linguistic human rights violations.

Investigate complaints of violations of human rights and seek appropriate relief.

PanSALB Amendment Act, No. 10 of 1999, p.19-20, states that:

- (1) Any person acting on his or her own behalf or any person, body of persons or institution acting on behalf of its members or members of a language group or any organ of state may lodge with the Board

a complaint concerning any alleged violation or threatened violation of a language right, language policy or language practice

- (2) The complaint shall be in writing and shall specify
  - (a) the interest of the complainant in the matter;
  - (b) (i) the nature of the right allegedly violated or allegedly threatened to be violated; or  
(ii) the grounds on which he or she is of the opinion that an investigation is necessary; and
  - (c) all relevant information known to him or her.
- (3) The Board shall render the necessary assistance free of charge for the purposes of submitting a complainant and, where necessary, shall assist the complainant to comply with the requirements referred to in subsection (2).
- (4) The Board-
  - (a) may on its own initiative and shall on receipt of a written complaint investigate the alleged violation of any language right, language policy or language practice; and
  - (b) may subpoena any person, body or state organ to appear before it to give evidence and produce any relevant records or documents.
- (5) (a) The Board shall, after an investigation of the alleged violation in terms of subsection (4), and if it is of the view that there is substance in the allegation, by mediation or conciliation or negotiation, endeavour-
  - (i) to resolve and settle any dispute; or
  - (ii) to ratify any act or omission, arising from or constituting a contravention or infringement of legislation or alleged contravention or infringement of legislation, language policy or language practice, or a violation of or threat, or alleged violation of or threat to any language right.

(b) If any endeavour in terms of paragraph (a) fails and provided that the Board is of the view that there are good reasons to address the matter further, the Board shall assist the complainant or other persons adversely affected to secure redress by-

  - (i) referral of the matter, with a recommendation, to the organ of state against which the complaint was lodged;
  - (ii) recommending that the organ of state against which the complaint was lodged provide the complainant with financial or other assistance with a view to redressing any damage;
  - (iii) providing, in its sole discretion, the complainant with financial or other assistance to redress any damage; or

- (iv) making arrangements for or providing the complainant with financial or other assistance to enable him or her to obtain relief from any other organ of state or a court of law.
- (6) The Board shall inform the complainant of its decisions and, in a case where the Board has decided to take no action, it shall inform the complainant of the reasons for such decision.
- (7) The Board shall publish its decisions in accordance with section 12(1).
- (1) (a) The Board shall make public its reports, findings, points of view, advice or recommendations by means of publication in the Gazette on a quarterly basis or such other shorter period as the Board deems fit, and in the case of provincial language matters, also in the Provincial Gazette.

Therefore, PanSALB documents, such as annual reports, correspondences with the claimants and alleged accused institutions could help to determine whether the management of linguistic rights violation complaints lodged with PanSALB were handled effectively or not. Complaints are treated as confidential, unless complainants have authorised to reveal their identity.

## **4.2 PLACES WHERE LRVC's OCCUR**

Language rights violation complaints generally occur in the following scenarios and places:

Political situations  
Work environment  
Informal situation  
Social gatherings  
Parliament  
Schools  
Business  
Radio broadcasting

Television shows  
Film production  
Festivals  
Conferences  
Seminars  
Workshops  
Symposiums  
Prisons  
Initiation schools  
Ritual ceremonies  
Colleges  
Technikons  
Universities  
Churches  
Funerals  
Sport (Soccer, Rugby, Tennis, etc.)

### **4.3 LRV COMPLAINTS: PANSALB'S AIMS**

#### **4.3.1 Addressing linguistic problems**

PanSALB's first aim in motivating people to lodge LRVCs is to address the issue pertaining to linguistic problems that are encountered in the country.

#### **4.3.2 Discouragement of negligence**

The second aim of lodging LRVC is to discourage ignorance among language users respectively.

### **4.3.3 Development of enthusiasm**

The third aim will be to encourage all citizens of this country to develop the will and enthusiasm towards respecting linguistic diversity as well as settling the aroused disputes amicably.

### **4.3.4 Active participation**

The fourth aim is to make sure that each individual, be he a complainant or non-complainant may be encouraged to be in the evaluation of the effectiveness of the management of LRVCS' as handled by the PanSALB Legal Section, its Hearing Committee, the complainant, the alleged perpetrator and external observers.

### **4.3.5 Accommodation of previously disadvantaged languages**

The fifth aim is to accommodate speakers of South Africa's indigenous languages. LRVCS' are aimed at accommodating South Africa indigenous languages, particularly the previously marginalised languages namely, Xitsonga, Sepedi, Tshivenda, SiSwati, and isiNdebele.

### **4.3.6 Transparency**

The sixth aim is to promote the spirit of oneness in terms of the Constitution of the Republic of South Africa, 1996 Act 108 of 1996, especially, chapter 2, the Bill of Rights which is intended to develop and use these official languages in high function formal contexts.

#### **4.3.7 Consequence**

The seventh aim of lodging linguistic human rights violation complaints is to call the violator to account.

#### **4.3.8 Promotion of multilingualism**

The eighth aim is to bring about functional multilingualism, that is, the implementing of rotation of all eleven official languages in official domain, such as, school, university, parliament, private sector and all government departments with regard to service delivery to the extent that all South African languages receive equal treatment and parity of esteem in all domains namely law, education, economy, politics etc.

