

Language rights in local governance¹

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Learning objectives

This teaching case illustrates the importance of communities to engage the municipality in their own language and the tension and potential exclusion that arises when community members are forced to engage in a mainstream language.

On the one hand, the municipal administration, working with limited resources, wants to limit the number of languages used, and focus on efficient communication. On the other hand, those communities that do not find the mainstream language accessible are unlikely to be heard in the process, muting their voices and concerns.

The right to language and culture³ is recognised in many societies, as is the right to open and transparent communication on matters that affect communities. Yet, language and cultural differences can become a communication and political barrier within municipalities and between communities. In a growing number of municipalities, it has become a cause for conflict and unrest.

This case study exposes practitioners to the notion that language barriers may be subtle, but they can have immense consequences for the social, economic and political rights of communities to engage in democratic processes. It will also encourage local practitioners and politicians to explore creative ways in which to ensure fruitful and productive engagement with more inclusive language policies, strategies to listen and hear communities and potentially neutralise tensions between communities and municipalities.

¹ This case study is fictional but informed by real life practice. It is adapted in order to apply to different contexts.

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³ Universal Declaration of Linguistic Rights of 1996; S 30 Constitution of Republic of South Africa; Article 15 International Covenant on Economic, Social and Cultural Rights.

Case description

The Council of Puisana Municipality took office at the end of September 2019 and was tasked with adopting a new integrated strategic plan within 4 months to respond to the vast needs of the many cultural communities in the municipality. The Municipality had been informed that intergovernmental transfers would be cut by 15 per cent over the next three years, with further cuts anticipated in the future. At the same time, the municipality was experiencing economic decline, which resulted in investors and businesses withdrawing from the community, leading to an increase in unemployment. The municipality had a population of 250 000 people spanning across urban and rural areas, and six different ethnic communities each with their own different language.

Puisana Municipality was predominantly a mining, industrial and commercial municipality but also consisted of commercial and small-scale agricultural activity. In 2018, unemployment in the area ranged between 35 and 45 per cent with rising unemployment particularly amongst people between 16 and 35 years old. In the same year literacy levels amongst the adult population peaked at 40 per cent, whilst youth literacy was in the range of 55 per cent.

PUISANA MUNICIPALITY - COMMUNITY PROFILE			Total	%
Ethnolinguistic Group Profile		Language		
1	Tswana	<i>Setswana (Official language)</i>	279 000	62%
2	Venda	Venda	54 000	12%
3	Bakalanga	Kalanga/Western Shona	40 500	9%
4	Nguni	Ndebele	36 000	8%
5	Various Groups (mainstream language)	<i>English (Official language)</i>	15 750	4%
6	Other ethno-linguistic groups	Other Languages	24 750	6%
			450 000	100%

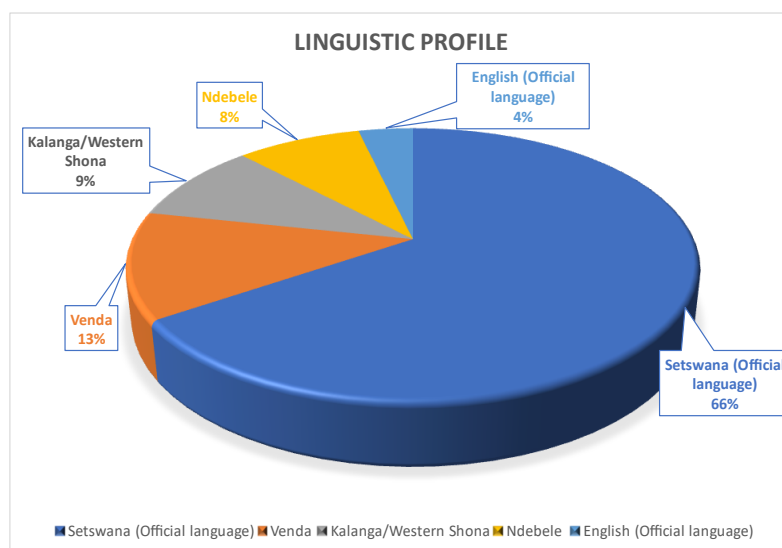


Figure 1 Linguistic profile of Puisana

Poverty was the main concern amongst residents. To address these concerns, the Mayor, Cllr. Moeng, delivered the following address at the first council meeting of his administration in September 2019:

