

## **CHAPTER 2**

### **NATIONAL AND INTERNATIONAL PERSPECTIVES WITH REGARD TO THE EDUCATIONAL RIGHTS OF MINORITY GROUPS**

#### **2.1 INTRODUCTION**

It could be said that cultural diversity is the topic of the 1990s. This is so because while politicians, policy-makers, authors and educators are raising issues and are grappling with questions surrounding an increasingly diverse population, contemporary media (e.g. films, television, newspapers, and magazines), reminding society daily that people live in countries where diversity prevails (Phelan & Davidson, 1993:1). Formal education in all societies is seen, amongst others, as a transmitter of knowledge, customs and social values. In culturally diverse societies, however, difficulties arise because a minority group (ethnic, linguistic, or religions) might perceive the education system as providing or transmitting the cultural values of the majority group, which it fears or rejects as subversive of its own culture, unless it could have access to its own educational provision.

The purpose of this chapter is to discuss international trends in terms of the rights (also educational rights) of minority groups regarding the right of unique educational provision. It starts with a brief discussion of the nature and origin of the rights of minority groups, which will be followed by a discussion of the international instruments with regard to the rights of minority groups and its implications. Thereafter, the implications of the educational rights of the minority on the national education system will be dealt with. Lastly the practice in several countries will be discussed, including what other societies could learn from these countries.

## **2.2 THE NATURE AND ORIGIN OF THE RIGHTS OF MINORITY GROUPS**

### **2.2.1 Background**

In the period before the Second World War (particularly in Europe) and during the development of nationalism, people were persuaded that the nation was the best guarantor of their hopes, aspirations, identities and security to be defended against nationalism of others at all costs. Education for citizenship became at the same time inclusive of the in-nationality and exclusive of the out-nationality, an instrument to forge a homogenised nation-state, different to other nationalities and other nation-states. This nationalistic ideology was strongly implanted into individual consciousness and personal identity in the form of values of superiority and even supremacy. Nationalism was also reinforced by language and cultural policies, which endorsed a national culture transmitted through one accepted language. Language homogeneity was a main policy dimension of the educational strategy of all major European powers (Lynch, 1992:10).

In the period since the end of the Second World War, a process began of defining the rights of citizens beyond the framework of the nation-state and in terms of the supranational criteria, thus providing an alternative or enhanced political security for those rights beyond the nation. Lynch (1992:10) states that this process of internationalising human rights and freedoms, at first through the International Declaration of Human Rights (1948) and the establishment of international and national courts of justice, started the process of making nations themselves, and not just their citizens, accountable for their own actions and for the upholding of human rights (Hughes, 1993:144).

One of the most interesting sociological and political phenomena since the 1990s has been the resurgence of ethnic identity to such an extent that not only is there increased awareness of ethnic and cultural diversity throughout the world, but, as events in Bulgaria, Rumania, China and the former republics of the USSR, have shown, there has been an increase in ethnic conflict. Ethnic groups have for generations been regarded as politically quiescent and socially assimilated into the mainstream of life and the majority community in different countries as a result of education and other policies. However, they have now begun to protest at their inferior status and are demanding the right to receive education in their own languages (Darbon, 1992:36; Watson, 1994:241).

At the same time, societies in Western Europe and North America have continued to encounter their own problems with cultural diversity, as they struggled to accommodate, both cultur-

ally and socially, the arrival of large numbers of new immigrants in the post-war period. That influx and consequent demographic change has thrust a new concept of cultural pluralism to the fore and forced them to re-examine their fundamental cultural values and assumptions. Not least are those cultural presuppositions that are embedded in the hegemony of their elite or the institutions of cultural transmissions.

In a multicultural society, values differ because of religion, culture, language and political views. Conflict is inevitable in these societies, because conflict stems basically from differences among persons and groups competing for the same goal. Conflict could be emotional and this could cause hostility between groups, especially when one party gains at the expense of another (Van der Linde, 1994:357).

