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## BOARD NOTICES RAADSKENNISGEWINGS

### NOTICE 99 OF 2001

#### 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 Prof. W.A.M. Carstens lodged a complaint with the Board to the effect that the Department of Defence adopted English as the operational language of the SANDF and decided to scale down the use of other languages;
2. AND WHEREAS this complaint was investigated in terms of section 11(4) of the Pan South African Language Board Act, 1995, and it was found –
  - (a) that the language policy of the SANDF in force at present (SADFO 40/94) requires that officials use an applicable and effective language when issuing oral commands to formations or units in the course of training;
  - (b) that SADFO 40/94 provides the following –

“where minority groups of the target population do not sufficiently understand the applicable official language selected, they shall be communicated with in an official language they sufficiently understand, or which is required for technical reasons.”
  - (c) that the Language Desk of the SANDF developed a Draft Language Policy (“Draft 9”, dated November 1998) to bring the language policy into line with the Constitution, 1996, which policy –
    - (i) declares that the SANDF is committed to the promotion of multilingualism; and
    - (ii) makes use of English as a “thread language” and envisages the use of “link languages”;
  - (d) that “link language” is defined as a “language that may be predominant in a region, zone, command, formation or unit”;
  - (e) that “thread language” is defined as “a language used throughout the Department of Defence in order to facilitate general communication, command, control and coordination”. In terms of the policy, the thread language shall serve as a communication medium across decentralised elements in the Department of Defence;

- (f) that, to date, the SANDF has not adopted the above-mentioned Draft Language Policy, on the basis that the National Language Plan of the Department of Arts, Culture, Science and Technology still awaits finalisation;
  - (g) that on 24 March 2000 the Secretary of Defence and Chief of the SANDF jointly promulgated a Departmental Instruction on the Operational Language, and that shortly afterwards, the SANDF released the broad outline of this Instruction on Operational Language to the media;
  - (h) that this Departmental Instruction –
    - (i) stipulates that the SANDF is phasing in English as the language to be used during operational training and examination;
    - (ii) stipulates that assistance is to be provided to soldiers experiencing difficulty with English, to improve their command of this language;
    - (iii) concerns among other things, the command and control of drill squads who must execute the orders of the officer accurately and promptly;
    - (iv) was adopted to govern the core business of the SANDF on the basis that a common language is essential to the efficiency of operations, and for purposes of co-ordination with international practices; and
    - (v) was adopted whilst awaiting the National Language Plan of the Department of Arts, Culture, Science and Technology;
  - (i) that this Departmental Instruction has a major effect on training in the SANDF, in that basic and intermediate training; command and staff courses; all training materials; remedial training; and enablement training will be offered solely and exclusively in English.
3. THE BOARD HEREBY FINDS that none of the complainant's language rights are violated in this instance, since he cannot indicate any direct interest in the language practice of the SANDF.
4. THE BOARD HEREBY INFORMS the complainant and the SANDF –
- (a) that it suspects that the Departmental Instruction diminishes the status of the official languages other than English;
  - (b) that if the status of these languages is diminished, it is contrary to the language policy norms contained in section 6 of the Constitution;
  - (c) that it will undertake a survey to establish whether its suspicion is well-founded; and
  - (d) that the Board reserves the right to make a finding on this matter.

5. THE BOARD HEREBY ADVISES the SANDF –
- (a) to suspend the Departmental Instruction of 24 March 2000 pending the outcome of PANSALB's survey; and
  - (b) to implement the Draft Language Policy ("Draft 9", dated November 1998) with immediate effect.
6. THE BOARD HEREBY NOTIFIES THE DEPARTMENT that it shall monitor the implementation of the policy until it is satisfied that the matter is in order.

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#### KENNISGEWING 99 VAN 2001

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

1. NADEMAAL prof W.A.M. Carstens 'n klagte by die Raad ingedien het ten effekte dat die Departement van Verdediging Engels as die operasionele taal van die SANW aanvaar het en besluit het om die gebruik van ander tale af te skaal;
2. EN NADEMAAL hierdie klagte ondersoek is ingevolge artikel 11(4) van die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995, en daar bevind is –
  - (a) dat die taalbeleid van die SANW wat tans van krag is (SAWO 40/94), bepaal dat beamptes 'n toepaslike en doeltreffende taal moet gebruik wanneer daar tydens opleiding mondelinge bevels aan formasies of eenhede gegee word;
  - (b) dat SAWO 40/94 vir die volgende voorsiening maak:

“waar minderheidsgroepe van die teikenbevolking nie die toepaslike gekose amptelike taal genoegsaam begryp nie, moet daar met hulle gekommunikeer word in 'n amptelike taal wat hulle wel genoegsaam verstaan, of wat om tegniese redes vereis word.”

- (c) dat die Taallessenaar van die SANW 'n Ontwerptaalbeleid ontwikkel het ("Ontwerp 9", gedateer November 1998) om die taalbeleid met die Grondwet, 1996, in lyn te bring en welke taalbeleid –
- (i) verklaar dat die SANW tot die bevordering van veeltaligheid verbind is; en
  - (ii) van Engels as 'n "ankertaal" gebruik maak en die gebruik van "skakeltaal" in die vooruitsig stel;
- (d) dat 'n "skakeltaal" omskryf word as "'n taal wat oorheersend in 'n streek, sone, kommandement, formasie of eenheid kan wees";
- (e) dat 'n "ankertaal" omskryf word as "'n taal wat deur die hele Departement van Verdediging gebruik word ten einde algemene kommunikasie, bevelvoering, beheer en koördinasie te vergemaklik"; en dat die "ankertaal" ingevolge die beleid as 'n kommunikasiemedium in al die gedesentraliseerde elemente in die Departement van Verdediging moet dien;
- (f) dat die SANW, tot op datum, nog nie bogemelde Ontwerptaalbeleid aanvaar het nie, omrede die Nasionale Taalplan van die Departement van Kuns, Kultuur, Wetenskap en Tegnologie nog gefinaliseer moet word;
- (g) dat die Sekretaris van Verdediging en die Hoof van die SANW gesamentlik op 24 Maart 2000 'n Departementele Instruksie betreffende die Operasionele Taal bekend gemaak het, en dat die SANW kort daarna 'n samevatting van hierdie Instruksie betreffende Operasionele Taal aan die media vrygestel het;
- (h) dat hierdie Departementele Instruksie –
- (i) bepaal dat die SANW besig is om Engels in te faseer as die taal wat gedurende operasionele opleiding en eksaminering gebruik moet word;
  - (ii) bepaal dat daar aan soldate wat probleme met Engels ondervind, hulp verleen moet word ten einde hul vaardigheid in hierdie taal te verbeter;
  - (iii) handel oor, onder andere, die bevelvoering en beheer van drilafdelings wat die bevele van die offisier akkuraat en onmiddellik moet uitvoer;
  - (iv) aangeneem is om die kernbesigheid van die SANW te reguleer, met die uitgangspunt dat 'n gemeenskaplike taal onontbeerlik is vir

