

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

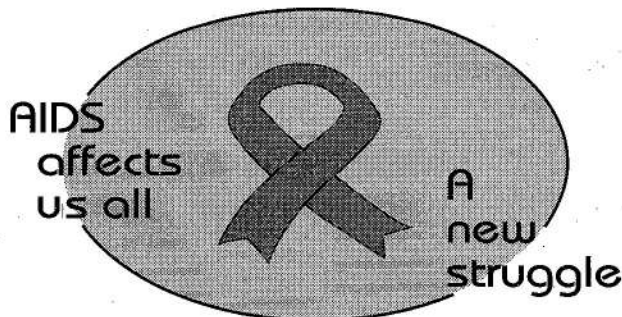
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DEPARTMENT OF HEALTH

BOARD NOTICE

BOARD NOTICE 114 OF 1999**PUBLICATION OF A DECISION IN TERMS OF SECTION 11(7) OF THE PAN SOUTH AFRICAN LANGUAGE BOARD ACT, 1995 (ACT NO. 59 OF 1995)**

1. WHEREAS Mr. A. E. van Niekerk has submitted a complaint to the Board to the effect that the Premier and the Speaker of the Northern Cape have violated section 6 of the Constitution Act, 1996 (Act No. 108 of 1996), and more particularly -
 - (a) that the Premier of the Northern Cape discriminated against all official languages except English at its opening ceremony on 20 February 1998 by -
 - (i) sending out only English invitations to the official opening of the sixth session of the First Legislature of the Northern Cape Province;
 - (ii) conducting his speech in English and including only short paragraphs in Afrikaans and Setswana; and
 - (iii) welcoming the guests at lunch primarily in English;
 - (b) that the Speaker at the time, Ms. E. Papenfus, requested a Member of the House during a debate in the Legislature on 24 February 1998, to use a language other than Setswana (in which he had prepared his speech) since the interpreter had difficulty with the interpretation;
2. AND WHEREAS the Board has investigated the complaint in terms of section 11(4) of the Pan South African Language Board Act, 1995;
3. NOW THEREFORE, the Board hereby decides:
 - (a) that on a literal interpretation of the Constitution (Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)), the conduct of the Premier did not constitute a violation of language rights, since other languages were used during the speech;
 - (b) that on the basis of the effort taken to obtain an interpreter's services before the debate took place in the Legislature, the conduct of the Speaker did not constitute a violation of language rights;
 - (c) that the Speaker exercised poor judgement in appointing an interpreter who was unable to fulfil the function at the time; but

- (d) that notwithstanding the finding under (a) and (b) above, the conduct of the Premier and the Speaker of the Northern Cape did not do justice to section 6 of the Constitution.

4. FURTHERMORE, in order to avoid future conflict and tension and to foster compliance with the language policy norms outlined in the Constitution, the Board hereby recommends that

(a) the Northern Cape Legislature take urgent steps –

- (i) to improve the equitable treatment of the official languages;
- (ii) to ensure the use of at least two official languages; and
- (iii) to improve the conditions for the use of historically diminished languages;

(b) that the steps referred to under (a) above be taken, include –

- (i) the development and adoption of provincial language legislation to regulate the use of official languages, including the exercise of language rights by the Speaker and Members of the House;
- (ii) the establishment of a mechanism to monitor language use by all organs of government;
- (iii) the establishment of a mechanism by the Speaker to monitor language use by all organs of the Legislature; and
- (iv) until such time as language legislation is promulgated, self-monitoring by persons in high positions of leadership.

RAADSKENNISGEWING

RAADSKENNISGEWING 114 VAN 1999

BEKENDMAKING VAN 'N BESLUIT INGEVOLGE ARTIKEL 11(7) VAN DIE WET OP DIE PAN- SUID-AFRIKAANSE TAALRAAD, 1995 (WET No. 59 VAN 1995)

