

## **Language visibility, language rights and language policy.**

### **Findings by the Pan-South African Language Board on language rights complaints between 1997 and 2005**

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#### **1 INTRODUCTION**

The context of this paper is the changing face of the South African linguistic landscape. Two of the central discourses regarding this matter concern the “need for change”, on the one hand, and the “need for redress”, on the other. The need for change is reflected in the following quote from Sachs (1994:8):

I think many people have failed to understand the full significance of *the move from bilingualism to multilingualism*. Bilingualism is relatively easy. It is everything times two and you can officialise everything and you can establish policies based on fluency in two languages for the whole country. Multilingualism is not bilingualism multiplied by five and a half. *It does not mean that every road sign must be in 11 languages* – we will not see the streets – and to give examples like that is to trivialise the deep content of multilingualism [own emphasis].

Essentially, the “need for change” involves a change from bilingual to multilingual. The pictures in Figure 1 illustrate this aspect of the changing linguistic landscape. The picture on the left was taken at the Mangaung Local Municipality in Bloemfontein, the central city of South Africa, while the one on the right was taken at the border between the Eastern Cape Province and the Northern Cape Province. The photograph on the left depicts a typical bilingual sign from the pre-1994 era, displaying Afrikaans and English. The one on the right shows a typical new multilingual sign of the post-1994 era, displaying two of the new African official languages, in addition to English and Afrikaans.

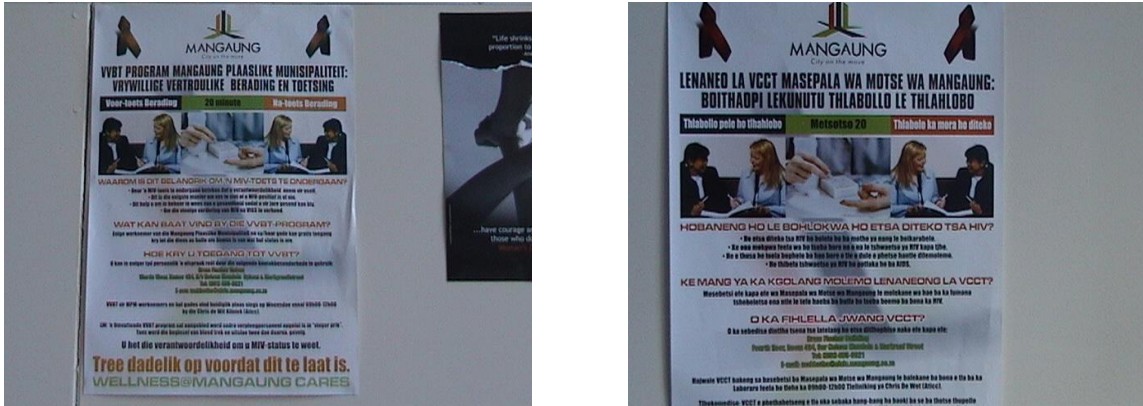


**Figure 1: Public signs reflecting the “need for change” in the linguistic landscape “from bilingual to multilingual” language visibility**

The “need for redress” is reflected in the following quote from Smitherman (2000:88):

If the status of these [African] languages is to be elevated, their use must be aggressively promoted among both the black majority and the white minority, as well as among coloureds and Indians. *Serious thought needs to be devoted to creative ways of advancing the African languages, in signs, on billboards, and so forth, and encouraging and rewarding their pervasive use through the mass media – newspapers, radio and television programmes [own emphasis].*

By implication, this “need for redress” requires the advancement of the African languages, as envisaged in section 6(2) of the South African constitution (RSA 1996). The pictures in Figure 2 demonstrate this aspect of the changing linguistic landscape. Both photographs were taken at the Mangaung Local Municipality in Bloemfontein. The monolingual Afrikaans sign on the left displaying information regarding counselling is replicated in Sesotho, the local African official language in Bloemfontein, on the sign on the right, suggesting the same status for the latter language.