#### **4.3.9 Change of false ideology**

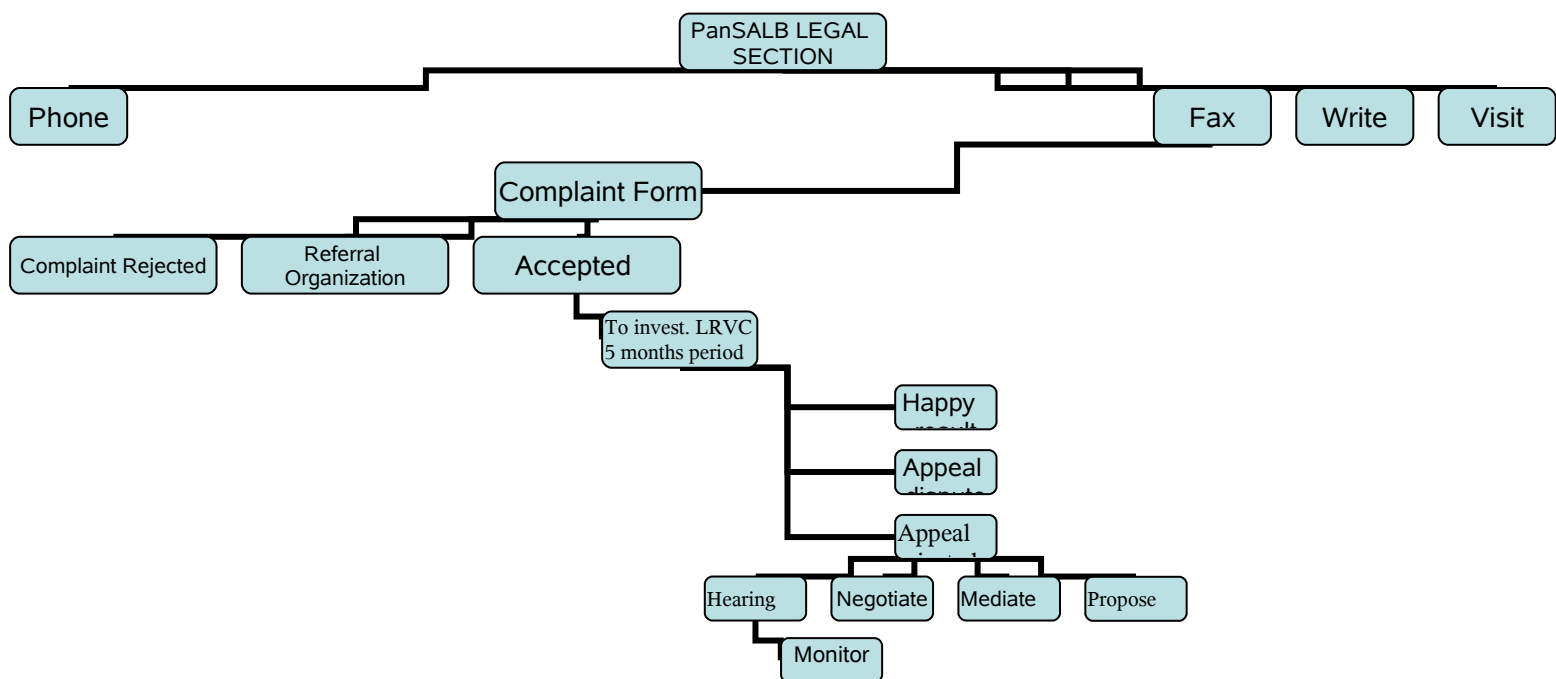
The ninth aim of reporting cases of language rights violations is to redress the misconception or perception that English is the only language that may be used in the official domain whereas some other languages are used only for performing rituals or traditional ceremony.

#### **4.3.10 Comprehension of the term right**

The tenth aim of lodging LRVC is to make community members understand the concept 'right', and also where and when these rights can be claimed because 'rights ' are innate or spontaneous.

#### 4.4 STEPS OR PROCEDURES FOLLOWED WHEN COMPLAINTS ARE RECEIVED BY THE PANSALB LEGAL SECTION

According to PanSALB, language rights complaints do not take place in a vacuum. The following steps or procedures are followed:



As presented in the above diagram, complainants may phone, fax, write or visit PanSALB’s office to lodge their LRVCs’. It then becomes the duty of PanSALB’s Legal Section to investigate the complaint until it is satisfactorily resolved. The PanSALB Legal Section has designed a form that is given to the complainants immediately a LRVC is received. Complainants may fill in this form and send it back to PanSALB’s office for assessing whether it may be considered a complaint to be investigated or not. If it is found that such a complaint should be investigated, a letter acknowledging receipt and a complaint form is sent to the complainant to complete and return to PanSALB by means of a fax, an e-mail or submit the complaint in person.

It is noted, however, that the PanSALB complainant form is written in English although PanSALB is a statutory body to promote multilingualism in a democratic country.

The lack of power that PanSALB has to enforce implementation has a negative impact on the settlement of LRVCS cases. The PanSALB Legal Section and its Hearing Committee are therefore not really equipped to manage language equality and diversity according to the prescribed mandates, acts, laws or principles as it should be.

#### **4.5 CRITERIA FOR THE SELECTION OF COMPLAINTS**

The following are the criteria followed by the PanSALB Legal Section in deciding which complaints are to be followed up:

When a complaint is received the first step is to determine whether it is worth to be investigated;

If it is agreed that this is a complaint, PanSALB will send a form to the complainant to complete before the investigation process begins;

In a given year a representative from a national, provincial or local authority is nominated with support from the state to appear as expert witness before the Hearing Committee;

The profile of the party that is under investigation is required;

The fact that a satisfactory settling of the complaint may lead to a clearly formulated language policy by the state or the institution concerned;

The number of complaints lodged and dealt with annually;

Complaints which are repeatedly lodged;

The right of a complainant to appeal if the outcome of a complaint has not been satisfactory.

#### 4.6 FILING A COMPLAINT

Every citizen may lodge a complaint as soon as he or she believes that she or he has been unfairly treated with regard to language rights. The sooner the complaint is made, the easier it is for the investigators to carry out their work.

A member of the community whose language rights have been infringed should make a written formal complaint to the Pan South African Language Board for assessment and later investigation when it has been agreed that the complaint meets the requirements.

The following information must be provided;

The date

The time

The location

A brief summary of the incident or situation.

The contact details of both the complainant and the alleged victim or institution should be properly recorded. When these details are kept in a safe place, it may not be possible for the PanSALB Legal Section to investigate the alleged language rights violations as a result of a possible communication breakdown.

Complaints lodged need to be sorted out as this may later help investigators not to investigate cases which have been dealt with already.

#### **4.7 THE PANSALB HEARING COMMITTEE (HC)**

The Hearing Committee comprises of:

The current chairperson of PanSALB

The deputy-chairperson of PanSALB

The chief executive officer of PanSALB

The convenor of the Linguistic Human Rights Cluster of PanSALB

A PanSALB legal expert

The initial stage of investigation of the HC is informal. The second phase precedes formally. It is the duty of the Pan South African Language Board to invite the respective complainants and alleged parties-under-investigation to attend when there is a hearing of a case.

Both complainant and the alleged perpetrator must be given an opportunity to present a statement to the Hearing Committee, based on the submissions made or forwarded to PanSALB during the course of the investigation.

Regarding the settlement of language disputes, the HC balances the parties' positional demands and make persuasive interventions so as to shift both parties off their respective positions, towards a common position.