The ideas of Van der Linde are supported by Molobi (in Mokoena, 2000:9), who states that cultural tension is caused by the belief that one group's culture is inferior to the other. He further states that it is not possible to compare cultures. One person's culture cannot be said to be inferior to that of another person. Cicero, the first century Roman author, statesman and orator (Mokoena, 2000:9) said there is little more important for people to know and practice than their culture and traditions. Without these one stands naked and defenseless before the world. In multi-ethnic, multicultural societies conflict should be considered to be the norm rather than the exception (Darbon, 1992:37, Lynch *et al.*, 1994:2).

In education, similar tensions exist between centralising and decentralising movements: towards greater responsibility for management at the school level, on one hand, and greater reliance on the use of central steering mechanisms on the other, such as common curriculum frameworks and national assessment and reporting patterns (Hughes, 1993:144). It is these developments that have brought to light the debate on the rights of minority groups. Although minority groups may be identified in many ways, for example work ethics, old-age group or homosexuals, minority groups will be identified in terms of religion, culture and ethnicity for the purpose of this study. According to Gwinn *et al.* (1990:170) minority groups refer to culturally, ethnically or racially distinct groups living within a larger society. However, a more precise and clear definition that has no racial connotation (race is normally rejected as an identifier of minority group) is the one by Lerner (1993:79). His definition includes the three identifiers mentioned above. He states that a minority group is a group that is numerically inferior to the rest of the population of a state and in a non-dominant position. Its members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and they, if only implicitly, maintain a sense of solidarity, directed towards preserving their culture, tradition or language.

Within the context of the historical development of multiculturalism and multi-ethnicity, Watson (1985:72) avers that once different ethnic groups find themselves in a nation-state, whether through conquest, war, migration or boundary changes, the question arises of how to deal with these groups. The question is whether government policy in general, and educational policy in particular, seek to eliminate, modify or encourage cultural diversity. In some societies the majority group might be prepared to allow a degree of cultural or educational autonomy for minority groups because it is expedient so to do. In others, however, the majority finds it more expedient to impose a common education, using for example a common language of instruction on all of its citizens. At the same time, the curriculum and frequently also the textbooks, are centrally prescribed, on the grounds that such a policy is administratively more convenient and cost-effective and encourages national unity. The educational policies pursued depend on a whole range of interrelated factors: economic, administrative, cultural, social and religious. Ultimately they depend upon the way the majority views its economic, political and /or cultural position vis-a-vis minority groups, and how minority groups view their position in society (ibid:11).

The terms majority /minority are not necessarily related to their numbers in a given society. These terms could also be related to their relative political and frequently economic position (cf. fig.2.1).

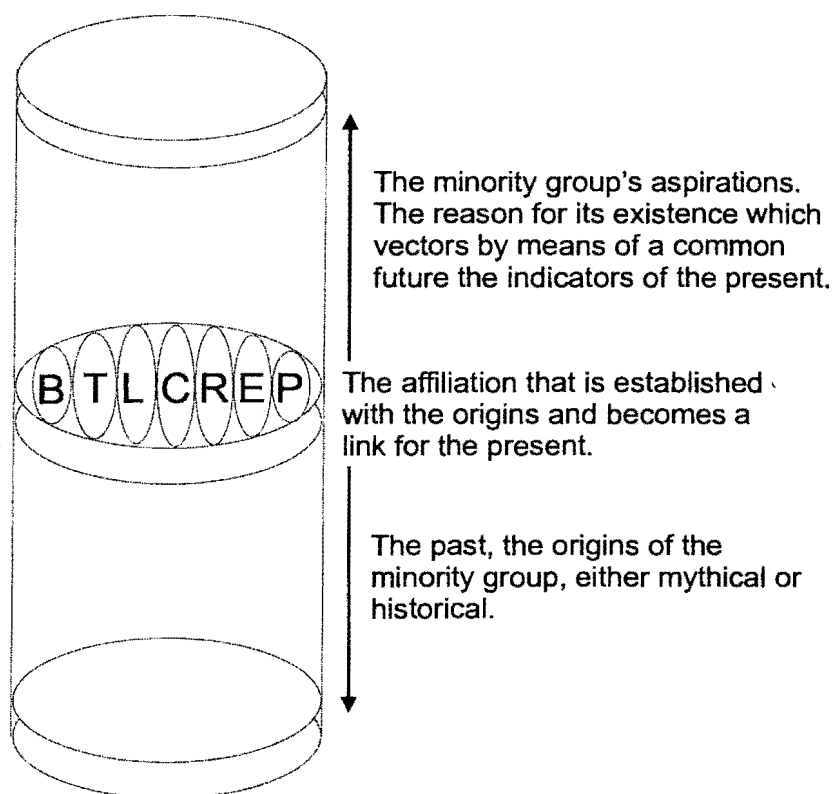
Claasen (1996:9) is of the opinion that a minority group is determined by the fact that a particular group is - according to numbers - in the minority compared to other citizens of a country. Or, a particular group could be regarded as a minority group because of the lack of power or skills although it is larger in numbers than other groups in that particular country. Issues of majority / minority groups are actually issues about position of inequality. According to Gwinn et al. (1990:169), a majority holds power, economically and politically; a minority is seen as inferior vis-a-vis the majority and is put in a position of subordination. The minority group might wish to preserve its cultural identity. In this case three aspects of this identity (religion, language and culture) are seen as vital. Some form of educational provision that preserves these areas is in most cases eagerly sought. Some minorities fear a loss of identity if the school system does not recognise their religious and cultural identity. At the same time some minorities might feel unhappy if they believe that the school system recognises and highlights their minority features, because they believe that this could lead to discrimination and prevent upward social mobility (Watson, 1985:75).