**Figure 2: Public signs reflecting the “need for redress” in the linguistic landscape by “advancing the African languages” through ensuring equal language visibility**

On a more cynical note, another form of change may be referred to as “simplifying things”. The two written signs in Figure 3 illustrate this aspect of change in the linguistic landscape. This photograph, too, was taken at the Mangaung Local Municipality in Bloemfontein. In the bottom left-hand corner, a typical (Afrikaans/English) bilingual sign from the pre-1994 era can once again be seen. In the top right-hand corner is a new, monolingual English sign – a “sign” of the times?



**Figure 3: Public signs reflecting a simplification of the linguistic landscape through monolingual language visibility**

The question that arises from a language policy point of view is whether the intended changes are reflected in regulations on language visibility (cf. Grin & Vaillancourt 1999; Reh 2004; Du Plessis 2007a; 2007b) and the linguistic landscape (Landry & Bourhis

1997; Backhaus 2007; Gorter 2007). Du Plessis (2007a) provides an overview of the regulation of the linguistic landscape of South Africa. Two sets of policy (including legislation) have a bearing on the regulation of the South African linguistic landscape, namely language policy and other policy that deals in a general way with public signs (the regulation of public signage).

Despite the constitutional principles that clearly require “redress” for the previously marginalised languages, no explicit provisions are made in the South African constitution regarding language visibility or the linguistic landscape. However, Du Plessis (2007a) finds that some provincial language policies do, in fact, make provision for these aspects, but reflect a reluctance on the part of policy-makers to be over-prescriptive (in respect of the language profile of public signs, the language hierarchy, etc.). Some municipal language policies largely follow suit. The author also notes that policy regarding the standardisation of geographical names in South Africa is lacking in provisions relating to language visibility. The *Handbook on Geographical Names* (SAGNC 2002) contains no direct guidelines regarding language visibility. However, a core precept informing the standardisation of geographical names in South Africa, is the “one-entity-one-name” principle. This principle, if it is interpreted in a very narrow sense, could actually be prohibiting the display of names in more than one official language.

Other policy does address the linguistic landscape more specifically. Two particular manuals play an important role here, namely the *South African Road Traffic Signs Manual* (DoT 1999) and the *South African Manual for Outdoor Advertising Control*, compiled by the Department of Environmental Affairs and Tourism and the Department of Transport (DEAT & DoT 1998). However, the first manual effectively inhibits the display of bi- or multilingual signs, as it endorses the striving towards the “harmonisation” of traffic signs within the Southern African Development Community (SADC), of which South Africa is a member. This results in the favouring of English signs. The first manual makes no reference to language visibility, and only addresses the matter of profanity.

Given this apparent weakness in the regulation of the linguistic landscape in South Africa, what are the possible outcomes for language visibility? When the impact of the

three important manuals regulating public signs, discussed above, is considered, the prognosis is rather negative. The one-entity-one-name principle seems to be encouraging the standardisation of predominantly monolingual names and, consequently, also seems to be contributing to a largely monolingual linguistic landscape. This, despite the fact that a diversity of monolingual names in different languages are being standardised. The emphasis on compliance with SADC guidelines regarding road traffic signs (SADC 1999) seems to be encouraging a similar trend towards monolingualism, albeit in this case monolingualism in English. Finally, the *Laissez-faire* approach to language visibility on outdoor advertising signs could also be contributing to these monolingual trends.

On the basis of this brief introduction, some shortcomings regarding the regulation of the linguistic landscape in South Africa may be identified. The current policy documents may indeed be acknowledging the “need for change” by moving away from the previous bilingual dispensation; but they do not seem to be contributing towards a move in the direction of a multilingual linguistic landscape. The “need for redress” regarding language visibility in the African languages is currently not receiving adequate attention as a strategic policy concept. There seems to be a lack of alignment between the constitutional directives regarding redress, policy at provincial and local government level, and other policy regulating the linguistic landscape.

The purpose of this paper is to investigate the role of the Pan-South African Language Board (PanSALB) in addressing these shortcomings regarding the regulation of the linguistic landscape in South Africa. We will present an analysis of a number of language rights complaints findings made by PanSALB between 1997 and 2005, pertaining specifically to language visibility.