The HC opts for an alternative solution during the process of settling a complaint and ensure that evaluative advisory mediatory roles are adequately applied. Therefore, procedures for dealing with linguistic human rights violations must be adhered to. However, the fact that PanSALB requires advisory mediation is a problem. The Hearing Committee cannot rely solely on language laws and policies to solve the dispute, and therefore cannot always advise the parties concerned on their legal rights and the possible remedies. This can be a reason

for the fact that many language rights violations complaints are not dealt with satisfactorily as will be illustrated later in the chapter.

Furthermore, it was found that it is not clearly indicated in the PanSALB Act or in the documentation what steps should be taken to reprimand or punish the guilty parties.

## **4.8 CONSULTATION**

The way in which PanSALB seeks advice from its structures, stakeholders and other institutions is doubtful because communication between PanSALB and some of these bodies is still a problem because of lack of consultation among each other.

Therefore, people need to be well informed about the role PanSALB does in a new dispensation and strategies which add value in terms of spreading information to the nation as a whole.

Without proper consultation, language rights complaints cannot be managed effectively. Consequently, the reason why PanSALB is failing to manage language rights violations effectively is that it needs to adjust its consultation procedures with various parties.

## **4.9 RESPONSE BY PANSALB'S LEGAL SECTION**

### **4.91 SENIOR LEGAL ADVISER**

The PanSALB senior legal adviser responded to questions regarding the management of LRVC's by the Legal Section via e-mail. His conclusion was that it would not be easy to predict whether the LRVCs would be reduced or minimized. He explained that the Board Notice of the Pan South African

Language Board Act, 1995 attached to his e-mail indicated that PanSALB did in fact have the power to handle LRV's effectively. However, this response is not consistent with the obvious problems in managing LRVC's effectively and the backlog in this regard as will be indicated later.

#### **4.9.2 FORMER SENIOR LEGAL ADVISER**

An interview with the former Senior Legal Adviser of the Pan South African Language Board was held and she indicated that the systems which PanSALB was using to deal with LRVC's were not effective for every situation. The main reason that she gave for ineffectiveness was a lack of sufficient resources.

Chapter 4 comprises an overview relating to lodging of language rights violations complaints and the role and functioning of the Pan South African Language Board, introduction of language rights violations, PanSALB materials, interviews which were conducted with the complainant, accused and PanSALB Legal Section, places where LRVC's take place, aims which enable the process of lodging LRVCs, steps or procedures followed when complaints are received by PanSALB Legal Section and criteria used for selection of complaints.

## CHAPTER 5

### DATA PRESENTATION AND INTERPRETATION

#### 5.1 INTRODUCTION

In this chapter examples are given of language rights violation complaints that were lodged with the PanSALB Legal Section. For the most part complainants seemed to be not satisfied by the way in which their complaints were dealt with.

The outcomes of five interviews with complainants are briefly discussed. The common factor in all the complaints is with regard to the marginalization, rejection and deprivation of those complainants with regard to the usage of the language of their choice. This is contrary to paragraph 30, chapter 2 of the constitution of the Republic of South Africa Act 108 of 1996 on the Bill of Rights which states that “[...] everyone has the right to use the language and to participate in the cultural life of their choice.”

Responses were received from the alleged perpetrators namely the Head of Language Services of the City of Tshwane Metropolitan Municipality, the South African Police Services (against whom two complaints were lodged by the complainants interviewed), the Department of Provincial and Local Government and the South African Receiver of Revenue. Their responses will be discussed later in the chapter.

## 5.2 EXAMPLES OF LANGUAGE RIGHTS VIOLATIONS COMPLAINTS RECEIVED BY PANSALB AND THEIR OUTCOMES

### 5.2.1 TABLE INDICATING THE NUMBER OF COMPLAINTS LODGED, DEALT WITH, PENDING FROM 1998 TO 2004

PanSALB Annual Reports	Complaints lodged	Complaints dealt with	Complaints pending	Complaints to be dealt with/carried over
1998-1999	31	14 (45%)	17 (55%)	17
2000-2001	76	18 (23, 6%)	58 (76, 4%)	75
2001-2002	67	1 (0, 6%)	66 (99, 2%)	141
2002-2003	83	30 (14, 5%)	53 (85, 5%)	194
2003-2004	22	5 (22, 7%)	17 (77, 2%)	211
<b>TOTAL</b>	<b>279</b>	<b>68 (24, 3%)</b>	<b>211 (75, 6%)</b>	<b>211</b>

### 5.2.2 SPECIFIC CASES OF LANGUAGE RIGHTS VIOLATION COMPLAINTS BETWEEN 2002 AND 2004

The following are specific cases of language rights violations that were brought to the attention of PanSALB:

#### **5.2.2.1**

On the **30th September 2002**, a complaint of language rights violation was lodged with PanSALB, namely that of complainant versus the South African Police Services. The complainant went to a police station for assistance and she was told that if she speaks Xitsonga instead of English no one would listen to her statement. I followed up this case with both parties involved. The date of hearing was uncertain by the end of the focus period.

#### **5.2.2.2**

On the **2nd of December 2002** the Western Cape Language Committee complained on behalf of the “Vriende van Afrikaans” that SARS Bellville had not been able or willing to make a certain English form available to them in Afrikaans and that their website, being English only, was of no assistance. The South African Revenue Service has since attended to the complaint and settled it amicably by providing the necessary forms in the desired language. The investigation was conducted by PanSALB’s Legal Section.

#### **5.2.2.3**

On the **28th of January 2003** a complaint was lodged with PanSALB, by complainant versus the South African Police Services. When the complaint was followed up it was found that English was adopted by SAPS as the official language of communication at the expense of Afrikaans, and the complainant felt that it was an infringement of constitutional language rights. The date of hearing was still pending by the end of the period stipulated for the case to be heard.

#### **5.2.2.4**

On the **18th of October 2004**, a complaint was lodged with the Pan South African Language Board by complainant versus the Department of Provincial and Local Government. The Department of Provincial and Local Government refused to accept correspondences because they were not written in English and stressed that they would only accept letters in English. The head of the legal section of the Department of Provincial and Local Government was interviewed. He indicated that that the complainant had a negative attitude and his correspondences were not accepted on the grounds of the reason cited above. The date of hearing was the 4 of May 2005. PanSALB's Legal Section, the Hearing Committee, the complainant and the accused were invited. After a follow-up was done with the complainant about his feelings regarding the way in which this case had been resolved, he said that he was dissatisfied about the outcomes of the complaint because he was not given enough opportunity to express his feelings.