**FIGURE 2.1: Diagram representing the components involved in the definition of minorities**

Starting from the central synchronic component representing the present situation, the lower section contains the past and the upper section the aspirations

The synchronic level for the 7 indicators constituting the constants of a minority, i.e. its ethnicity in the following terms:

- biogenetic
- territorial
- linguistic
- cultural
- religious
- economic
- political



Source: Watson, 1985

### **2.2.2 Religion, culture and ethnicity as identifiers of minority groups**

A minority group can be identified in one of the following ways, namely by religion, culture and ethnicity. Each will be discussed briefly.

#### **2.2.2.1 Religion as identifier of a minority group**

A philosophy of life consists of certain main aspects, namely the view of God/a god, the view about man, its nature and functioning, and the view about creation, its nature and functioning. These views determine the values - that which is valued - of a particular individual or group and form the basis of the norms of the individual or group. The philosophy determines the complete life, in all its facets, of individuals and groups. The philosophy determines for example the individual's and the group's social, political, economic, scientific and technological life. The philosophy therefore gives a certain content to these aspects, which implies the existence of differences between individuals and groups. How people worship is often one of the clear indicators of different philosophies of life. In this sense religion, implying philosophy, and religion, implying worshipping, is an identifier of a minority group (Steyn, 1997b:2).

#### **2.2.2.2 Culture as identifier of a minority group**

Culture in general could be described as the work and product of man's work. Although one could distinguish between individual culture, group culture and universal culture, the concept group culture is important in the education system perspective, because the education system is concerned with a particular group of people. Group culture can be described as the distinctive ideals, aims, activities, interests and behaviour patterns of a particular group under the guidance of a particular view of life, as embodied by the belief, origin, history, art, science, technology, language, politics, economics, industrial life and religion of that group. The group culture is not only the sum of the work and work product of the individual members, but points to a definitive unambiguousness between the work and the product of work of the members of the group. It is also clear that language is an important element of the culture of a group and a clear indicator of a particular cultural group. Minority groups are therefore defined as groups with a sense of unity with the desire to preserve and develop their distinct own culture (Steyn, 1997b:3).

### **2.2.2.3 Ethnicity as identifier of a minority group**

It is clear that ethnicity is used to identify a particular group of people, usually a minority group in a particular state, by means of specific biological characteristics, for example origin, historical bonds, cultural ties and religious similarities (Korklins, in Steyn, 1997b:3).

### **2.2.3 Policy options open to governments**

In general, society as a whole has three options when confronted with the pressure of a minority group regarding the provision of education according to their own needs. These options are assimilation, integration and cultural pluralism. Each will be discussed briefly.