## **2 THE PAN-SOUTH AFRICAN LANGUAGE BOARD**

PanSALB is a statutory body, envisaged in section 6(5) of the South African Constitution and established in terms of an act of the South African parliament, the *Pan-South African Language Board Act, 1995* (RSA 1995 – as amended 1999). PanSALB is mandated by this act to promote multilingualism, develop the previously marginalised languages of South Africa and protect language rights. Regarding the latter, it is a body similar to the

Commissioner of Official Languages in Canada.<sup>1</sup> PanSALB's mandate regarding language rights is of particular interest for the purposes of this paper.

According to Section 3 of the PanSALB Act (RSA 1995 – as amended 1999), one of the Board's objectives is to ensure that any language rights and language status that existed before 27 April 1994 are not negated. In conjunction therewith, care must be taken to ensure that the necessary adjustments are made in order to consolidate such rights and status, where these did not exist before that date. In order to be able to execute this task, the Board is expected, *inter alia*, to investigate language rights complaints. Section 8 of the PanSALB Act formulates this directive as follows:

8. (1) The Board, in addition to any powers and functions conferred on or assigned to it by law –
- (i) may investigate on its own initiative or on receipt of a written complaint, any alleged violation of a language right, language policy or language practice in terms of section 11.

Section 11 spells out the procedure to be followed by the Board in terms of mediation, conciliation and/or negotiation regarding language rights complaints (specifying who may complain; that complaints should be lodged in writing; that the complainant's interest should be declared; and that all relevant information should be made available). This section also requires the Board to assist the complainant to comply with all the requirements, and to duly investigate the complaint. (To this end, powers of subpoena are also vested in the Board.) Finally, the section requires the Board to make known its findings, should it be of the opinion that there is substance in the allegation. Other avenues should also be explored with a view to resolving disputes.

Another important aspect of Section 11 is that in cases where a language right has been violated, the Board may recommend corrective measures in the form of financial restitution (where applicable), but also through language policy (or legislative) measures.

Section 12 deals specifically with the publication of the Board's findings. The main publication outlet for PanSALB's findings is the Government Gazette. (In cases

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<sup>1</sup> See <http://www.ocol-clo.gc.ca/>.

involving provincial language matters, findings are also published in the Provincial Gazette.) The publication of notices pertaining to findings on complaints is thus carried out in accordance with this requirement.

The complaints that we shall be studying in this paper were made public between the years 1997 and 2005. These dates are demarcated according to PanSALB's official book year. The first language rights complaint lodged with the Board was registered in 1997. The focus will fall specifically on complaints pertaining to language visibility.

An important aspect of PanSALB's published findings is that they could potentially contribute towards language policy-making in the country, albeit indirectly. This notion is strengthened by the requirement in section 8(1) to provide advice to government:

8(1) [The Board] ... (c) may advise any organ of state on the implementation of any proposed or existing legislation, policy and practice dealing directly or indirectly with language matters;

(d) may monitor the observance of any advice given in terms of paragraph (c).

Although not obligatory, this advisory role is important, since it allows PanSALB to contribute to the development of language policy, especially in areas where weaknesses may be detected. It has already been pointed out above that the area of language visibility is one in which constructive guidance could contribute towards addressing the shortcomings regarding the regulation of the linguistic landscape.