Mayor's Speech at first Council Meeting, 4 September 2019

Madam Speaker and Fellow Councillors

I congratulate and welcome all Councillors to the beginning of a new term for Puisana Municipality.

We start this new term with many challenges facing us and we will have to work hard to fight the growing challenges of the community. This will not be an easy task and I would like to take this opportunity to outline the constraints facing us.

1. Our own revenue for the past 3 years has been declining by five per cent every year.
2. We received correspondence from the central government indicating that the intergovernmental transfers for Puisana will decline by 15 per cent over the next three years. If the national economy does not rebound in this period, further cuts are likely after this period.
3. We have seen investors withdraw and businesses shutting doors throughout the municipal area.
4. Unemployment is likely to increase, which will make it harder for communities to pay for services.
5. Outstanding debt cannot be allowed to grow further, because it will affect our ability to continue the level of services provided by this municipality.

We have a difficult task ahead of us. One of the most critical things would be to adopt a targeted strategic plan that carefully prioritises the needs of all communities throughout Piusana Municipality. We cannot afford to exclude any community and will have to show all communities that their needs matter to this Council. This will be the only way we can work against the distrust in the communities, reverse the simmering tensions and get communities to trust us once again with the task of servicing their areas.

Working together as one Council, irrespective of political affiliation is the only way to achieve this.



Puisana Local Municipality
The Mayor
Cllr T Moeng

Municipal Strategic Direction

In 2018, the municipality adopted a Communication Policy outlining the two mainstream languages, Setswana and English, as the official languages for internal and community engagement. This decision was taken to avoid the administrative complexity and high cost of attempting to accommodate all languages in the municipal area should the municipality be necessitated to engage in all spoken languages.

The municipality is facing increased fiscal pressure, and it has become important that the municipal prioritises the budget in the areas that will have a direct impact in improving the lives of communities. Moreover, the administrative head of the municipality often raised the concern that the public was not interested in engaging with the municipality. She was of the view that the additional effort would be nothing more than a waste of money.

The Mayor requested the head of the Puisana Municipal Administration to prepare an outline of the expenses of the previous year's public engagement. The costs of the public engagement leading up to the 2018/19 budget was as illustrated below.

Spending Item	Cost (SA Rand)	Cost (US Dollar)
Staff Overtime	350 000	24 221
Pamphlets and Posters (Setswana & English)	120 000	8 304
Media Costs (newspapers, radio, television)	230 000	15 917
Social Media	65 000	4 498
Meeting Venues	180 000	12 457
Translator (Setswana & English)	80 000	5 536
Sound Equipment	65 000	4 498
Catering	120 000	8 304
	1 210 000	83 737

During the public engagement process towards the 2019/20 budget, three of the minority ethnic communities, namely the Venda, Bakalanga and Nguni, approached the Municipal Mayor, Cllr. Moeng, to complain about the language policy of the municipality.

The community leader representing the Venda community, Mr. Mbewe, told Cllr. Moeng that the community did not participate in previous community engagements because they were tired of talking to people who ignore their needs. Mr. Mbewe said:

“Officials come and speak Setswana or English and expect the mothers and the old people to understand them. This is not right. The only way is for the municipality to come into their communities and see how bad the situation is for the Venda people, because speaking does not help.”

Mr. Mbewe further intimated that, if the municipality did not start listening and addressing the Venda community’s concerns, they would stop paying the municipality for municipal services “because of all the broken services and empty promises”.