die doeltreffendheid van operasies, en vir doeleindes van samewerking met internasionale praktyke; en

(v) aangeneem is terwyl daar op die Nasionale Taalplan van die Departement van Kuns, Kultuur, Wetenskap en Tegnologie gewag word;

(i) dat hierdie Departementele Instruksie 'n belangrike uitwerking op opleiding in die SANW het, aangesien basiese en tussentydse opleiding, bevels- en stafkursusse, alle opleidingsmateriaal, remediërende opleiding, en instaatselfingsopleiding alleenlik en uitsluitlik in Engels aangebied sal word.

3. BEVIND DIE RAAD HIERBY dat geeneen van die taalregte van die klaer in hierdie geval geskend word nie aangesien hy geen regstreekse belang by die taalpraktyk van die SANW kan aantoon nie.

4. DIE RAAD STEL HIERBY die klaer en die SANW in kennis –

(a) dat die Raad vermoed dat die Departementele Instruksie die status van die ander amptelike tale behalwe Engels inkort;

(b) dat indien die status van hierdie tale ingekort word, dit strydig is met die taalbeleidsnorme soos vervat in artikel 6 van die Grondwet;

(c) dat die Raad onderneem om 'n opname te doen om vas te stel of sy vermoede gegronde is; en

(d) dat die Raad hom die reg voorbehou om 'n bevinding oor hierdie aangeleentheid te maak.

5. DIE RAAD BEVEEL HIERBY AAN dat die SANW –

(a) die Departementele Instruksie van 24 Maart 2000 opskort, hangende die uitslag van die PANSAT-opname; en

(b) die Ontwerptaalbeleid ("Ontwerp 9", gedateer November 1998) onverwyld implementeer.

6. DIE RAAD STEL DIE DEPARTEMENT VAN VERDEDIGING HIERBY IN KENNIS dat die Raad die implementering van die beleid sal monitor totdat die Raad tevrede is dat die saak reggestel is.

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#### NOTICE 99 OF 2001

### KUSHICILELWA KWESINCUMO NGEKULANDZELA SIGABA 11(7) SEMTSETFO WELIBHODI LETILWIMI TASENINGIZIMU AFRIKA, 1995 (UMTSETFO NOMBOLO. 59 WANGA-1995)

1. NJENGOBE Prof. W.A.M. Carstens afake simangalo neliBhodi mayelana nekutsi Litiko leTekuvikela lemukele siNgisi njengelulwimi lwekusebenta lweMbutfo waVelonkhe wemaSotja aseNingizimu Afrika (iSANDF) futsi lancuma kuncishiswa kwekusetjentiswa kwaletinye tilwimi.
2. FUTSI NJENGOBE lesimangalo saphenywa ngekulandzela sigaba 11(4) seMtsetfo weliBhodi letiLwimi taseNingizimu Afrika, 1995, kantsi kwase kutfolwa –
  - (a) kutsi inchubomgomo yelulwimi kuSANDF lesebentako njenganyalo (SADFO 40/94) idzinga kutsi tiphatsimandla tisebentise lulwimi lolucondzile futsi lolufanelekile uma tikhapha imiyalelo ngemlomo kumacembu nobe emayunithi ngesikhatsi sekuceceshwa;
  - (b) kutsi lenchubomgomo SADFO 40/94 iniketela ngalokulandzelako -
 

“uma emacembu elidlanzane elinanibantfu lokucondziswe kulo lingaluvisisi kahle lolulwimi lolucondzile lolusemtsetfweni futsi lolukhetsiwe, lawo macembu kutawukhulunyisanwa nawo ngelulwimi lolusemtsetfweni laluvisisa ncono, nobe loludzingekile ngetizatfu tethekniki.”
  - (c) kutsi luPhiko lweluLwimi lweSANDF lusukumise luHlaka lweNchubomgomo yeluLwimi (“LuHlaka 9”, lwangaNovemba 1998) kutsi kwentiwe lenchubomgomo yelulwimi ihambisane neMtsetfosisekelo, 1996, lokuyinchubomgomo –
    - (j) lememetela kutsi iSANDF itibophelele ekutfufukiseni kusetjentiswa kwetilwimi letinyenti;
    - (ii) isebentisa siNgisi “njengelulwimi lwemtiya” futsi ihlose kusebentisa “tilwimi letigcamile”;