### **3 DATA ON LANGUAGE RIGHTS COMPLAINTS CONCERNING LANGUAGE VISIBILITY**

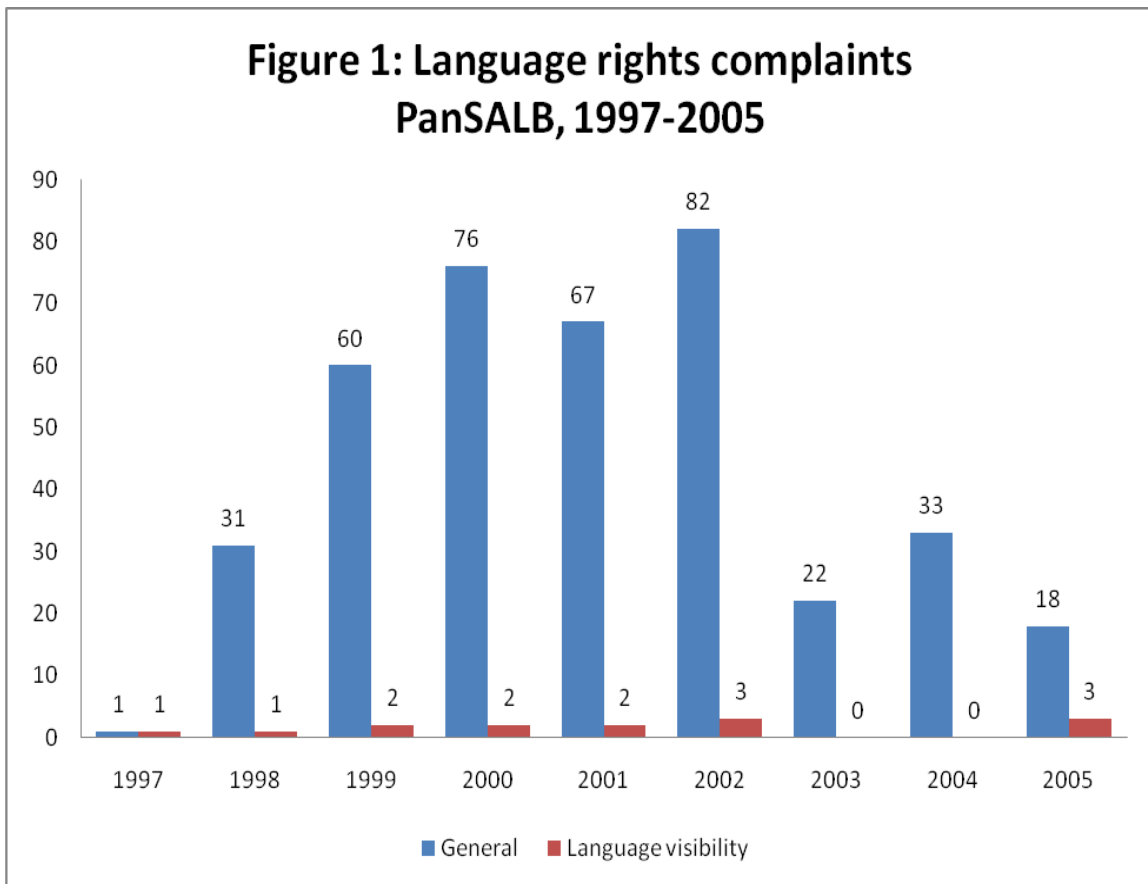
The gazetted findings of PanSALB are readily available on the South African Government Information website<sup>2</sup>. A notice is published once the Board has followed all the procedures listed above, and reached a conclusive finding regarding the alleged violation of a language right. Each notice provides brief information regarding the background to the complaint, the Board's finding and any directives issued by the Board regarding possible corrective action. Over and above these gazetted notices, PanSALB also keeps a dossier on each complaint, filed according to a registration system. For the

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<sup>2</sup> cf. <http://www.info.gov.za/view/DynamicAction?pageid=530> for an index under the link "Notices".

purposes of this investigation, the dossiers on language complaints pertaining to language visibility were examined at the Board’s head office in Pretoria during April 2007. Judging from the lack of consistency in respect of the type of documentation kept in each dossier, it must be concluded that every case generates its own “document trail”. No systematic information seems to have been gathered by PanSALB on the cases brought to its attention. This poses an obstacle to research into these language complaints.

During the period under investigation, a total of 390 language rights complaints were lodged with PanSALB, of which only 14 – an almost negligible number – pertained to language visibility. For the purposes of clarity, Figure 4 displays the spread of language rights complaints lodged with PanSALB between April 1997 and March 2006. (These dates cover the relevant period, from 1997 to 2005.)



