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CONSTITUTIONAL ASSEMBLY

26 January 1996

**To:** Members of the Constitutional Committee Sub-Committee

**From:** Hassen Ebrahim

**Re:** Submission on the Application of Languages

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Please find attached a submission on the application of Languages to be read together with other submissions contained in Volumes 1 & 2 distributed on Monday 22 January 1996.

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**THE NEW CONSTITUTION**

# AFRIKAANS

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25 January 1996

TO: Mr Hassen Ebrahim  
Executive Director

Fax number (021) 24 1162

Dear Mr Ebrahim

- 1 A small unaffiliated group of South Africans met in Pretoria in October 1995 to discuss the language clauses in the Draft Constitution of 1995. Among them were, in alphabetical order: Proff. Johan Combrink and Hans du Plessis, drrs Frits Kok and Karel Prinsloo and mrs Olga Sema.
2. We have objections against Clause 4 of Option 1. These objections are:
  - 2.1 Clauses (4), that seems so innocuous, is a Trojan horse. The plural "particular languages" is misleading to the layman. Clause 6(b) of the Law on Interpretation (Law 33 of 1957) states that, unless the contrary intention is clear, words in the singular include the plural, and that words in the plural include the singular.

With this Clause the national and provincial governments are given the right simply to declare any SINGLE language (or more than one language) the functional language of a government. The equality of the eleven languages granted by Clause (1), is nullified by Clause (4).
  - 2.2 The Draft Constitution of 1995 contains none of the guarantees or entrenched provisions of the Constitution of 1993. (See the Addendum for relevant extracts of the Constitution of 1993.) e.g. non-diminution of language rights as at the time of commencement of the Constitution of 1993, isn't mentioned at all.
  - 2.3 We think that the language Clauses in the Draft Constitution of 1995, if promulgated as part of the future Constitution of the RSA, will create unrest in the short term, and severe disempowerment of the majority of South Africans in the long run.
3. Together we drew up a Declaration of Support for Multilingualism and in November and December 1995 I faxed it in English and Afrikaans to some opinion makers and

leaders of the inclusive SA community/Of these opinion makers and community leaders I asked: If you can agree with the 8 numbered points of the Declaration of Support for Multilingualism IN BROAD OUTLINES, please sign your name on the lose-leaf letter included and fax it to me on (021) 877 1999.

4. Here is the Declaration of Support for Multilingualism:
- 4.1 It is high time that the idea of empowerment by means of multilingualism received practical implementation in the RSA, and in the Draft Constitution of 1995 as well.
- 4.2 The growing tendency to use only English as official language of communication in documents - the RDP documents are available only in English, even now - is going to have increasingly detrimental results - economically, pedagogically and socially - for the whole South African population.
- 4.3 If the national and provincial authorities are going to make use only one language "for the purposes of the functioning of government" the administration of the country can communicate with far less than half of the South African population. Put differently: Then more than half of the citizens of the RSA will be deaf and dumb before the government of their own country.
- 4.4 In those African countries where only English or French has de facto become the only real official language in the last 30 to 50 years, tremendous economic decline of the ordinary people as a whole has taken place. Percentage-wise these people are educationally and economically less and less able to fend for themselves. Words used by a very prominent educator of Lesotho about the prevailing circumstances in his country, are: a "tragic downward spiral" of access to official authorities and to resources.
- 4.5 The ideal is that all the languages of the RSA be developed as far as possible. But this cannot be done (a) immediately, and (b) fully.
- 4.6 To recognize the relevant eleven languages as official languages of the RSA and then REALLY TO APPLY THAT RECOGNITION simply is not feasible practically.

According to Dr Joseph Turi, secretary general of the International Academy of Language Law - an academy with members in more than fifty countries - three to four languages is the highest number that a country like the RSA can handle at the level of national government. This he stated in a written submission to the Senate Committee on legislation about the Pan South African Language Board.

- 4.7 For the reasons given in 4.1-4.6 above, it is sensible to start with multilingualism of a particular nature, and to have in mind a more encompassing ideal ahead, towards which the people of the RSA can strive. If the "particular languages for the purposes

of the functioning of government" could e.g. be stipulated as being Afrikaans, English, Sesotho and isiZulu for the next ten years, then the possibilities of communication between the central government and the total population exceeds 90 %.