- (d) kutsi "lulwimi lolugcamile" luchazwa "njengelulwimi lolungabe lwandzile esifundzeni, endzaweni, elibutfweni, ecenjini nobe kuyunithi";
  - (e) kutsi "lulwimi lwemtiya" luchazwa "njengelulwimi lolusetjentiswa kulo lonkhe Litiko leTekuvikela khona kutawunconotwa kuchumana jikelele, imiyalelo, kulawula kanye nekuhlelembisa. Ngekulandzela lenchubomgomo, lolulwimi lwemtiya lutawusebenta njengendlela yekuchumana emkhatsini kwemaphiko lahlelekile eLitiko leTekuvikela;
  - (f) kutsi, kudzimate kube kunamuhla, iSANDF ayikalwemukeli loluHlaka lweNchubomgomo yelLwimi loluphawulwe ngenhla, ngenca yekutsi LiSu laVelonkhe leluLwimi leLitiko leTebuciko, emaSiko, iSayensi neTheknoloji lisalindze kupheleliswa;
  - (g) kutsi ngamhlaka 24 Mashi 2000 Mabhalane weTekuvikela neMkhuti weSANDF ngekuhlanganyela bemukela uMyalelo weLitiko ngelLwimi lwekuSebenta, nekutsi ngemuva-nje kwaloko, iSANDF yakhiphela betindzaba luhlaka lolwenabile lwaloMyalelo ngelLwimi lwekuSebenta;
  - (h) kutsi loMyalelo weLitiko –
    - (i) uphakamisa kutsi iSANDF ingenisa siNgisi njengelulwimi lolutawusetjentiswa ngesikhatsi sekuceleshwa nangesikhatsi sekuhlolwa;
    - (ii) uphakamisa kutsi lusito lutawuniketwa kumasotja lahlangabetana nebumatima ngesiNgisi, kunconota kukhuluma kwawo lolulwimi;
    - (iii) utsintsana, kufaka ekhatsi letinye tintfo, kukhutwa nekulawulwa kwemacembu ekuviliyela lokumele achube imiyalelo yesiphatsimandla ngalokucondzile futsi ngalokunonophako;
    - (iv) wemukelwe kubusa umnyombo wemsebenti weSANDF ngekutsi lulwimi lolwetayelekile ludzingekile ekuchutjweni ngalokufanelekile kwemisebenti, kanye nangenjongo yekuhlelembisa macondzana nenchubo yemhlabawonkhe;
    - (v) wemukelwe kusalindvwe LiSu laVelonkhe leluLwimi leLitiko leTebuciko, emaSiko, iSayensi neTheknoloji;
  - (i) kutsi loMyalelo weLitiko unemphumela lomkhulu ekuceleshweni kuSANDF, ngekutsi kuceleshwa lokusisekelo naloko lokusekhatsi; kukhuta nemakhozi ebasebenti; tonkhe tintfomsebenti tekuceleshwa; kuceleshwa kwekwengetelela; kanye nekuceleshwa kwekuhlomisa kutawentiwa kuphela nangalokukhetsekile ngesiNgisi.
3. LIBHODI NGALOKU LITFOLA kutsi akekho emalungelo elulwimi emmangali lahlukunyetwako ngalesento, ngobe angeke akwati kubonisa inshisekelo-ngco enchubeni yelulwimi yeSANDF.

## 4. LIBHODI NGALOKU LATISA ummangali neSANDF –

- (a) kutsi libona sengatsi loMyalelo weLitiko unciphisa simo saletinye tilwimi letisemtsetfweni ngaphandle kwesiNgisi;
- (b) kutsi uma simo saletilwimi sincishiswa, kuphambene netindlela tenchubomgomo yelulwimi leticuketfwe kuMtsetfosisekelo;
- (c) kutsi litawusukumisa lucwaningo lwekutfola kutsi ngabe letinsolo talo tinesisekelo na; kanye
- (d) nekutsi liBhodi ligodla lilungelo lekukhipha sincumo kuloludzaba.

## 5. LIBHODI NGALOKU LELULEKA iSANDF –

- (a) kumisa loMyalelo weLitiko wamhlaka 24 Mashi 2000 kudzimate kutfolakale umphumela welucwaningo lwePANSALB; nekutsi
- (b) isebentise luHlaka lweNchubomgomo yeluLwimi (“LuHlaka 9”, lwangaNovemba 1998) ngekunonopha lokukhulu.

## 6. LIBHODI NGALOKU LATISA LITIKO kutsi litawucaphela kusetjentiswa kwalenchubomgomo kudzimate kube nekweneliseka kutsi loludzaba selucondzile.

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**NOTICE 100 OF 2001****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. The Pro-Afrikaanse Aksie Groep (PRAAG) lodged a complaint with the Board to the effect that the decision of the Department of Defence and the South African National Defence Force (SANDF) – to adopt English as operational language – scales down the status of Afrikaans;
2. AND WHEREAS this complaint was investigated in terms of section 11(4) of the Pan South African Language Board Act, 1995, and the investigation proceeded along the same lines as in the case of the complaint brought by Prof. W.A.M. Carstens against the SANDF;
3. NOW THEREFORE, THE BOARD HEREBY FINDS that the complainant's language rights have not been violated in this instance, since PRAAG cannot prove any direct interest in the language practices of the SANDF.
4. THE BOARD HEREBY INFORMS the complainant and the SANDF –
  - (a) that it suspects that the Departmental Instruction of 24 March 2000 diminishes the status of Afrikaans and the official languages other than English;
  - (b) that if the status of these languages is diminished, it is contrary to the language policy norms contained in section 6 of the Constitution;
  - (c) that it will undertake a survey to establish whether its suspicion is well-founded; and
  - (d) that the Board reserves the right to make a finding on this matter.
5. THE BOARD HEREBY ADVISES the SANDF –
  - (a) to suspend the Departmental Instruction of 24 March 2000 pending the outcome of PANSALB's survey; and
  - (b) to implement the Draft Language Policy ("Draft 9", dated November 1998).

6. THE BOARD HEREBY INFORMS the Department of Defence that it shall monitor the implementation of the policy until it is satisfied that the matter is in order.