#### **5.2.2.5**

**In PanSALB Annual Report of 2002 to 2003**, a complainant complained that she heard on the radio that students in the Faculty of Medicine at the University of Pretoria were going to be tutored in English only and not in Afrikaans, and that this decision affected the future of Afrikaans and the speakers of Afrikaans. The complaint has since been overtaken by the officialisation of English as the sole language of teaching and learning and efforts are being made to determine whether the complainant would like to have the issue pursued further. PanSALB conducted a hearing in relation to the University of Pretoria and the violation complaints of the Afrikaans speaking students were amicably addressed.

#### **5.2.2.6**

**A further example is that of Prof. WAM Carstens vs. Parliament.** Prof. Carstens complained that English was given an unfair advantage and that the rule that Bills do not have to be submitted in the language of the original draft will make interpretation of statutes difficult.

#### 5.2.2.7

Another example is that of **the Afrikanerbond vs. Modimolle Municipality**. Professor Engelbrecht of the Afrikanerbond complained about decisions regarding language use taken by the Modimolle Council, for example that English be regarded as the language of the council.

#### 5.2.2.8

**Dr. LB Mthimkulu lodged a complaint against Mpumalanga Education Department.** He complained that the setting and moderating of Xitsonga examination papers in schools were discontinued by the Department of Education on the basis that this is one of the minor subjects in the province and is a waste of money and that issue is regarded as an infringement on language constitutional rights.

### 5.3 REPORT OF INTERVIEWS WITH FIVE COMPLAINANTS AND THE RESPONSE OF TWO OF THE ALLEGED PERPETRATORS

Five complainants were interviewed. One complainant was interviewed by means of a tape recorder, one by means of a face to face interview, and three by means of telephonic and e-mail consultations. Subsequent to the first interview efforts were made to discuss the complaint and its outcome with the alleged perpetrators.

#### 5.3.1 COMPLAINT 1

## **Complainant versus South African Receiver of Revenue**

The complaint was that the SARS used English only for income tax forms. The complainant said that she was still receiving forms in English. The alleged perpetrator was not called for a hearing at all.

Date of lodging the complaint: **2 December 2000**

In this complaint PanSALB's Legal Section did not manage the complaint to the complainant's satisfaction. Furthermore no written proof was displayed in respect of the settlement of this complaint. Hereunder is the report that bears eloquent witness to this gross neglect.

Date of hearing: Still pending by the end of the focus period

### **5.3.2 COMPLAINT 2**

## **Complainant versus South African Police Services**

Date of lodging the complaint: **30 September 2002**

In this case the complainant reported a case of linguistic rights violations against the South African Police Service by alleging that he was not assisted in his application for a firearm licence and his application was rejected because he was speaking Xitsonga and could not express himself in English.

Date of hearing: Still pending by the end of the focus period

The complainant said that his language rights violation complaint was not attended to except for a written promise by PanSALB that a follow-up would be made. After an interview with the alleged perpetrator, he indicated that the

documentation had been handled, an investigation had been conducted and the matter was concluded. The accused indicated that this case was resolved in terms of the questionnaires that she answered via an email.

### **5.3.3 COMPLAINT 3**

#### **Complainant versus Department of Provincial and Local Government**

Date of lodging the complaint: **18 October 2004**

The complaint was that the alleged institution refused to accept correspondence as it had been written in Afrikaans, stating that they would only accept letters written in English.

Date of hearing: **4 May 2005**

The complainant, an Afrikaans-speaking reverent, mentioned in an interview that he was very dissatisfied with the manner in which his complaint had been managed by PanSALB. The researcher subsequently interviewed the head of the Legal Section in the Department of Provincial and Local Government. He mentioned that they had drafted a language policy which still had to be formally adopted by the management structures within the DPLG. With this communication the DPLG thought the matter of alleged violation of language rights had been resolved and finalised although there had been no hearing. The draft policy entails that English will receive priority as a medium and where possible, on requests of members of the public, information on hard copy would be provided in the languages of their preference.

The date of publication of the above complaint was 10 June 2005 in the Government Gazette No. 27671

#### **5.3.4. COMPLAINT 4**

##### **Complainant versus South African Police Services**

The complaint was that the SAPS forbid statement in Afrikaans and preferred the statement to be written in English.

Date of lodging the complaint: **5 August 2004**

Date of hearing: **No hearing took place.**

In an interview the complainant said that the PanSALB is like a toothless dog and had no power to bring the perpetrator to account. He said that PanSALB had only made idle promises to further investigate the matter but nothing had been done to date.

#### **5.3.5. COMPLAINT 5**

##### **Complainant versus Tshwane Metropolitan Council**

Date of lodging the complaint: **26 November 2004**

In this case the complainant lodged a complaint in which she felt that her language rights were violated because she was denied to speak Xitsonga during the Celebration of Older Persons Day. The complainant indicated that PanSALB was not part of the hearing when the language dispute was settled. She also mentioned that PanSALB made follow-ups without involving her or the alleged party under investigation.

Date of hearing: **26 January 2005**

The PanSALB Hearing Committee was not part of this meeting yet the institution (the Tshwane Metropolitan Council represented by the head of the relevant section of the Council) when questioned responded by e-mail and stated that the Pan South African Language Board was satisfied about the manner in which the linguistic dispute was resolved.

#### **5.4 CONCLUSION: COMPLAINANT INTERVIEWS**

The five complaints represent in a nutshell the state of affairs with regard to the magnitude of language rights violation cases in South Africa. It also demonstrates the rate, the slow pace and the shortage of expected capability of PanSALB in responding and successfully handling these cases. In the **case of complaint 1** the complaint was lodged in December 2000 and the hearing had not taken place by 2004. In the case of **complaint 2** the complaint was lodged in September 2002 and the hearing had not taken place by 2004. In the case of **complaint 3** the complaint was lodged in October 2004 and the hearing scheduled for May 2005. In the case of **complaint 4** the complaint was lodged in August 2004 and **no hearing took place at all**. In the case of **complaint 5** the complaint was lodged in November 2004 and the hearing scheduled for January 2005. The latter complainant's hearing time was only three months, but this is an exception to the other cases.

#### **5.5 RESPONSE BY THE INSTITUTIONS NAMED AS PERPETRATORS**

Letters were sent out by means of an e-mail to the institutions or parties mentioned in the complaints as alleged perpetrators. These institutions are the South African Receiver of Revenue, South African Police Services, Department of Provincial and Local Government and Tshwane Metropolitan Council. All the institutions confirmed that they were aware of the complainant and the complaint.