4.8 Therefore the obvious tracks to take, are:

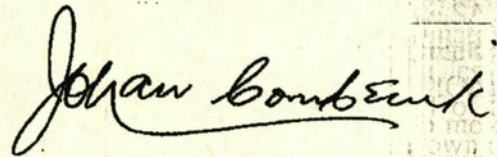
- \* One ought to retain all 11 languages in the present Constitution as official languages in the new Draft Constitution.
- \* In the new Draft Constitution one ought to make more than one language a "language for the purposes of the functioning of government".
- \* Good communication between State and citizen, and between citizen and State, is an indispensable cornerstone for the development of democracy in South Africa.

For practical reasons of the RDP, and for reasons of mutual understanding, the four languages English, Afrikaans, Sesotho and isiZulu are the obvious choices, for a start, as "languages for the purposes of the functioning of government" by the central government.

- \* One ought to stipulate in the Draft Constitution that where a significant number of inhabitants are resident in a given province, who speak a language other than those stipulated in 4.3 above this language ought to be an official language of such a province.

5. On behalf of the discussion group and of the signatories of the Declaration of Support for Multilingualism I beg you urgently to bring this letter to the attention of Mr Cyril Ramaphosa and the whips of all political parties participating in the Constitution-writing process.

With the highest regards



PROF. JOHAN COMBRINK  
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OF THE DISCUSSION GROUP

# AFRIKAANS

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25 Januarie 1996

VIR: Mnr. Hassen Ebrahim  
Uitvoerende Direkteur

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Geagte mnr. Ebrahim

1. 'n Polities onverbonde groepie Suid-Afrikaners het in Oktober 1995 in Pretoria byeengekom en oor die taalklousules in die Konsepgrondwet van 1995 beraadslaag. Onder hulle was in alfabetiese orde: proff. Johan Combrink en Hans du Plessis, drr. Frits Kok en Karel Prinsloo en mev. Olga Sema.
2. Ons het besware teen klousule 4 van Opsie 1. Hierdie besware is:
  - 2.1 Klousule (4) van die Konsepgrondwet van 1995, wat onskuldig lyk, is 'n Trojaanse perd. Die meervoud, "particular languages", is vir die leek misleidend. Artikel 6(b) van die Interpretasiewet (Wet 33 van 1957) sê naamlik dat, tensy die teenoorgestelde bedoeling duidelik is, woorde in die enkelvoud die meervoud insluit, en dat woorde in die meervoud die enkelvoud insluit.  
  
Hiermee gee die Konsepgrondwet van 1995 aan die sentrale én provinsiale regerings die reg om enige één taal (of meer tale) die funksioneringstaal van 'n regering te maak. Die gelykheid van die elf tale wat in klousule (1) gegee word, word in klousule (4) weggeneem.
  - 2.2 Die Konsepgrondwet van 1995 bevat geen van die waarborge of verskansings van die Grondwet van 1993 nie. (Sien die Addendum vir relevante dele van die Grondwet van 1993.) Nievermindering van taalregte soos by die inwerkingtreding van die Grondwet van 1993 word byvoorbeeld nêrens genoem nie.
  - 2.3 As geselskap dink ons dat die taalbepalings in die Konsepgrondwet van 1995, indien dit as Grondwet gepromulgeer word, kort termyn geweldige onrus gaan wek, en op die lang duur aansienlike ontmagtiging van die meerderheid Suid-Afrikaners gaan meebring.

3. Ons het gesamentlik 'n Verklaring van Steun vir Veeltaligheid opgestel en dit in November en Desember aan meningsvormers en gemeenskapsleiers van die inklusiewe SA gemeenskap gefaks in Afrikaans of Engels.

Ek het van dié meningsvormers en gemeenskapsleiers gevra om "As u IN BREË TREKKE met die 8 genommerde punte van die Verklaring van Steun vir Veeltaligheid kan saamgaan, teken dan asseblief u naam in die losblad-briefie hierby, en faks dit voor 23:00 Maandag 15 Januarie 1996 deur aan my.