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#### **KENNISGEWING 100 VAN 2001**

#### **PUBLIKASIE VAN 'N BESLUIT INGEVOLGE ARTIKEL 11(7) VAN DIE WET OP DIE PAN-SUID-AFRIKAANSE TAALRAAD, 1995 (WET NO. 59 VAN 1995)**

1. Die Pro-Afrikaanse Aksiegroep (PRAAG) het 'n klag by die Raad ingedien ten effekte dat die besluit van die Departement van Verdediging en die Suid-Afrikaanse Nasionale Weermag (SANW), nl. om Engels as operasionele taal te aanvaar, die status van Afrikaans verlaag.
2. EN NADEMAAL hierdie klag ondersoek is ingevolge artikel 11(4) van die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995, en die ondersoek op dieselfde wyse geskied het as in die geval van die klag wat deur prof W.A.M. Carstens teen die SANW ingebring is;
3. DERHALWE BEVIND DIE RAAD HIERBY dat die taalregte van die klaer nie in hierdie geval geskend is nie aangesien PRAAG geen regstreekse belang by die taalpraktyke van die SANW kan bewys nie.
4. DIE RAAD STEL HIERBY die klaer en die SANW IN KENNIS –
  - (a) dat die Raad vermoed dat die Departementale Instruksie van 24 Maart 2000 die status van Afrikaans en die ander amptelike tale buiten Engels verlaag;
  - (b) dat indien die status van hierdie tale verlaag word, dit strydig is met die taalbeleidsnorme soos vervat in artikel 6 van die Grondwet;
  - (c) dat die Raad 'n opname sal onderneem om vas te stel of sy vermoede gegrond is; en

- (d) dat die Raad hom die reg voorbehou om 'n bevinding oor hierdie saak te maak.
5. DIE RAAD BEVEEL HIERBY AAN dat die SANW -
- (a) die Departementele Instruksie van 24 Maart 2000 opskort, hangende die uitslag van die PANSAT-opname; en
- (b) die Ontwerptaalbeleid ("Ontwerp 9", gedateer November 1998) implementeer.
6. DIE RAAD STEL DIE DEPARTEMENT VAN VERDEDIGING HIERBY IN KENNIS dat die implementering van die beleid gemonitor sal word totdat die Raad tevrede is dat die saak reggestel is.

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#### NOTICE 100 OF 2001

#### KU HANGALASIWA KA XIBOHO HI KU LANDZA XIYENGE XA 11(7) XA NAWU WA HUVO YO ANGARHELA YA TINDZIMI TA AFRIKA-DZONGA, 1995 (NAWU NO. 59 WA 1995)

1. Pro-Afrikaanse Aksie Groep (PRAAG) yi endle xivilelo eka Huvo hi mayelana na xiboho xa Ndzawulo ya Vusirheleri na Vuthu ra Vusirheleri ra Rixaka ra Afrika-Dzonga (SANDF) – ku amukela Xinghezi tanihi ririmi leri nga ta tirhisiwa –swi yisa ehansi xiyimo xa Xibunu;
2. KUTANI HIKWALAHO ko va xivilelo lexi xi lavisisiwile hi ku landza xiyenge xa 11(4) xa Nawu wa Huvo yo Angarhela ya Tindzimi ta Afrika-Dzonga, 1995, naswona ndzavisiso wu yile emahlweni hi ndlela yo fana ni ya xivilelo xa Prof. W.A.M. Carstens hi SANDF;
3. KUTANI KE, HUVO YI VONA timfanelo ta muvileri ta ririmi ti nga tluriwangi eka xiyimo lexi, hikwalaho ko va PRAAG yi nga ri na vumbhoni hi mayelana na ntsakelo lowu kongomaka wa matirhiselo ya ririmi wa SANDF.

## 4. HUVO YI RHANDZA KU TIVISA muvileri na SANDF –

- (a) leswaku yi ehleketelela leswaku Xiletelo xa Ndzawulo xa 24 Nyenyankulu 2000 xi yisa ehansi xiyimo xa Xibunu na tindzimi ta ximfumo tin'wana handle ka Xinghezi;
- (b) leswaku loko xiyimo xa tindzimi leti xi yisiwa ehansi, leswi swi kanetana na mimpimo ya pholisi ya ririmi leyi nga kona eka xiyenge xa 6 xa Vumbiwa;
- (c) leswaku yi ta endla mbalango ku kumisisa loko ku ehleketelela ka yona ku ri na ntiyiso; na
- (d) leswaku Huvo a yi rhandzi ku teka xiboho ehenhla ka mhaka leyi.

## 5. HUVO YI RHANDZA KU TSUNDZUXA SANDF –

- (a) ku yimisa Xiletelo xa Ndzawulo xa 24 Nyenyankulu 2000 ku fikela loko ku kumeke mbuyelo wa mbalango wa PANSALB; no
- (b) tirhisa Mpampfarhuto wa Pholisi ya Tindzimi (Draft Language Policy) ("Mpampfarhuto 9", wa Hukuri 1998).

## 6. HUVO YI RHANDZA KU TIVISA Ndzawulo ya Vusirheleri leswaku yi ta langutela ku tirhisiwa ka pholisi ku fikela loko yi enerisiwa leswaku mhaka leyi yi famba kahle.

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**NOTICE 101 OF 2001****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 Inspector Mandla A. Hlongwane, a member of the South African Police Service (SAPS) lodged a complaint to the effect that –
  - (a) the Station Commander of the Bethlehem Police Station introduced Station-Order 3/1999 on 25 January 1999, in terms of which English and/or Afrikaans shall be used for communication whenever efficient communication might be jeopardised because of the lack of proficiency of any person concerned in any other official language;
  - (b) the Area Commissioner, Eastern Free State, issued instructions to members of SAPS to desist from using indigenous languages on official police radio channels;
  - (c) these instructions marginalise certain official languages and provide grounds on which police officials may be charged with misconduct if they make efforts “to promote and develop” their languages;
2. AND WHEREAS the complaint was investigated in terms of section 11(4) of the Pan South African Language Board Act, 1995, and it was found –
  - (a) that the Station Order at which the complaint is directed, is based on SAPS Standing Order G.201.2 of 22 May 1995, which Order states that English and/or Afrikaans shall be used for communication within the SAPS whenever efficient communication might be jeopardised because of the lack of proficiency of any person concerned in any other official language;
  - (b) that Station Order 3/1999 was issued to instruct members to use only English and Afrikaans after members of the SAPS failed to attend to complaints that were discussed on official radio channels in indigenous languages;
  - (c) that Standing Order G.201.5 requires that every reasonable effort shall be made to create, wherever practicable, favourable conditions which will promote, develop and facilitate the use of all the official languages at national level and each in its own particular province;