The Department of Provincial and Local Government argued that most complaints did not comply with the necessary requirements because some complainants lacked guidance on what, how and where to lodge their LRVCS.

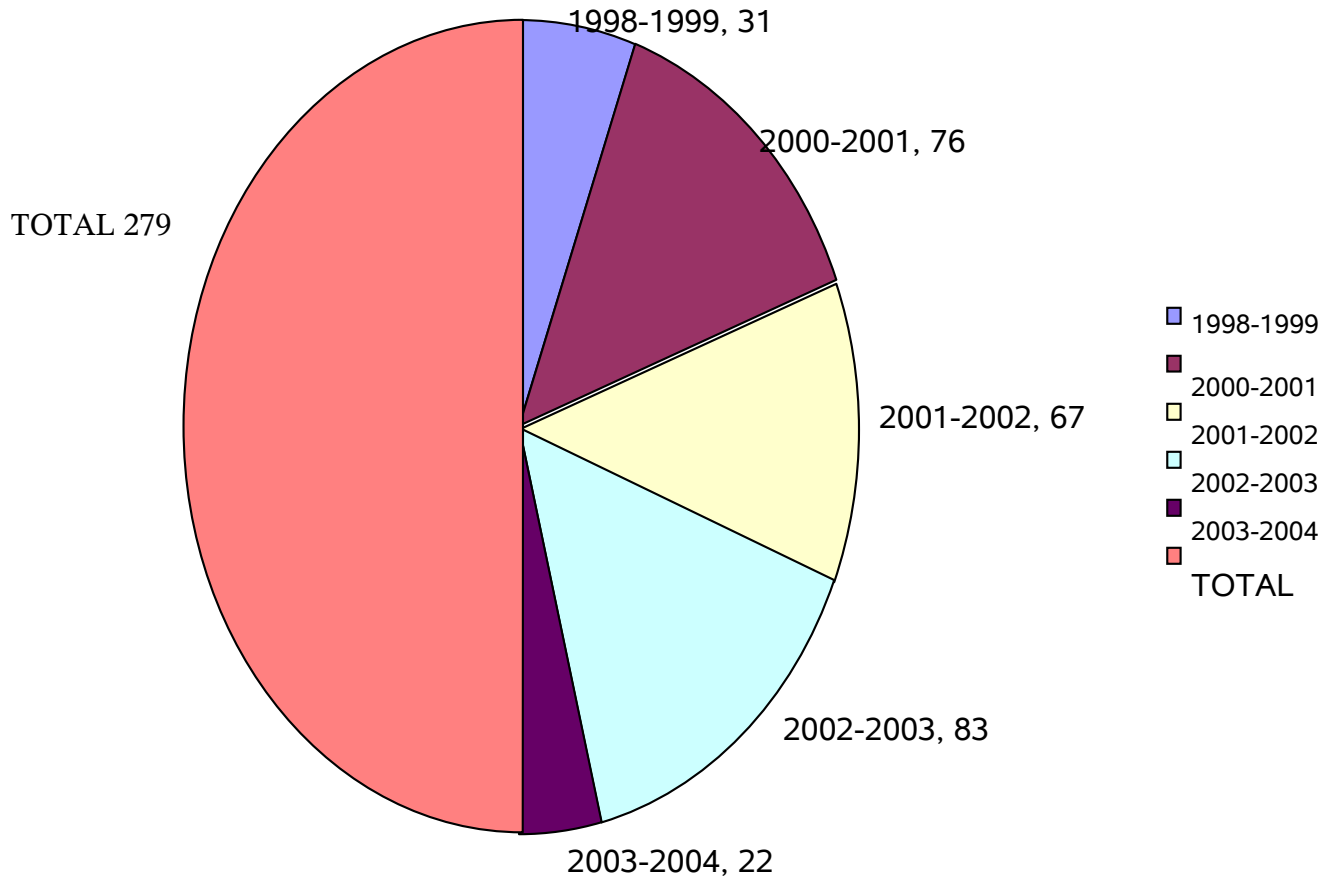
The Head of Language Service of the City of Tshwane Metropolitan Municipality commented by saying that the Language Services Section of the Municipality continues to launch projects to make staff members aware of the importance of multilingualism in the workplace and in all communication with the public. She did not, however, explain satisfactorily why the complainants (see complaint 5) was denied the right to speak Xitsonga on the celebration day.

In the case of one of the complaints lodged with the South African Police Services (see complaint 2) the response was that the complainant's application for an firearm licence was rejected because he refused to speak English and allegedly had "an attitude". There was no specific response in the case of the complaint against the same institution by the Afrikaans-speaking complainant (see complaint 4).

The South African Receiver of Revenue refused to put any response in writing.

**5.6 THE PROBLEM OF BACKLOGS IN THE HANDLING OF LRVCs**

**5.6.1 PIE CHART OF COMPLAINTS LODGED WITH PANSALB FROM 1998 - 2004**



The above pie graph shows the number of complaints that were lodged from 1998 until 2004 and that were acknowledged as valid cases to be investigated and resolved. The left side of the pie graph indicates that there were 279 LRVC's complaints in total for the period 1998 to 2004. From 1998 to 1999 only 31 complaints were reported. For the period 1999 to 2000 no record exists of LRVC's that were lodged. From 2000 to 2001 the LRVCs' increased from 31 in 1998-1999 to 67. From 2002 to 2003 the number of complaints lodged were 83. In 2003 to 2004 there were 22 complaints. The largest number of complaints was therefore in the period 2002-2003.

## 5.7 COMMENTS ON THE ABOVE BACKLOGS

The number of language rights complaints gradually diminished and this could be seen as a problem in terms of the effectiveness of the Pan South African Language Board's management of language rights violations. The most LRV's are against government departments and the private sector.

The aim was to try to ascertain:

(i) the effectiveness of the investigation process.

The outcome pointed to the fact that the process was effective in some cases because proper legal steps were followed to resolve the language rights complaints by involving the PanSALB Hearing Committee, the Senior Legal Adviser, the Complainant and the alleged language rights violator.

(ii) ways to improve PanSALB's dealing with LRV's.

It seemed that legislative intervention is needed in order to make the public aware of LRVs because the majority of the citizens of South Africa do not know their language rights violations and the institution which handles LRVs.