1. NADEMAAL Mnr. A. E. van Niekerk 'n klag by die Raad ingedien het dat die Premier en die Speaker van die Noord-Kaap artikel 6 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996) verontagsaam het, en meer spesifiek -
 - (a) dat die Premier van die Noord-Kaap tydens sy openingseremonie op 20 Februarie 1998 gediskrimineer het teen al die amptelike tale behalwe Engels, deurdat hy -
 - (i) slegs Engelse uitnodigings uitgestuur het na die amptelike opening van die sesde sessie van die Eerste Wetgewende Vergadering van die Noordelike Kaapprovinsie;
 - (ii) sy toespraak in Engels gelewer het met slegs kort paragrawe in Afrikaans en Setswana; en
 - (iii) die gaste tydens middagete hoofsaaklik in Engels verwelkom het;
 - (b) dat die destydse Speaker, Me. E. Papenfus, versoek het dat 'n Lid van die Huis gedurende 'n debat in die Wetgewende Vergadering op 24 Februarie 1998, 'n ander taal as Setswana (waarin hy sy toespraak voorberei het) gebruik, aangesien die tolk probleme ondervind het met die interpretasie;
2. EN NADEMAAL die Raad die klag ondersoek het ingevolge article 11(4) van die Wet op die Pan- Suid-Afrikaanse Taalraad, 1995;
3. DERHALWE besluit die Raad as volg:
 - (a) dat 'n letterlike interpretasie van die Grondwet (Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996)), die gedrag van die Premier nie as 'n skending van taalregte kwalifiseer nie, aangesien ander tale ook gebruik is tydens die toespraak;
 - (b) dat, aangesien moeite gedoen is om 'n tolk se dienste te bekom voordat die debat plaasgevind het in die Wetgewende Vergadering, die gedrag van die Speaker nie as 'n skending van taalregte kwalifiseer nie;
 - (c) dat die Speaker swak oordeel aan die dag gelê het deur 'n tolk aan te stel wat nie bevoeg was om die taak uit te voer nie; maar
 - (d) dat desondanks die bevindinge onder (a) en (b) hierbo, die gedrag van die Premier en die Speaker van die Noord-Kaap nie reg laat geskied het aan artikel 6 van die Grondwet nie.

4. VERDER, ten einde konflik en spanning in die toekoms te vermy, en om nakoming van die taalbeleidsnorme soos uitgespel in die Grondwet te bevorder, beveel die Raad hiermee aan -
- (a) dat die Noord-Kaap Wetgewer die volgende dringende stappe neem -
 - (i) om die gelyke behandeling van die amptelike tale te bevorder;
 - (ii) om die gebruik van ten minste twee amptelike tale te verseker; en
 - (iii) om omstandighede te skep vir die gebruik van histories miskende tale;
 - (b) dat die stappe waarna (a) hierbo verwys, die volgende insluit -
 - (i) die ontwikkeling en passering van provinsiale taalwetgewing om die gebruik van amptelike tale te reguleer, insluitende die uitoefening van taalregte deur die Speaker en Lede van die Huis;
 - (ii) die daarstelling van 'n meganisme om taalgebruik van alle organe van die staat te monitor;
 - (iii) die daarstelling van 'n meganisme deur die Speaker om die taalgebruik van alle organe van die Wetgewer te monitor; en
 - (iv) dat, tot tyd en wyl taalwetgewing aangeneem word, persone in hoë leierskapsposisies hulle eie taalgebruik sal monitor.

KITSISO YA BOTO

KITSISO YA BOTO 114 WA 1999

PHASALATSO YA TSHWETSO GO YA KA KAROLO 11 (7) YA MOLAOPHETHO 1995 WA BOTO-KGOTHAKEGOTHE YA DIPUO YA AFRIKA BORWA (MOLAOPHETHO WA NO. 59 WA 1995)