- (d) that the failure to use only English and Afrikaans on official police radio channels, or the use of any indigenous language for purposes of communication on any official police radio channels, may give rise to disciplinary proceedings when an offending member is charged with serious misconduct under Regulation 8(2) of the Disciplinary Regulations;
- (e) that disciplinary proceedings will be instituted for serious misconduct whenever the rendering of an efficient policing service to the public is compromised in any manner due to lack of proficiency in a language;
- (f) that the Police and Prison Civil Rights Union (Popcru) sought a legal order from the Transvaal Provincial Division of the High Court against the National Commissioner of Police and the Minister of Safety and Security;
- (g) that the basis of the application sought by Popcru was that the Standing Order violates the Constitution and is *ultra vires* and void, but that the SAPS defended the Standing Order on the basis that no less restrictive means exists by means of which effective communication can be achieved;
- (h) that the court turned down the application by Popcru on the following grounds –
  - (i) that the limitation is unavoidable, fair and necessary in the interest of crime detection and prevention;
  - (ii) that the language issue should be an issue for negotiation; and
  - (iii) that the language issue ought not be used as a tool in labour matters or to speed up transformation.

3. THE BOARD HEREBY DECIDES that both Standing Order G.201.2 and Station Order 3/1999 –

- (a) support the policy of multilingualism since section 6 of the Constitution of the Republic of South Africa, 1996, requires the state to use of at least two official languages for governmental purposes; and
- (b) fail to comply with the language policy norm contained in section 6(2) of the Constitution, 1996, that the state must take practical measures to improve the status and promote the use of previously marginalised languages.

4. THE BOARD FURTHERMORE DECIDES that –

- (a) since effective communication will not be jeopardised in circumstances where all the users of the radio network are able to use the same indigenous language, Standing Order G.201.2 does not violate the language rights of members of the SAPS;

- (b) that the Station Order restricted the interpretation of the Standing Order by insisting that indigenous languages may not be used on official police radio channels;
- (c) that a restrictive interpretation that limits the scope of the Standing Order to the use of only English and Afrikaans violates the language rights of police officials in circumstances where all the users of the radio network are able to use the same indigenous language.

5. THE BOARD HEREBY ADVISES the SAPS –

- (a) to bring Standing Order G.201.2 and Station-Order 3/1999 into line with all the language policy norms contained in section 6 of the Constitution, so that they permit the use of an indigenous language which all the users of a radio network are capable of using; and
- (b) to ensure that complaints that are logged in an indigenous language are translated into Afrikaans and English, until members of the SAPS acquire adequate proficiency in indigenous languages. This instruction is aimed at preventing a situation where members who lack proficiency in such languages, refuse or fail to investigate certain complaints on account of the existence of language barriers.

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**KENNISGEWING 101 VAN 2001**

**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 Inspekteur Mandla A. Hlongwane & Inspekteur Makhubo, beide lede van die Suid-Afrikaanse Polisie Diens (SAPD) 'n klagte ingedien het waarvolgens –
  - (a) die Stasiebevelvoerder van die Bethlehem Polisiestasie Stasie-Order 3/1999 van 25 Januarie 1999 ingevoer het, ingevolge waarvan Engels

en/of Afrikaans vir kommunikasie gebruik sal word wanneer effektiewe kommunikasie in gevaar gestel mag word weens 'n gebrek aan vaardigheid van enige betrokke persoon in enige ander amptelike taal;

- (b) die Area-Kommissaris, Oos-Vrystaat, lede van die SAPD gelas het om nie inheemse tale op amptelike polisie radiokanale te gebruik nie;
- (c) hierdie instruksies sekere amptelike tale gemarginaliseer het en gronde verskaf waarop polisiebeamptes van wangedrag aangekla kan word indien hulle pogings sou aanwend om hul tale "te bevorder en te ontwikkel";

2. EN NADEMAAL die klagte ondersoek is ingevolge artikel 11(4) van die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995, en bevind is –

- (a) dat die Stasie Bevel gebaseer is op SAPD Staande Bevel G.201.2 van 22 Mei 1995, welke Bevel bepaal dat Engels en/of Afrikaans vir kommunikasie binne die SAP gebruik sal word wanneer effektiewe kommunikasie in gedrang kom weens 'n gebrek aan vaardigheid van enige betrokke persoon in enige ander amptelike taal;
- (b) dat Stasie Bevel 3/1999 uitgereik is met die doel om lede te gelas om slegs Engels en Afrikaans te gebruik, nadat lede van die SAPD nagelaat het om klagtes op te volg wat in inheemse tale op die amptelike radiokanale bespreek is;
- (c) dat Staande Bevel G.201.5 vereis dat alle redelike pogings aangewend moet word om, waar moontlik, gunstige omstandighede te skep om die gebruik van inheemse tale op nasionale vlak en elk in sy betrokke provinsie te bevorder, ontwikkel en fasiliteer;
- (d) dat die versuim om slegs Engels en Afrikaans op amptelike polisie radiokanale te gebruik, of die gebruik van enige inheemse amptelike tale vir kommunikasie doeleindes op enige amptelike polisie radiokanaal, aanleiding kan gee tot dissiplinêre stappe indien 'n oortreder van 'n ernstige misdryf aangekla word ingevolge Regulasie 8(2) van die Dissiplinêre Regulasies;
- (e) dat dissiplinêre stappe vir ernstige misdrywe ingestel sal word wanneer die lewering van 'n effektiewe polisie diens aan die gemeenskap op enige wyse in gevaar gestel word vanweë 'n gebrek aan bedrewenheid in enige taal;
- (f) dat die Vakbond vir Siviele Regte van Polisiebeamptes en Gevangenis (Popcru) 'n hofbevel teen die Nasionale Kommissaris van Polisie en die Minister van Veiligheid en Sekuriteit aangevra het;