(iii) systems to deal with LRV's

It may therefore be concluded that many linguistic human rights violations are never resolved. One of the reasons for the fact that many complaints were still pending by the end of 2004 may be a lack of proper understanding of the constitution of the Republic of South Africa (Act 108 of 1996). Again, the lack of a language policy which can effectively regulate language rights violations from a legal perspective is a problem. It is not possible for any institution or structure to

carry a mandate to deal with language rights where there are no proper guidelines for handling the issues pertaining to language problems.

According to the interviews and some PanSALB Annual Reports, the PanSALB Act and other written materials, it may be deduced that there is a problem with PanSALB's effective management of LRVC's.

Chapter 5 comprise the presentation and the interpretation of data, introduction of a table in which examples of LRVCs lodged with PanSALB were shown, report of interviews with five complainants and some alleged perpetrators and a backlog of complaints shown in a pie chart to indicate the number of complaints lodged, dealt with, pending and those complaints which were carried over as per PanSALB Annual Reports from 1998 to 2004.

## CHAPTER 6

### CONCLUSIONS AND RECOMMENDATIONS

#### 6.1 INTRODUCTION

Linguistic human rights violation complaints are not only a problem for the Pan South African Language Board, but greatly affect the process of developing and promoting multilingualism which has been prescribed according to the Constitution of the Republic of South Africa, 1996 Act 108 of 1996, chapter 2, Bill of Rights, page 15, No 30, which argue that;

Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

The matter regarding linguistic human rights violations requires much attention because the rights of the citizens of this country are not only violated, but at some stage they are neglected and abused, perhaps as a result of selfish interests by the upper class. For example, complainants who do not know English experience language problems as most government information and publications are in English.

The complaints which have been dealt with by PanSALB are not satisfactorily tackled because of the long period that occurs before the resolution is made. This can be supported by PanSALB Annual Report (2000:31) that state:

The Board does not deal with language rights violation complaints at every Board meeting.

Henrard (2002:186) argues that:

[...] the perception on the basis of PANSALB's activities and difficulties is that the practice regarding language issues in South Africa is rather disappointing.

According to Henrard, lack of implementation of both the national and provincial language policies have a negative impact on the settlement of LRVC's by the PanSALB Legal Section and its Hearing Committee because of lack of policy guidelines. This results in the fact that LHRVs are not handled effectively. Again, the lack of resources such as funds and shortage of staff in the legal section ought to be thoroughly considered.

PanSALB Annual Report (1999:30) states that:

(...) it should be pointed out that most complaints came from Afrikaans speakers. This shows that there is a need for PanSALB to educate people about their rights and improve its system of monitoring and attending to issues of language rights violations. Presently, the Board's handling of complaints is as follows:  
Complainants send their complaints, mostly in writing, to the PanSALB office;  
(ii) The Legal Advisor notifies the alleged language rights violators about the complaint and requests them to respond;  
(iv) Then an investigation is conducted by the legal advisor and he or she makes recommendations to the Board;  
(v) The Board makes final decision on the complaint and further steps to be taken, if any.

According to this Annual Report, PanSALB must develop strategies which will enable speakers of other languages to recognise their linguistic rights and also to know and understand how to lodge complaints with PanSALB Legal Section in a rightful procedure.

## **6.2 SUGGESTED REASONS FOR PANSALB'S FAILURE TO MANAGE LANGUAGE RIGHTS VIOLATION COMPLAINTS EFFECTIVELY**

### **6.2.1 LACK OF A CLEARLY DEFINED AND IMPLEMENTED NATIONAL LANGUAGE POLICY BY THE DEPARTMENT OF ARTS AND CULTURE OF 12 FEBRUARY 2003**

PanSALB Annual Report (2002-2003:14) states that:

[...] it was through this Hearing Committee that PanSALB noted the danger associated with the continued absence of a language policy on the part of the government. This lack of a policy led to most government departments and bodies resorting to using English only. PanSALB wrote to the then Minister of Arts and Culture, alerting him of this situation and requesting him to discuss the problem with his colleagues in Cabinet.

It is not possible for PanSALB to implement a language policy based on linguistic human rights as basic human rights if the government does not put this policy into practice.

### **6.2.2 PANSALB'S LIMITED ENFORCEMENT POWERS**

The PanSALB Legal Section has limited powers with regard to matters pertaining to language policies. That is the reason why it becomes very difficult for the Legal Section to conduct investigations regarding language rights complaints in a given period. For instance, it is said that a preliminary investigation of every complaint lodged is being conducted by the PanSALB Legal Section and its Hearing Committee according to section 11 of the Pan South African Language Board Act, 1995. In addition, PanSALB is empowered by section 11 (5) to negotiate in linguistic conflict and to try to resolve the dispute in a fair and equitable manner. Although PanSALB claims that mediation, consultation and conciliation contribute to the "jurisdictional requirements" of the Act, PanSALB has in fact absolutely no power to fasttrack language rights violations in a satisfactory manner.

### **6.2.3 LACK OF FINANCIAL RESOURCES**

The unavailability of funds and budgetary constraints remain a serious problem for PanSALB. It also hampers efforts to make the public more aware of their language rights, for instance roadshows awareness campaigns.

### **6.2.4 ATTITUDES ON MULTILINGUALISM**

Some people are unaware of the value of multilingualism. They only stick to the language they learnt from childhood onwards. This attitude is detrimental to the building of a multilingual and diverse society in South Africa because this may develop a tendency because everybody will think that his or her language should come first and deprives himself/herself to learn to know other South African official languages.

### **6.2.5 THE EXAMPLE OF THE RULING ELITE**

The ruling elite give little credence to the ideal of multilingualism and the use of all official languages in matters of state and government except in local government. English is used almost exclusively in all their speeches and in parliament and the media.

### **6.2.6 LESS PARTICIPATION BY MINORITY GROUPS IN LRVC'S**

Languages of minority groups are in most cases excluded when LRVC's are printed in government printing works and speakers of these languages therefore participate less in the process of lodging complaints. Complainants who cannot read English or Afrikaans therefore suffer language rights violations to a greater extent; hence the term minority group.

Henrard (2002: 188) states that:

[...] a sociolinguistic survey dated September 2000 conducted by Markdata on behalf of PANSALB is also very instructive. Regarding language use in public and institutional situations, it seems one can identify situations that are rather problematic in that high or fairly high proportions of people are not accommodated and for that reason they feel negative about that situation.

According to Henrard, it can be said that language rights violations are encouraged by the upper-class because they are the ones who are policy makers and should make sure that all people of all sectors must be freely accommodated and feel positive when they want to express themselves in one of the previously marginalised indigenous language appropriately.