1. KA JAANA Rre A.E. van Niekerk a tlhatlhetse ngongorego mo Botong, ya gore Tonakgolo le Mmusakgotla ba Kapa Bokone ba gatakile Karolo 6 ya Molaophetho wa Molaotheo 1996, mme e bile tota:-
 - (a) ka moletlo wa pulo wa 20 Tlhakole 1998, Tonakgolo wa Kapa Bokone a ne a tlhotlholola dipuo tse dingwe tsotlhe tsa semmuso kwa ntle ga Seesimane -
 - (i) ka go romela ditaletso ka Seesimane fela mabapi le moletlo wa pulo ya kokoano ya borataro ya Lekgotla-peomolao la Ntliha la Porofense ya Kapa Bokone;
 - (ii) ka go dirisa Seesimane fela go ema kopano ka lefoko la pulo, mme a dirisa Seburu le Setswana mo ditemananyaneng di se kae fela; le
 - (iii) ka go dirisa Seesimane thatathata mo kamogelong ya baeng;
 - (b) ka motlha wa dikganetsano tsa Lekgotla-peomolao ya 24 Tlhakole 1998, Mmusakgotla wa sebaka, Mme Papenfus, o ne a kopa Tokololo nngwe ya Kokoano go dirisa puo e e seng Setswana (ntswa tokololo eo e ne e setse e ntse e rulagantse kgang ya yona ka Setswana), mme lebaka la Mmusakgotla e le gore motšhomolodi wa sebaka a na le bothata jwa go ranola Setswana;
2. GAPE KA JAANA Boto e tlhotlhomisitse ngongorego eo go ya ka Karolo 11(4) ya Molaophetho 1995 wa Boto-kgothakgothe ya Dipuo ya Afrika Borwa;
3. KA MOO GEE, Boto e swetsa ka gore:
 - (a) thanolo e e tlhamaletseng ya Molaotheo (Molaophetho wa 1996 wa Molaotheo wa Afrika Borwa (Molaophetho wa No.108 wa 1996)), e supa gore se Tonakgolo a se dirileng ga se kae kgatako ya ditshwanelo tsa puo, ka gonne dipuo tse dingwe le tsona di dirisitswe mo kgannyeng ya gagwe.
 - (b) ka ntliha ya fa Mmusakgotla a tsere matsapa a gore go nne le motšhomolodi mo kgotleng paka ya dikganetsano e ise e simolole, kopo e e bolelwang ya ga Mmusakgotla ga e kae kgatako ya ditshwanelo tsa puo;

- (c) Mmusakgotla o tsere kgato e e sa lolamang ka go tlhoma motšhomolodi yo o sa kgoneng go dira tiro ya gagwe ka tshwanelo ka nako ya dikganetsano; mme gone
- (d) le fa ditshwetso tse di mo go (a) le (b) fa godimo di na le mabaka a a utlwalang,
tse di dirilweng ke Tonakgolo le Mmusakgotla ba Kapa Bokone ga di itumedise, go ya ka Karolo 6 ya Molaotheo.

4. MO GODIMO GA MOO, go thibela dikgotlhang le dipifelano mo isagong, ga mmogo le go rotloetsa mekgwa e e tsamaelanang le pholisi ya ditheo tsa tiriso ya puo, Boto e atlanegisa gore:

- (a) Bobayamolao jwa Kapa Bokone bo potlakele dikgato tse di latelang:-
 - (i) bo tlhabolole mekgwa ya go tshola dipuo tsotlhe tsa semmuso ka tekatekano;
 - (ii) bo netefatse ka gale gore go dirisiwe bobotlana dipuo di le pedi tsa semmuso; mme gape
 - (iii) bo tlhabolole tiriso ya dipuo tse gale di neng di ntse di tseelwa tlase;
- (b) dikgato tse di kailweng mo go (a) fa godimo di tseelwe matsapa a a latelang, gore di kgonagale:-
 - (i) go tlhamiwe go bo go amogelwe melawana ya puo ya porofense, e e tla laolang tiriso ya dipuo tsa semmuso, go akaretsa le tlhokomelesego ya ditshwanelo tsa puo ke Mmusakgotla le Ditokololo tsa Kokoano;
 - (ii) go tlhomiwe dithulaganyo tsa go tlhokomela tiriso ya dipuo mo makaleng otlhe a puso;
 - (iii) Mmusakgotla a tlhame dithulaganyo tsa go tlhokomela tiriso ya dipuo mo makaleng otlhe a Bothayamolao; mme e bile gape,
 - (iv) go fitlha ka nako e melawana ya puo e tla goelediwa ka yona, ditokololo tsotlhe tse di rweleng maikarabelo a magolwane a boeteledipele di itlotle ka botsona mo tirisong ya dipuo.

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