- (g) dat die verlangde bevel aangevra is op die basis dat die betrokke Staande Bevel die Grondwet skend en *ultra vires* en ongeldig is, maar dat die SAPD die aansoek teengestaan het op sterkte daarvan dat effektiewe kommunikasie nie op enige minder beperkende wyse bewerkstellig kan word nie; en
  - (h) dat die hof die Vakbond se aansoek afgewys het op die volgende gronde –
    - (i) dat die beperking onvermydelik, regverdig en noodsaaklik is in belang van misdaadopsoring en –voorkoming;
    - (ii) dat die taalkwessie 'n onderhandelde aangeleentheid behoort te wees; en
    - (iii) dat die taalkwessie nie gebruik behoort te word as 'n instrument in arbeidsgeskilte of om transformasie te bespoedig nie.
3. DIE RAAD BESLUIT HIERMEE dat beide Staande Bevel G.201.2 en Stasiebevel 3/1999 –
- (a) die beleid van veeltaligheid ondersteun, aangesien artikel 6 van die Grondwet van die Republiek van Suid-Afrika, 1996, van die Staat vereis om ten minste twee amptelike te gebruik vir regeringsdoeleindes; en
  - (b) in gebreke bly om te voldoen aan die taalbeleidsnorme soos vervat in artikel 6(2) van die Grondwet, 1996, dat die staat praktiese stappe moet doen om die status van voorheen miskende tale te verhoog en hul gebruik te bevorder.
4. DIE RAAD BESLUIT VOORTS –
- (a) dat aangesien effektiewe kommunikasie nie in gevaar gestel word in omstandighede waar al die gebruikers van 'n radionetwerk in staat is om dieselfde inheemse taal te gebruik nie, en gevolglik stel Staande Bevel G.201.2 insigself nie 'n aantasting van die klaers se taalregte daar nie;
  - (b) dat die Stasiebevel neerkom op 'n eng uitleg van die Staande Bevel deurdat dit daarop aandring dat die inheemse tale nie op amptelike polisiekanale gebruik mag word nie; en
  - (c) dat 'n eng uitleg van die Staande Bevel, wat die strekwydte daarvan beperk tot die gebruik van slegs Engels en Afrikaans, die taalregte van polisiebeamptes skend in omstandighede waar al die gebruikers van 'n radionetwerk dieselfde inheemse taal magtig is.
5. DIE RAAD BEVEEL HIERMEE AAN DAT DIE SAPD –
- (a) Staande Bevel G.201.2 en Stasiebevel 3/1999 versoen met die taalbeleidsnorme vervat in artikel 6 van die Grondwet, sodat die gebruik van 'n inheemse taal toelaatbaar sal wees indien al die gebruikers van die netwerk daardie taal magtig is; en

- (b) verseker dat klagtes wat in inheemse tale aangemeld word of genoteer word, vertaal sal word in Engels en Afrikaans, tot tyd en wyl lede van die SAPD die inheemse tale bemeester het. Hierdie instruksie is daarop gemik om 'n situasie te voorkom waar lede wat nie vlot is in die inheemse tale nie, kan weier of nalaat om sekere klagtes te ondersoek op sterkte van 'n taalprobleem.

Die Hoof- Uitvoerende Beamppte

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#### NOTICE 101 OF 2001

#### 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. NJENGOKUBA abaHloli-mapolisa uMandla A Hlongwane kunye noMakhubo befake isikhalazo sokuba -
  - (a) umPhathi wamaPolisa kwisiKhululo samaPolisa saseBethlehem uthe thaca umYalelo wesiKhululo wesi-3 ka1999 ngosuku lwama-25 kuJanuwari 1999 othi isiNgesi nesiBhulu okanye olunye lwezi lwimi luya kusetyenziswa xa kunemfuneko yothungelwano sibe isithethi singenalwazi lweelwimi zaseburhulumenteni ezizezinye;
  - (b) umKhomishini weNgingqi yeMpuma-Freyistata uthe wakhupha imiyalelo enqanda amalungu eeNkonzo zamaPolisa ukuba azikhwebule ekusebenziseni ulwimi lweenkobe xa ethetha koonomathotholo bamapolisa baseburhulumenteni;
  - (c) le miyalelo inyhasha amalungelo ezinye zeelwimi zaseburhulumenteni kwaye ingumhlaba ochumileyo ekunokumila kuwo izikhalazo ezinokujoliswa kumapolisa anokuthi ohlwaywe ngokwenza imigudu "yokukhuthaza ukusetyenziswa nokuphuhliswa" kweelwimi zabo;