The leader of the Bakalanga people, Mr. Gomo, highlighted that his community was living in poverty. They depended on the municipality for water, because the rivers were dirty. Mr. Gomo:

“The fish and the livestock are dying and nobody from the municipality wants to help. The youth are desperate for work but there are no jobs. After many years of talking to the municipal officials, all they get are promises and no action.”

Mr. Gomo complained that they no longer knew what to do to make the Municipality listen to their plight. The people who worked for Puisana Municipality could not speak their language and the Bakalanga could not read their documents.

According to Mr. Gomo, the Bakalanga vowed that if this did not change, they would start protesting and burning the streets around the municipality: “Because the municipality does not care about the Bakalanga, now we do not care about your municipality and its empty promises.”

The Nguni community was particularly concerned with pollution, because it was causing illness and disease. Ms. Gumbi, the representative of the Nguni community, said to the Mayor that her community felt that the municipality only cared about their strategic plan, but not about the Nguni people and their needs.

The Nguni wanted the challenges around the communication policy, interrupted electricity supply, failing infrastructure, environmental pollution and health care issues to be addressed. Ms. Gumbi:

“Why must we pay, when we are poor, we can’t find jobs and we are not receiving good services from the municipality. If it continues like this, the Nguni will suffer more than we are suffering now.”

All three of the groups who met with Cllr. Moeng were concerned that, if their communities were not engaged in their own language, the new integrated strategic plan would not capture the needs of their cultural communities. They felt that their language and cultural rights were being affected, and as a result, the communities could not communicate their most pressing needs with the municipality. The communities were losing patience with this municipality and would take action if the Municipality’s strategic plan and budget do not resonate with their interests.

Each community submitted a list of demands for the municipality to address, illustrated below:

Venda

- Use people from the Venda community for translation.
- Municipality must come and observe the struggles of the community.
- Will stop payment if the municipality does not listen to our demands.

Bakalanga

- Alleviate the poverty and stop the poverty trap in the community.
- Municipality must fix their broken infrastructure to stop polluting the rivers - crops and livestock are dying.
- Employment for the youth.
- Add Kalanga as an official language of the municipality.

Nguni

- Add Nguni as an official language of the municipality. The community wants to be in a position to hold the municipality accountable.
- Address pollution of the environment and water sources.
- Stable electricity supply.
- Health care for the sick.



Figure 2: Community demands: Venda, Bakalanga, Nguni

On 20 November 2019, the Mayor released a statement in response:

Mayor’s Response – Cllr. T Moeng

“Puisana Municipality finds it very important to engage with all of the communities. We want to make sure that all the communities’ needs are part of the strategic plan. We see the community as our partners in addressing the concerns on the ground level. Without our communities, we at Puisana Municipality cannot succeed.

Our budget has been cut drastically and communities cannot afford to pay for services. We want to do everything in our power to overcome the communication barrier so that we can make a difference in every community. But the sad reality is that we do not have enough staff and not enough money to cater for every linguistic category in our communities. We need the community to meet us halfway to make sure we can do the best in a difficult situation.”

20 November 2019

Still, the three community leaders insisted that a more flexible language policy, and the use of less rigid communication strategies would better serve the ability of the community members to engage with the municipality.

They were of the view that the municipality just wanted their money and did not care about the poor state of service delivery. The representatives of the cultural groups feared unrest if the municipality continued to ignore their communities.

The communities were desperate for their issues to resonate within the municipality, and the municipality would benefit from more fruitful engagement with those communities. There is however no alignment in the current system of public engagement that allows communities to express their needs freely, and in the comfort of their own language. At the same time the municipal administration is concerned that the costs of such engagement would be unaffordable, and that the funds could be better used in service delivery endeavors.

Discussion questions

1. Consider the case of the municipality and its constraints. Are the community requests reasonable? Why or why not?
2. Does the right to language deserve constitutional or legal protection?
3. The municipality insists on using the dominant language (Setswana and English) as their official languages. Is this reasonable considering the linguistic profile of the community?
4. If the costs are a concern for the municipality to ensure language rights of the communities are protected, what can be done to overcome these limitations? What if the municipality decides to adopt all the languages as official languages, what would the implications be (positive and negative)?
5. What methods can be introduced to support language access and transparency in consulting and sharing municipal decisions in the various languages of the different communities? What if technology could provide some solutions, how could these contribute?