**Figure 4: Language rights complaints: PanSALB, 1997-2005**



Of interest is the relative correlation between an increase in the number of language rights complaints pertaining to language visibility, and an increase in the number of language rights complaints in general, between 1997 and 2002. However, this tendency was not repeated from 2003 onwards. Also notable is the sharp decline in language rights complaints after 2002. This may be attributed to a possible disillusion with PanSALB’s role as the so-called “language watchdog”, in terms of the adequate resolution of language rights complaints (cf. Lubbe et al. 2005: 99; Perry 2004). The title of a study that was published in 2008 contained an allusion to an anecdotal expression that was doing the rounds at the time, regarding PanSALB’s watchdog role. The study was entitled, “The case of the toothless watchdog” (Perry 2008).

Nevertheless, since its inception, PanSALB has published several notices on findings it has made with regard to complaints about the alleged violation of language rights. The complaints that the Board received regarding language visibility and the notices it published in this regard are listed in Table 1. Where findings were made, they were in favour of the concerned complainant. The numbers in the second column are PanSALB’s case numbers.

**Table 1: Language rights complaints pertaining to language visibility on which findings were made**

<b>Year</b>	<b>No.</b>	<b>Case</b>	<b>Status</b>	<b>Notice</b>
<i>1997</i>	<i>None</i>	<i>Freedom Front vs. Free State Department of Transport</i>	<i>Finding</i>	<i>49 (2000)</i>
<i>1998</i>	<i>M006</i>	<i>Vriende van Afrikaans (Tygerberg) vs. Sanral [South African National Roads Agency]</i>	<i>Finding</i>	<i>106 (2001)</i>
<i>1999</i>	<i>None</i>	<i>WAM Carstens vs. South African Post Office</i>	<i>Finding</i>	<i>31 (1999)</i>

1999	M012	<i>BJ Alberts vs. Municipality South Peninsula</i>	<i>Finding</i>	90 (2000)
2000	M131	AE van Niekerk vs. Sanral	Closed	
2000	M122	E d C Pretorius vs. Member of the Executive Council (MEC) for Transport, North-West	Pending	
2001	M167	WAM Carstens vs. SARB [South African Reserve Bank]	No case	
2001	M168	SCELCA [Southern Cape English Language and Cultural Association] vs. MEC for Local Government, Western Cape	No case	
2002	M236	JG Steyn vs. Provincial Administration, Northern Province (Limpopo)	No records	
2002	M227	<i>Freedom Front vs. Parliament</i>	<i>Finding</i>	49 (2000)
2002	M239	JG Steyn vs. Parliament	Settled	
2005	M381	JS Nel vs. Setsoto Municipality	No case	
2005	M386	Vriende van Afrikaans vs. Department of Nature Conservation	Pending	
2005	M382	<i>EW McCormack vs. Thabazimbi Municipality</i>	<i>Finding</i>	73 (2006)

This status report provides an indication of the weaknesses inherent in the administration of complaints regarding the alleged violation of language rights. One dossier was closed

without any further investigation (AE van Niekerk vs. SANRAL) and another contains no records (JG Steyn vs. Provincial Administration, Northern Province [Limpopo]). Three of the complaints were considered not to have any merit as language rights complaints (WAM Carstens vs. SARB; SCELCA vs. MEC for Local Government, Western Cape; JS Nel vs. Setsoto Municipality). Two further cases were resolved fairly quickly (Freedom Front vs. Parliament; JG Steyn vs. Parliament). By April 2006, two cases were still pending (E d C Pretorius vs. MEC for Transport, North-West; Vriende van Afrikaans vs. Department of Nature Conservation). Our discussion will focus on the five cases in which actual findings were made and gazetted.

Although the Freedom Front vs. Free State Department of Transport case had already been registered as a complaint in 1997, and although an earlier finding had indeed been made, the first gazetted finding was only made in 2000, after the complaint had been repeated. This complaint will be dealt with as one case.