2. NANJENGOKUBA isikhalazo sithe sagocagocwa ngokwemigqaliselo yecandelo le-11(4) lomThetho weBhodi yeeLwimi Zonke zaseMzantsi-Afrika ka-1995, kuthe kwadula –
- (a) ukuba umYalelo weSAP oHlal'ukho G.201.2 wosuku lwama-22 kuMeyi 1995 uthi isiNgesi kunye nesiBhulu okanye olunye lwezi lwimi luya kuthi lusetyenziswe kwiiNkonzo zamaPolisa oMzantsi-Afrika xa kunemfuneko yothungelwano sibe isithethi singenalwazi lweelwimi zaseburhulumenteni ezizezinye;
  - (b) ukuba umYalelo wesiKhululo samaPolisa wesi-3 ka-1999 wayilelwa ukuba amaPolisa asebenzise isiNgesi nesiBhulu kuphela emveni kokuba amaPolisa engazanga asabele kwizikhalazo ezithe zacaciswa ngolwimi lweenkobe koonomathotholo baseburhulumenteni bamapolisa;
  - (c) ukuba umYalelo oHlal'ukho G.201.5 unyanzelisa ukuba kwenziwe yonke imigudu ukudala amathuba afanelekileyo okukhuthaza ukusetyenziswa nokuphuhliswa kwazo zonke iilwimi zaseburhulumenteni kwilizwe liphela nakumaPhondo apho ulwimi ngalunye lusetyenziswa khona;
  - (d) ukuba ukusilela ekusebenziseni isiNgesi nesiBhulu kuphela koonomathotholo bamaPolisa baseburhulumenteni okanye ukusebenzisa naluphi na ulwimi lweenkobe kuthungelwano ngoonomathotholo bamaPolisa baseburhulumenteni kunokubangela ukuba ilungu elo lohlwaywe ngokwaphula umThetho 8(2) kwimiThetho yezoHlwayo ngokuziphatha gwenxa;
  - (e) ukuba kuya kuba nesohlwayo sokuziphatha gwenxa ukuba ukunikela ngeenkonzo zobupolisa ezifanelekileyo kuluntu kuye kwaphazamiseka ngenxa yokungasetyenziswa kolwimi ngokuchanekileyo;
  - (f) ukuba amaPolisa kunye nomButho olwela amaLungelo amaBanjwa (Popcru) bathe bamangalela umKhomishini wesiZwe wamaPolisa kunye nomPhathiswa wezoKhuseleko bekhazela lo mYalelo oHlal'ukho ukuba waphula umGaqo-siseko kwaye unikezwe amandla angaphaya kwawo;
  - (g) ukuba amaPolisa oMzantsi-Afrika awukhusela lo mYalelo esithi ayikho enye indlela yokwakha uthungelwano olululo;
  - (h) nokuba inkundla yamatyala yafumanisa ukuba –
    - (i) la madlala akanakuncedwa kwaye amkelekile ukuze kunqandwe ulwaphulo-mthetho naxa kusenziwa uphando;
    - (ii) imiba ephathelele kwiilwimi yimiba enokuconjululwa ngothethathethano;

- (iii) imiba ephathelele kwiilwimi ayifanelanga kusetyenziswa njengesixhobo kwimicimbi yabasebenzi okanye ukukhawulezisa inguqu kwezemisebenzi.

3. NGOKO KE IBHODI IFIKELELE KWISIGQIBO sokuba umYalelo oHlal'ukho G.201.2 kunye nomYalelo 3/1999 –

- (a) yomibini iyayixhasa inkqubo yokusetyenziswa kweelwimi ngeelwimi kuba umGaqa-siseko unyanzelisa ukuba urhulumente asebenzise iilwimi ezimbini ubuncinane kwimicimbi yoburhulumente. Ukuchongwa kwezo lwimi kumele kuvumelane nenkqubo ngeelwimi kwaye nezinye iimeko ezinokuluchaphazela olu chongo kufanele zinikwe ingqalelo;
- (b) yomibini ayivumelani nenkqubo ngeelwimi equlethwe kwicandelo lesi-6 (2) lomGaqa-siseko elithi urhulumente makathabathe amanyathelo abonakalayo ukuphucula umgangatho weelwimi ebezihlelekileyo nokukhuthaza ukusetyenziswa kwazo;
- (c) yomibini inyhasha amalungelo eelwimi amapolisa kwiimeko apho abo baqhagamshelanayo ngonomathotholo banako ukusebenzisa ulwimi lweenkobe olunye.

4. NGOKO KE IBHODI IYALELA amaPolisa oMzantsi-Afrika –

- (a) ukuba aguqule umYalelo oHlal'ukho G.201.2 kunye nomYalelo wesiKhululo 3/1999 ivumelane nenkqubo ngeelwimi equlethwe kumGaqa-siseko, ngokuhlomela igatya elivumela ukusetyenziswa kolwimi lweenkobe ukuba olo lwimi lwabo baqhagamshelanayo ngonomathotholo;
- (b) ukuba amaPolisa aqulunqe amacebo achanekileyo okunyanga iimeko ezinjengaxa amaPolisa oMzantsi-Afrika engenako ukusabela kwizikhalazo kuba zifakwe zaze zachazwa koonomathotholo baseburhulumenteni ngolwimi lweenkobe.

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**NOTICE 102 OF 2001****PUBLICATION OF A NOTICE IN TERMS OF SECTION 8(11) OF THE PAN SOUTH AFRICAN LANGUAGE BOARD ACT, 1995 (ACT NO. 59 OF 1995)****PREAMBLE**

WHEREAS language practitioners and other stakeholders in the language designated as Sepedi in the Constitution approached the PAN SOUTH AFRICAN LANGUAGE BOARD, among these Prof. P.M. Makgamatha, Head of Northern Sotho at the University of the North as well as Prof. L.J. Louwrens and Dr. P.L. Boshego, of the Northern Sotho Subdepartment at UNISA, on the correct term for the Sepedi language;

AND WHEREAS the Board referred the matter to its Subcommittee on development of literature and previously marginalised languages, for consideration and recommendation;

AND WHEREAS the Subcommittee considered the matter in the light of written submissions and memoranda which focus on the historical developments surrounding the naming of the Sepedi language, and submitted their recommendations to the Board for consideration and approval,

NOW THEREFORE, the Board resolves as follows:

**RESOLUTION**

1. The correct designation for the language in question is SESOTHO SA LEBOA or, in English, Northern Sotho (or in Afrikaans "Noord-Sotho").
2. Sepedi is a dialect of SESOTHO SA LEBOA, similar in status to other dialects forming part of cluster, such as SETLOKWA, SELOBEDU, SEPULANA, SEHANANWA, SEKOPA.
3. Accordingly, this finding should be published as a notice in the *Government Gazette*.
4. The Ministry of Arts, Culture, Science and Technology as well as the relevant Portfolio Committees should be furnished with this resolution.
5. As soon as the Notice is published, the PANSALB office should inform all the relevant stakeholders, namely Departments of Education at national and provincial levels; University Departments of African Languages/Sesotho sa Leboa/Northern

Sotho; Education Directorates and Inspectorates; Examining Bodies; language practitioners in general, about this resolution, and furnish them with copies thereof.