#### **6.2.7 COMMUNICATION BREAKDOWN AND WRONG PROCEDURES IN LODGING LRVC'S**

The challenges facing language rights violations become a communication problem when adequate channels are not followed by the PanSALB Legal Section, Hearing Committee, Complainants and parties under investigation.

Interaction among the PanSALB Legal Advisor, the Hearing Committee, a complainant and the alleged institution or party-under-investigation should be taken as a point of departure for LRVC's to be adequately resolved.

Some LRV complaints are rejected because they do not qualify to be called linguistic human rights complaints, therefore they are not entitled to be investigated as they do not comply with the necessary criteria which qualifies them to be LRVC's. Other cases are rejected simply because the complainant has failed to provide required information or he/she is no longer contactable because of the provision of wrong contact details.

Therefore, communication problem compromises effective management of language rights violations because of lack of flow of information from one source to another.

## **6.2.8 PRACTICAL LIMITATIONS AFFECTING THE INVESTIGATION PROCESS**

The fact that there are limited staff in the legal department hinders the investigation process because the value of accountability and substantive equality may not be legally dealt with. Consequently, this will have a negative effect on the management of linguistic human rights violations.

## **6.3 THE IMPROVEMENT OF PANSALB'S MANAGEMENT OF LRVCs**

### **6.3.1 THE ROLE OF THE GOVERNMENT IN EMPOWERING PANSALB**

The establishment of PanSALB and other institutions which are related to the improvement of all South African languages bear witness to the fact that the 1996 Constitution of South Africa is based on the principle of the protection of human linguistic rights. It may, however, be argued that this principle only becomes valid if a real effort is made of putting the ideals of individual rights, minority rights and the right to self-determination into practice.

The actual implementation and application of the relevant constitutional provisions will give witness to the effective degree of minority protection achieved in the new dispensation. Therefore, knowledge of the implementation of policy as well as of legislative measures relating to language rights on the part of those concerned will determine whether linguistic minority groups benefit from the new constitutional ideals.

It is therefore suggested that legislative intervention is needed to improve mechanisms as far as language rights violations are concerned. Without authoritative power PanSALB can hardly bring about changed behaviour of

alleged perpetrators of language rights violations. People are reluctant to listen to and take instructions or advice from institutions such as PanSALB that do not also have enforcement power.

### **6.3.2 LEGISLATIVE MEASURES THAT PANSALB NEEDS TO ADHERE TO**

It may also be recommended that PanSALB needs to adhere to the following legislative proposals in order to promote and strengthen the effectiveness of the management of language rights violations and complaints, namely to:

- Strengthen participation regarding information sharing and openness by all stakeholders.
- Ensure that the minority and majority groups receive fair and equitable treatment.
- Resolve all pending LRV complaints justly.
- Ensure that LRV complaints already dealt with are not lodged repeatedly.
- See to it that forms to be completed by complainants are made available in all eleven official languages.
- Involve a Monitoring Committee during publication and printing to ascertain whether the publicised information of the outcomes of the complaints are accurate.

### **6.3.3 MONITORING LANGUAGE RIGHTS VIOLATIONS COMPLAINTS**

PanSALB should monitor regularly what the government and the people outside of the government do, and ensure that the Bill of Rights is supported. PanSALB should furthermore monitor legislation and try to ensure that new laws are in 'par' with the Bill of Rights.

Sabine (2004: 221) argues that:

[...] different monitoring levels and combinations have various trade-offs and consequences, which have profound consequences for broad patterns of human rights violations such as the number and selection of victims.

Therefore, lack of monitoring systems mechanisms among the various agents or organisations may have a detrimental influence towards the handling of human rights violation complaints. This means that information flow plays a prominent role as far as language rights mediation and reconciliation are concerned.

Apart from PanSALB's Hearing Committee, the state should also establish a Commission that will monitor the outcome of LRVC's. This committee should be comprised of legal experts and specialists in the field of language politics and sociolinguistics.

Mugwanya (2003: 376) states that:

The Commission should endeavour consistently to make follow-ups of its findings.

PanSALB's Legal Section should receive better funding so that it can launch an awareness campaign each year in order to educate the communities in all nine provinces about language rights violations and their right to lodge LRVC's. This statement is supported by Mugwanya (2003: 9) where he argues that human rights awareness is a form of empowerment.

Block (1998:28) warns that:

One of the reasons for the poor quality of many legal decisions is that they are often made without being thought through logically.

This would imply that PanSALB and its Hearing Committee should ensure that legal decisions are properly considered before finalising these decisions. Conclusively, it can be said that the process of investigating LRVC's requires great commitment and enthusiasm. This can be put into practice as follows:

- An external body could be appointed by the government to monitor the management of linguistic human rights violation complaints by the Pan South African Language Board.
- This body could consist of various representatives who are knowledgeable with regard to language rights complaints.
- It may further be recommended that this body should be appointed for a period of five years.
- Members of the monitoring committee should be actively involved and meet at least once per quarter.
- A member who fails to attend two consecutive meetings with or without valid reasons should be released from the monitoring body.
- No member should ever disclose information regarding the settlement of language rights violations complaints.
- Members of the monitoring committee should preferably be multilingual.
- The PanSALB Legal Section, the Hearing Committee, the complainant and the party-under-investigation must fairly agree with one another so that the settlement of a complaint does not take too long.

- Members of the monitoring body, PanSALB and its Hearing Committee should be kept up-to-date with linguistic rights complaints which are being lodged, already dealt with or still pending.
- Matters related to the outcomes of the settled complaints or cases should be thoroughly revised and published in the indigenous South African languages.
- Linguistic experts, language specialist, practitioners, legal advisors and translators should be fully involved before publications are printed in Government Gazettes.
- Communication should be effective in order to enable the PanSALB Legal Section to create an environment conducive to the settlement of a complaint.
- In order to assess whether the measures taken by the Pan South African Language Board and the Hearing Committee are appropriate or not, the Committee may take into account, for example, the extent of the hurdles faced by the state party to overcome linguistic human rights violation complaints which are everyday experiences.
- It is furthermore recommended that the party-under-investigation must adhere to certain obligations. If the party is found guilty of violating a linguistic right, intervention may include monitoring mechanisms and even punishment.

