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MCH91-96-1-9

WORKING GROUP ON LANGUAGES

A. Points of departure agreed upon

A1. MULTILINGUISM: The 11 languages named in the proposals of the two parties shall be the languages of South Africa. Therefore, no single language shall dominate the others.

A2. FREE LANGUAGE CHOICE IN LEGISLATURES: A member of any legislature can address that house in the South African Language of his choice and provision shall be made for translation facilities.

A3. AN INDIVIDUAL RIGHTS APPROACH: The constitution should create language rights to protect the individual speakers.

A4. PROTECTING CURRENT POSITION: The Constitution should not diminish the current official status of Afrikaans and English.

A5. EMPOWERING AFRICAN LANGUAGES: The Constitution shall ensure that those languages that have not enjoyed the full support of the State in the past will be developed to their potential.

A6. REGIONAL DISPENSATION: The regional level shall be where the languages of South Africa fully come into their own in the official business of the state.

A7. FUNCTIONALITY: In order to ensure a feasible or practical disposition, languages for official business could be allocated for defined purposes and areas at the regional level.

A8. *KNOWLEDGE OF A LANGUAGE should not exclude other languages*

B. Outstanding issue

B1. FORMULATION OF THE OFFICIAL POSITION OF AFRIKAANS AND ENGLISH: This should not be formulated in a "harsh" way as to give the impression that change is not real; at the same time Afrikaans speakers will have to have the assurance - by the explicit use of the term - that the official status of their language is not taken away.

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THE FOLLOWING IS AN UNMANDATED DRAFT OF A LANGUAGE CLAUSE THAT COULD ACCOMMODATE THE ABOVE PRINCIPLES AND ADDRESS THE CONCERN (B.1)

Languages

3. (1) Afrikaans, English, sePedi, seSotho, seTswana, siNdebele, siSwati, siXhosa, siZulu, tshiVenda and xiTsonga, shall as the South African languages, be treated on a footing of equality, they shall be protected and conditions for their promotion and development be encouraged at appropriate levels of government.
- (2) A member of Parliament and a member of an SPR legislature may address the House of which he or she is a member in the South African language of his or her choice.
- (3) The Secretary of Parliament and the Secretaries of the SPR shall make provision for the simultaneous translation of debates in accordance with the needs of the members for the time being of the relevant House.
- (4) Afrikaans and English, and any other South African languages as may be determined by Parliament, shall be official languages.
- (5) A SPR legislature may, by a two thirds majority, determine any South African language to be an official language in addition to or the official languages or in the place of one of the official language as contemplated in subclause (4), for the whole or any part of that region and for all or any function within the legislative and administrative competence of that legislature: Provided that a language that was an official language at the commencement of this Act in any State or Self governing Territory that previously was part of South Africa, shall be regarded as an official language for all areas and functions in that territory.
- (6) All records of Parliament and SPR legislatures shall be kept in the official languages as contemplated in subsections (4) or (5), as the case may be, and all bills, laws and notices of general public importance or interest issued by an organ of the state, shall be in those official languages.
- (7) Every person shall have the right to communicate with an organ of the state at central or regional level (as the case may be), and to receive communication from such organ to him or her in the appropriate official language of his or her choice.