#### **4 ANALYSIS OF NOTICES DEALING WITH COMPLAINTS ABOUT THE VIOLATION OF RIGHTS PERTAINING TO LANGUAGE VISIBILITY**

Given the limitations regarding space, the contents of each of the five cases are summarised in Table 2. The first three columns deal with the essential aspects of the notice. The case itself is mentioned; the background to the complaint is briefly outlined; and the gist of the directive given by PanSALB is summarised. The last column deals with the implications of PanSALB's notice, in particular for language rights (pertaining to language visibility), language visibility (the treatment thereof) and language policy (the regulation of language visibility in South Africa).

**Table 2: Summary of PanSALB's findings on language rights complaints related to language visibility, 1997-2005**

Case	Complaint	Directive	Implications of findings		
			Language rights	Language visibility	Language policy
<i>Freedom Front vs. Free State Department of Transport</i> (PanSALB 1998; 2000a)	Concerning the use of an English acronym (“FS” – for “Free State”) as the provincial registration mark on motor-vehicle number plates registered in the Free State Province	That the provincial proclamation on the new motor-vehicle number plate system be amended in order to make provision for the Afrikaans registration mark, “VS” (“Vrystaat”) as a legitimate alternative	Language choice in respect of number plates should not be prevented	A choice for a language other than English should be available	Essential for effectuating language visibility
			Language needs and preferences of citizens in respect of number plates should be recognised		
<i>WAM Carstens v.s South African Post Office</i> (PanSALB 1999)	Concerning a policy directive that all signage to be erected at new or renovated Post Office buildings, post points, postal agencies and other physical structures where signage was	That the Post Office should change its language policy to make it more flexible, in order to accommodate the Constitutional objectives (cf. RSA 1996), and that employees should			Could provide for language visibility
					Language visibility as a possible mechanism of language policy

	required, should be in English	be involved in this process on a consultative basis			
<i>BJ Alberts vs. Southern Peninsula Municipality</i> (PanSALB 2000b)	Concerning English road signs, other public signs and notices produced by the Southern Peninsula Municipality <sup>3</sup> , specifically in Simonstown/Simonstad	That the Southern Peninsula Municipality correct the public signage in and around municipal buildings with immediate effect and display multilingual text in compliance with its constitutional obligations. The Board also urged the Cape Metropolitan Council to ensure that public signs on the boundaries of the new municipal area were replaced with multilingual ones soon after 1	Additional official languages should be included on public signs	Municipal signs in and around buildings should be multilingual (reflecting the official language dispensation)	Constitutional norms regarding language treatment imply visibility in more than one official language
				The language hierarchy on public signs is not important	

<sup>3</sup> One of the six erstwhile municipalities that were amalgamated into the new Cape Town Unicity in 2000.

		November 2000 (when the municipal amalgamation process would be completed)			
<i>Vriende van Afrikaans (Tygerberg) vs. SANRAL (PanSALB 2001)</i>	Concerning SANRAL's erection of new monolingual English road traffic signs in the Cape Metropolitan area and the consequent exclusion of the two other official languages of the area	That SANRAL implement the <i>SADC Protocol on Transport, Communication and Meteorology</i> (SADC 1999) without violating its Constitutional mandate regarding multilingualism. That it should encourage road traffic signs in the three official languages of the Western Cape. That the Department of Transport should refrain from giving	No monolingual English road signs		Language visibility a consequence of constitutional language norms and some provincial language policies

		advice to the effect that only English should be used on road traffic signs. Examples of multilingual signs were provided			
EW McCormack vs. Thabazimbi Municipality (PanSALB 2006)	Concerning monolingual Afrikaans road traffic signs and other public signs within the Leeupoort Holiday Township (near the northern town of Thabazimbi)	That the Thabazimbi Municipality set a process in motion to provide multilingual signage within the area under its jurisdiction and particularly in the Leeupoort Holiday Township	No monolingual Afrikaans road traffic signs or other monolingual Afrikaans public signs	Signs should be multilingual	Language policy is essential for ensuring language visibility

It can be noted that a lack of language visibility on road traffic signs is of concern in four of the complaints. In the first three of these cases, the complaints are aimed at the tendency towards monolingual English signs, whilst in the last case, monolingual Afrikaans signs are the subject of the complaint. In three of the cases, the lack of language visibility on public signs in general is raised: again, the tendency towards monolingual English signs is at issue (in the second and third cases), while monolingual Afrikaans signs comprise the focus of one complaint (in the last case). In all these cases, the complaints are directed at top-down public signs that are managed by state authorities. The second and fourth complaints are directed at national authorities; the first is directed at provincial authorities; while the third and fifth are aimed at local government authorities. It is notable that PanSALB's findings were in favour of the complainants in all the cases.