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#### NOTICE 102 OF 2001

### PHATLALATŠO YA SEPHETHO GO YA KA KAROLO 8(11) YA MOLAO WA LEKGOTLA LA MALEME KA MOKA A AFRIKA BORWA, 1995 (MOLAO WA NO. 59 WA 1995)

#### MATSENYAGAE

MOLA E LE GORE badiragatši ba maleme le babalesetseka ba bangwe mo lelemeng la go rewa Sepedi ka go Molaotheo ba ithotošitše go LEKGOTLA LA MALEME KA MOKA A AFRIKA BORWA, gare ga bona Prof. P.M. Makgamatha, Hlogo ya Sesotho sa Leboa kua Unibesithing ya Leboa gotee le Prof. L.J. Louwrens le Dr. P.L. Boshego, wa Lekalana la Sesotho sa Leboa kua UNISA, mabapi le lentšu le le nepagetšego malebana le leina la leleme la Sepedi;

GAPE MOLA E LE GORE Boto e fetišeditše taba ye go Komitipotlana ya yona go tša tlhabollo ya dingwalwa le maleme a a kilego a kokobetšwa, go nyakiwa tsinkelo le tšhišinyo;

GAPE MOLA E LE GORE Komitipotlana yeo e tsinketše taba ye e lebeletše ditlhagišo le dimemorantamo tša go theiwa godimo ga ditlamorago tša histori tše di dikologilego go rewa leina ga leleme la Sepedi, ke moka komitipotlana yeo ya hlagiša ditšhišinyo tša yona go Boto go kgopela tsinkelo le kamogelo,

KA MOO BJALE, Boto e rarolla ka mokgwa wo o latelago:

#### THAROLLO

1. Lereo le le nepagetšego la leina la leleme le go bolelwago ka lona ke SESOTHO SA LEBOA, goba ka Seisimane, Northern Sotho, goba ka Seburu, Noord-Sotho.
2. Sepedi ke polelosemmotwana ka fase ga polelo ya SESOTHO SA LEBOA, ke polelosemmotwana ye e swanago ka maemo le dipolelosemmotwana tše dingwe

tše di bopago karolo ya seboka, bjalo ka SETLOKWA, SELOBEDU, SEPULANA, SEHANANWA, SEKOPA.

3. Go ya ka mo go swanetšego, phihlelelo ye e swanetše go phatlalatšwa e le tsebišo ka go *Kuranta ya Mmušo*.
4. Botona bja Bokgabo, Setšo, Mahlale le Thekenolotši gotee le Komiti ya Potofolio ya maleba bo swanetše go fiwa tharollo ye.
5. Ka bjako morago ga ge Tsebišo ye e phatlaladitšwe, kantoro ya PANSALB e swanetše go begela babalesetseka ba maleba ka moka, re e ra Dikgoro tša Thuto magatong a bosetšhaba le profense; Makala a Unibesithi a Maleme a Afrika/Sesotho sa Leboa/Northern Sotho; Bohlahlhi le Bohlahllobi bja Thuto; Makgotla a Dihlahlobo; badiragatši ba maleme ka kakaretšo, mabapi le tharollo ye, le go ba fa dikhophi tša yona.

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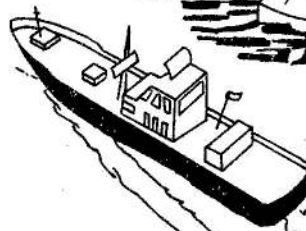
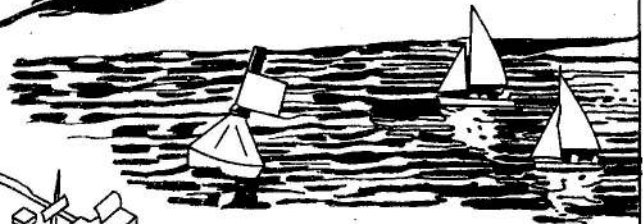
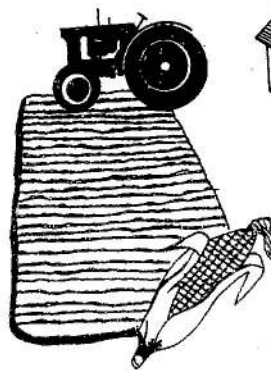
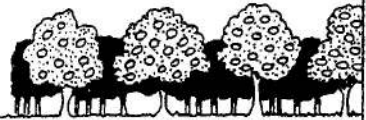
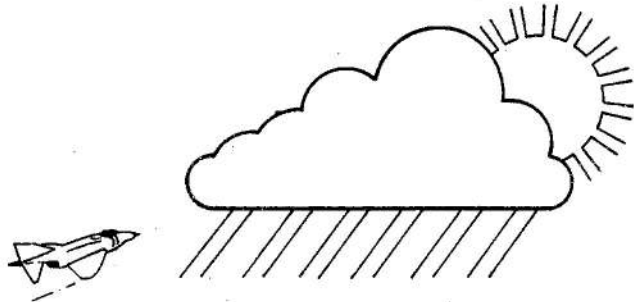
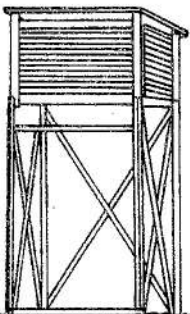
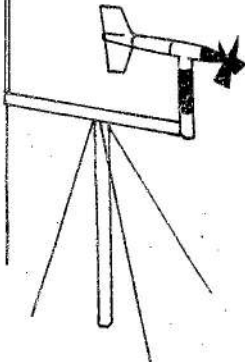
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# SA WEATHER BUREAU SA WEERBURO

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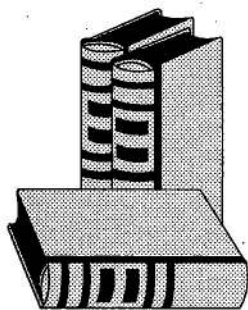
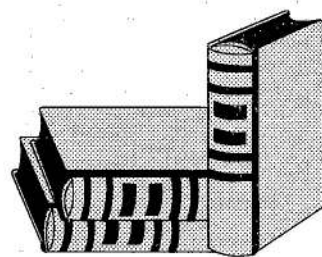


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