4. Hier volg die Verklaring van Steun vir Veeltaligheid:

4.1 Dit is die hoogste tyd dat die idee van bemagtiging deur veeltaligheid praktiese neerslag in die RSA kry - ook in die Grondwet-in-wording.

4.2 Die neiging om al hoe meer slags Engels as amptelike kommunikasietaal in dokumente te gebruik - die HOP-dokumente is byvoorbeeld nog steeds slegs in Engels beskikbaar - gaan ál hoe nadeliger gevolge hê - ekonomies, opvoedkundig én sosiaal - vir die totale bevolking van die RSA.

4.3 As die sentrale en provinsiale owerhede slegs één taal "for the purposes of the functioning of government" gebruik, kan die landsadministrasie met minder as die helfte van die bevolking kommunikeer. Anders gestel: dan is meer as die helfte van die landsburgers in hulle eie land stom en doof teenoor die regering.

4.4 In dié Afrikalande waar óf slegs Engels óf slegs Frans die afgelope 30-50 jaar de facto dié amptelike taal geword het, het daar geweldige ekonomiese agteruitgang van die gewone bevolking as geheel plaasgevind. En dié bevolking is persentasiegewys opvoedkundig én ekonomies ál hoe minder weerbaar. Woorde wat in dié verband deur 'n vooraanstaande inwoner van Lesotho teenoor my gebruik is oor die heersende toestand in Lesotho, is: 'n "tragiese afwaartse spiraal" van toegang tot amptelike instansies en tot bronne.

4.5 Die ideaal is dat ál die RSA se tale so ver moontlik ontwikkel moet word. Maar dit kan nie (a) dadelik en (b) ten volle gebeur nie.

4.6 Om ál elf die betrokke tale as amptelike tale van die sentrale regering van die RSA te erken EN WERKLIK TOE TE PAS, is eenvoudig ekonomies onhaalbaar.

Volgens dr. Joseph Turi, sekretaris-generaal van die International Academy of Language Law - 'n akademie met lede in meer as vyftig lande - is drie tot vier tale die meeste wat 'n land soos die RSA kan hanteer op sentrale regeringsvlak. Dit het hy skriftelik gestel in 'n voorlegging aan die Senaatskomitee oor die Konsepwet oor PASAT.

4.7 Om die redes wat in 1-6 hierbo genoem is, is dit verstandig om met veeltaligheid van 'n bepaalde aard te begin, en om 'n groter ideaal vorentoe te hê, waarheen die mense

van die RSA strew. As die "particular languages for the purposes of the functioning of government" byvoorbeeld vir die volgende tien jaar, gestipuleer word as Engels, Afrikaans, Sesotho en isiZulu, dan is die kommunikasiemoontlikhede tussen die sentrale regering en die hele bevolking oor die 90 %.

4.8 Daarom is die aangewese weë die volgende:

- \* Mens behoort die elf tale in die huidige Grondwet te behou as amptelike tale in die Grondwet-in-ording.
- \* Mens behoort in die Grondwet-in-ording méér as een taal 'n "language for the purposes of the functioning of government" te maak.
- \* Goeie kommunikasie tussen staat en burger, en tussen burger en staat, is 'n onontbeerlike hoeksteen vir die ontwikkeling van die demokrasie in Suid-Afrika.

Om praktiese HOP-redes en om redes van onderlinge verstaanbaarheid, is die vier tale Engels, Afrikaans, Sesotho en isiZulu die voor die hand liggende keuse as "language for the purposes of the functioning of government" deur die sentrale regering, vir 'n begin.

- \* Mens behoort dit 'n Grondwet-bepaling te maak dat waar daar in 'n gegewe provinsie 'n beduidende aantal sprekers woon van 'n ander taal as dié in 8.3 hier, dié taal 'n amptelike taal in dié provinsie moet wees.

5. Namens die opstellers en ondertekenaars versoek ek u vriendelik maar dringend om hierdie brief onder die aandag te bring van mnr. Cyril Ramaphosa, en van die swepe van alle partye wat deelneem aan die Grondwetskrywende proses.

Met groot hoogagting

Die uwe

**PROF. JOHAN COMBRINK  
SAMEROEPER EN SEKRETARIS  
VAN DIE DISKUSSIEGROEP**