Particularly significant are the directives that are issued. Our analysis reveals that they require corrective action from the authorities involved, in order to align the language profile of the public signs concerned with the constitutional norms regarding language treatment, as well as with the language policies of the authorities concerned. It is important to note how PanSALB's directives stress the need to avoid monolingual signs, and emphasise the importance of multilingual signs. The matter of language choice also comes to the fore in cases involving signs of a more "personal" nature, such as number plates.

Also significant is the fact that these findings pertain to the relation between language rights and language visibility. Two particular aspects regarding language rights come to the fore on the basis of our analysis. On the one hand, PanSALB identifies the following as language rights violations: the prevention of language choice on number plates (as a type of road traffic sign), and the erection of monolingual English (or Afrikaans) road traffic signs and other public signs. On the other hand, PanSALB identifies the right to additional official languages on public signs and the right to recognition of language needs and preferences on number plates (as a type of road sign), as grounds for the claiming of a language right.



Finally, it is notable that PanSALB provides no guidance regarding the language hierarchy of public signs. It seems that the objective of ensuring that multilingual signs are put in place is considered more important at this stage.

On the basis of the foregoing, some important implications for the regulation of language visibility in South Africa can be inferred. Our analysis of PanSALB's notices reveals some important principles in this regard, which should inform language policy-making for the linguistic landscape of South Africa. The most important of these principles are the following:

- Language visibility is a civil language right.
- Top-down public signs should display more than one official language.
- Language choice should be allowed in cases involving public signs of a more personal nature.
- Language visibility is a consequence of appropriate language policy.
- Language visibility can be approached as a top-down language policy mechanism.
- State authorities have an obligation to regulate language visibility.

These (and other) principles could be further developed and formulated into concrete language policy advice, which could become the basis for regulating language visibility in South Africa.

## **5 CONCLUSION**

Some generalisations that can be made on the basis of this analysis include the observation that regulating language visibility should be a “hands-on” affair in a multilingual dispensation that requires some form of language equality where inequality is still prominent. This implies that the regulation of language visibility should preferably be prescriptive in nature. Such attempts at regulation should take cognisance of the language needs and preferences of affected communities, and should correlate with the overall objectives of the language policy concerned, wherever possible. A factor that should *not* be given too much consideration, is the costing factor, since this could effectively undermine the quest for language equality.

This study confirms the need for change in the South African linguistic landscape. On the basis of our analysis, it may be concluded that such change would require moving away from monolingual signs (whether in Afrikaans or English), as well as from signs associated with the previous political dispensation under apartheid. The need for redress thus implies that the changed linguistic landscape must reflect the language diversity of the receiver community, and not the language(s) of the ruling elite.

Our analysis has emphasised current shortcomings in the regulation of language visibility in South Africa, which may largely be attributed to the absence of clear policy on the linguistic landscape. We have also detected certain perceptions among authorities regarding the role of English, resulting in a tendency to accord preference to this language on public signs. This could partly be attributed to ignorance among policy-makers regarding the strategic importance of language visibility within the language policy context.

The findings made by PanSALB regarding language visibility complaints can be utilised as a source of language policy development. It would thus be in the interest of South African citizens if the Board's findings regarding language visibility were to be collated and presented in an appropriate format as formal advice to policy-makers.

The quest for a transformed linguistic landscape that would meet the language needs and preferences of all South African citizens – thus bringing about redress – continues. More research in this area could contribute to the cultivation of social and linguistic justice in this part of the world.

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