### **6.3.4 STEPS TO BE TAKEN BEFORE, DURING AND AFTER THE FINAL DECISION**

PanSALB does not take an effective decision regarding the recommendations after the case has been settled because a Monitoring Committee is not yet developed to monitor whether complaints dealt with are not lodged repeatedly. Therefore, pending complaints may be reduced or minimised when the following steps are taken:

- Before the hearing takes place, PanSALB should communicate with the complainant and party-under-investigation to make sure that they are present on the day of the hearing.
- Complainants, parties-under-investigation, the Hearing Committee, Monitoring Committee and external observers must be informed and be given all correspondences in relation to the particular case in advance, and be advised of the date, time and venue of hearing so that they may prepare themselves.
- Drastic steps should be taken against a person who absent himself/herself on the date of hearing.
- During the Hearing Committee session, an external observer must be invited to ensure a fair and just hearing.
- A tape recorder must be used during the hearing session.
- Interpreters must be present to accommodate those who are not familiar with other languages.
- Minutes must also be taken to keep a proper record of the hearing procedure.
- The hearing feedback must remain confidential until disclosed by the Government Printing Works in the Government Gazette.

### **6.3.5 PUBLICATION OF THE OUTCOME OF LRVC'S IN ALL OFFICIAL LANGUAGES**

The publication by the Government Printing Works of LRVC's should include all the official languages of South Africa. This implies that outcomes of language rights disputes should be consolidated in a report in three previously marginalised indigenous official languages depending on the specific linguistic rights complaint. PanSALB should publish the outcome of the evaluation by the Hearing Committee immediately the investigation, negotiation, mediation and consultation stages are finalised in the Government Gazette in all official languages, especially the previously marginalised and disadvantaged languages. However, English and Afrikaans are still the languages which are predominantly used in official publication domains and by the Government Printing Works.

### **6.3.6 PANSALB'S CO-OPERATION WITH OTHER BODIES**

It may furthermore be recommended that the Pan South African Language Board needs to co-operate more closely with other bodies. In fact, without such partnerships PanSALB will find it more or less impossible to carry out its mandate to protect and promote all the languages in the country.

These proposed bodies are institutions of higher learning (universities, technikons and colleges), the "Vriende van Afrikaans" (Friends of Afrikaans), the Afrikaans Academy, Afrikaans language committees, the South African Academy for Science and Arts, the Commission for the Protection and Promotion for the Rights of Cultural, Religious and Linguistic Communities, the Human Rights Commission, the Public Protector, the South African Police Services and the Department of Arts and Culture.

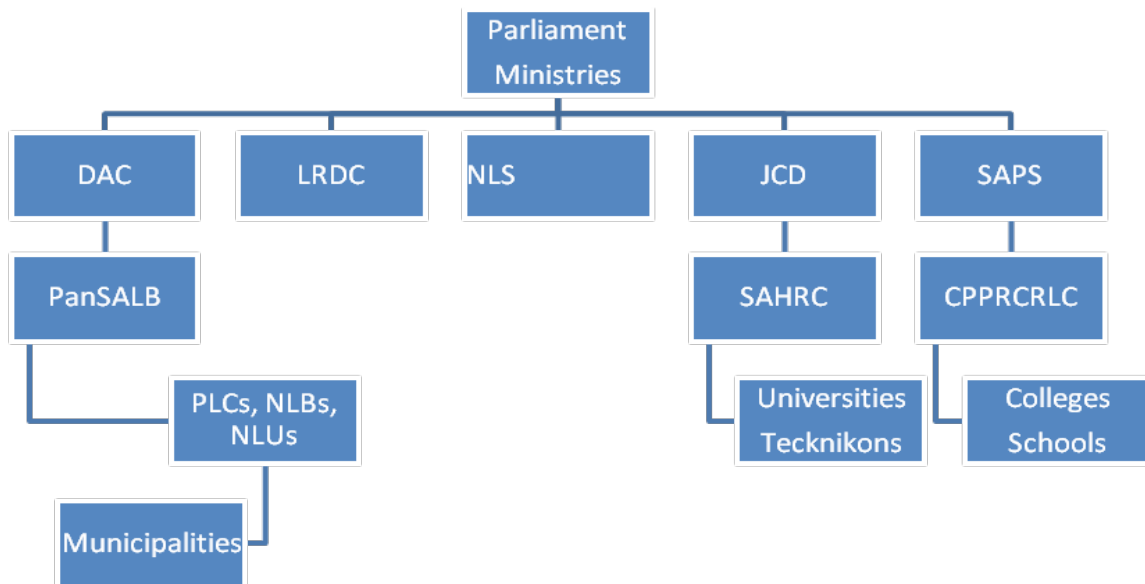
It may be proposed that that the mutual co-operation amongst all institutions and citizens of South Africa could help to reduce the language rights violations and simultaneously promote linguistic diversity because members of the public will

develop an interest to learn and express themselves by means of other languages than their mother tongue.

If PanSALB is not in mutual interaction with the above-mentioned institutions, it may lead to an inability to deal with pending complaints in accordance with its mandate and standards.

PanSALB should meet with the aforementioned institutions at least four times a year to monitor the backlogs in handling language rights violation complaints and also to check whether there is duplication of work. PanSALB’s co-operation with a variety of bodies must be communicated properly so that consultation remains appropriate and effective. It is PanSALB responsibility to enter into negotiations with these institutions and offer recommendations when needed.

**INSTITUTIONS WITH WHOM PANSALB COULD FORM PARTNERSHIP**



In the above diagram the Pan South African Language Board’s involvement with the following institutions is indicated: the Department of Arts and Culture, in particular the Language Research Development Centre, the National Language

Service (Terminology Section); the Department of Justice and Constitutional Development, the South African Police Services, the South Africa Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, and PanSALB's own structures namely provincial language committees, national language bodies, national lexicography units and municipalities. Other institutions with whom PanSALB should interact are universities, technikons, colleges, schools and communal forums

#### **6.4 IN CONCLUSION**

Without adequate knowledge of language principles or policies, language rights violation complaints will not be reduced. Instead, there will be backlogs each year. Realistically, procedure governing HRVC's may be frustrating for individual users. When complaints are not acknowledged in time, huge backlogs are inevitable.

It is also clear that the Afrikaans speaking communities are the ones whose number of LRVC's are the highest. It can be deduced that the Afrikaans speaking people are knowledgeable in terms of linguistic human rights violations. The Pan South African Language Board should therefore make sure that the Bantu language speakers are introduced to research projects, campaigns, workshops and road shows to equip them with knowledge of their linguistic human rights and complaint procedures.

It may be concluded that the effective management of linguistic human rights and of violation complaints lies at the centre of language equality in South Africa and the determination and commitment of its people to create a national culture of human rights and linguistic diversity.

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