Case reflections

Language obstacles affect the ability of communities to convey their concerns and needs to the municipality. Language rights are often protected as human rights. For example, section 30 of the South African Constitution provides that everyone has the right to use the language of their choice. Despite the fact that various parties may benefit from a mutual engagement, the reality does not always lend itself to this outcome. Municipalities comprising culturally and linguistically diverse groups often struggle to extract views from all their communities in a constructive manner. For example, in a municipality like Midvaal in Gauteng, South Africa, 31% per cent speak Sesotho, 30% speak Afrikaans, 17 % English, 11% IsiZul, 4% IsiXhosa, 2% Sepedi and 6 % yet another language.⁴

On the other hand, each community has concrete contributions to make, but may find it difficult to be heard or taken seriously by municipal officials. This complexity contributes to mutual frustrations instead of the highly anticipated constructive dialogue.

Communities having their say is critical for several reasons which may include:

⁴ *Midvaal Municipal Profile* (<https://wazimap.co.za/profiles/municipality-GT422-midvaal/#demographics>, accessed 24 January 2022).

- environmental challenges that could contribute to pollution and health hazards;
- economic paralysis and a growing dependence on the state for their livelihoods;
- the need for infrastructure to obtain access to essential basic services supplied by the municipality; and
- developmental support to escape the poverty trap, which is also likely to contribute to a strong economic and revenue base for the municipality;

When these issues go unheard, citizens' frustrations can culminate in hostility toward local government and ultimately non-payment of services where it is felt that local value add is not experienced. On the other hand, municipalities may genuinely struggle to get communities involved without understanding what the underlying reasons are for this. Very often these constraints could be:

- poor coordination, communication and outreach efforts by municipal officials;
- time pressures to ensure swift processing due to internal administrative factors, which results in public engagement not receiving the necessary priority;
- a lack of sensitivity to cultural and language needs of communities by virtue of bias that may exist amongst municipal officials;
- disgruntled communities that refuse to engage constructively; and
- political influences.

It is important for the Municipality to join hands with their communities in delivering services. Without communities there is no demand for municipal services, and ultimately no paying customers. Without the Municipality, communities would not be able to receive essential services, such as access to potable water, cleansing services, roads, etc. The very nature of the relationship between a municipality and its citizens is that of mutual benefit. However, when municipalities fail to comprehend what the community needs are, communities will be frustrated by paying for services that they may feel are not realised. This becomes a case of repeatedly missing the target but expecting the reward.

The Puisana Municipality could maintain the status quo, i.e. continue the previous pattern of engagement, and disregard the community threats. However, if the issue is not addressed, it may spell conflict, tensions, non-payment, protests, blocking economic routes to paralyse trade, and threats of exiting the municipality. The Municipality could consider other options.

First, the municipality could decide to rely on the community leaders that met with the Mayor, Cllr. Moeng, as a go-between the communities. It could set up several consultation meetings with Mr. Mbewe (Venda leader), Mr. Gomo (Bakalanga leader) and Ms. Ngumbi (Nguni representative) to represent their communities and the community needs.

Second, the Municipality could also decide to adjust the municipal Language Policy to include Venda, Kalanga and Nguni as official languages in which the municipality will engage communities. This would mean an increase in the costs of public consultation, which the municipality will have to commit to fund from other expenditure areas.

Third, the Municipality could also decide to review the entire public engagement strategy and communication policy. The aims could be to distinguish and accommodate communities that can easily access their documentation and communication platforms from more remote communities and communities that may need assistance in processing the dense municipal strategies and feedback reports. The aim would then also be to identify community members, such as the youth that can be relied upon as translators and to present municipal information to members of the community.