

MCH01-96-1-15

Dear cde Albic

I enclose for your
perusal the report
on languages from
the technical Committee
on Constitutional
Issues.

Dr Venter has asked to
give it to you and

Koos Pauw (SA Govt) (only)

to check. You need to
give me the go ahead -
so it can be part of
our reports on Monday.

Could you phone me at home
tomorrow (Sunday) at 852 5766
to let me know if there are
changes?

Thanks
Kim Morgan
Secretary (Technical Com)

The L1

In add.

L-B. will be responsible
for promoting the development
of Gujarati, Hindi, Tamil,
Telugu, Portuguese and other
languages used by masses
in SA and Arabic and Hebrew
and other languages used for
religious purposes

LANGUAGES

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- (1) Afrikaans, English, siNdebele, sePedi, seSothu, siSwati, xiTsonga, seTswana, tshiVenda, siXhosa and siZulu shall be the official South African languages at national level and conditions shall be created for their development and for the promotion of their equal use and enjoyment.
- (2) Rights relating to language and the status of languages existing at the commencement of this act shall not be diminished, and Parliament *shall* make provision for language rights and status existing only at regional level, to be extended nationally in accordance with the principles set out in subsection (8).
- (3) Wherever practicable, a person shall have the right to use and to be addressed in his or her dealings with the state and public administrations at the national level in any one of the national official languages of his or her choice.
- (4) Regional differentiation in relation to language policy and practice shall be permissible.
- (5) A provincial legislature may, by a two thirds majority, determine any language contemplated in subsection (1) to be an official language for the whole or any part of the province and for all or any function within the legislative and administrative competence of that legislature, save that it may not diminish any official language status or rights relating to language which exist in any area or in relation to any function at that commencement of this Act.
- (6) Wherever practicable, a person shall have the right to use and to be addressed in any one of the provincial official languages in his or her dealings with the state and public administrations at the provincial level, in respect of the areas or functions that has been determined by a law contemplated in subsection (5).
- (7) A member of Parliament may address Parliament in the official south African language of his or her choice.

- (8) Parliament and any provincial legislature may, subject to the provisions of this section, make provision by legislation for the use of official languages for the purposes of the functioning of government, taking into account questions of usage, practicality and expense.
- (9) Legislation, as well as official policy and practice in relation to the use of languages at all levels of government shall be subject to and based on the provisions of this section and the following principles:
- (a) the creation of conditions for the development and for the promotion of the equal use and enjoyment of all official South African languages;
 - (b) the extension of those rights relating to language and the status of languages which at the date of commencement of this Constitution are restricted to certain regions;
 - (c) the prevention of the use of any language for the purposes of exploitation, domination or division;
 - (d) the promotion of multilingualism and the provision of translation facilities; and
 - (e) respect for languages spoken in South Africa other than the official languages and the encouragement of their use in appropriate circumstances.
- (10) Legislation shall provide for the establishment by the Senate of an independent Pan South African Language Board to promote respect for the above principles and to further the development of south African languages. The Board shall be consulted and invited to make recommendations in relation to any proposed legislation contemplated in this section.

NOTE: The relevant item of Schedule 9 should be amended to read as follows:

Language policy and the regulation of the use of official languages within a province, subject to section 3.