#### **2.2.3.1 Assimilation**

In this process the minority assumes the attributes of the dominant majority. It is a policy whereby ethnic-minority groups are absorbed over a period of time into the mainstream of majority society. They are expected to adopt the language, tradition, cultural modes and values of the host society (Phelan & Davidson, 1993:9). Schooling is used to good effect to ensure assimilation because not only does the curriculum ignore the different unique facets of minority groups, there is an insistence at official level that teaching is through one language about one set of social values and customs (Gwinn *et al.*, 1990:169). In the course of assimilation, the dominant group usually acquires aspects of the minority culture whilst imposing its own culture on the minority group. A society that makes a practice of assimilation usually evolves in the process, and the dominant culture becomes increasingly eclectic.

Davis (1985:28) argues that members of minority ethnic groups have frequently sacrificed much of their culture without achieving equality of treatment. Although other minorities might not be as physically distinctive nor as strongly discriminated against, cultural as well as physiological differences usually single them out. A dominant majority wishing to exclude a minority and refusing to share certain kinds of jobs or privileges with it, could continue to do so, no matter how culturally assimilated the group might become. In short, assimilation does not in itself help social mobility. Instead, it may increase existing antagonisms and force the ethnic minority to rely even more on its own structures and outside shared overall structures.

### **2.2.3.2 Integration**

A policy of integration differs from assimilation in degree. It implies multicultural society up to a point, since the legal, religious, intellectual and cultural rights of different groups are legally recognised. However, at the same time ethnic-minority groups are expected to integrate into the majority or host society (Watson, 1985:75). According to this policy an attempt is made, for example, to have the school population reflect the total population composition. Each school and class has to have the same proportion between the population groups as that of the total population has (Steyn, 1986:36; Phelan & Davidson, 1993:9). This policy is based on the principle that should the inputs be equal (also in education) the achievement of the various ethnic groups would be equal.

### **2.2.3.3 Cultural pluralism**

In this case different groups live side by side, meeting in the market place and at social, intellectual and cultural levels, but the groups are not expected to, let go of their unique characteristics. In culturally plural societies each group maintains its identity and has legal, educational and constitutional rights (Phelan & Davidson, 1993:9). There is a form of separatism within a framework of cultural pluralism, although each group has equal rights and is equally respected. The principle of cultural pluralism is normally applied by means of multicultural education. In practice multicultural education makes tremendous demands with regard to curriculum, educational methods, the role of the educator, bilingual education, and control of education (Watson, 1985:76).

Cushner (1992:134) is of the opinion that pluralists view one's social group as critical to the socialisation process in modern society. The group provides the individual with identity, a sense of belonging or psychological comfort and support when faced with discrimination by the greater society. It is through one's group, usually the ethnic or culture group, that one develops a primary language, values, and interpersonal relationships, as well as a particular life-style. Pluralists believe identity groups to be so important that the schools should actively promote their interests and recognise their importance in the life of the individual.

## **2.3 INTERNATIONALLY RECOGNISED RIGHTS OF MINORITY GROUPS**

The rights of minority groups are described in different treaties and conventions of international organisations. Sachs (1995:62) summarises these rights and divides them into six



groups, namely i) the right to existence; (ii) non-discrimination; (iii) equal rights; (iv) the right to develop autonomously within civil society; (v) affirmative action; and (vi) positive support from the state. Each will be discussed briefly in conjunction with the international instruments for the rights of minority groups.

### **2.3.1 The right to existence**

This right is apparent in many different treaties and conventions of international organisations. It gives minority groups the right to combat marginalisation and the imminence of annihilation. In the United Nations Declaration on the Right of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992: Art. 22), it is stated that all States shall protect the existence and the national or ethnic, culture, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. Furthermore, States shall adopt appropriate legislation and other measures to achieve those ends.

### **2.3.2 Non-discrimination**

Sachs (1995:59) alludes that this is the most enduring and powerful principle to have emerged with relation to protection of minorities. According to Sieghart in Sachs (1995:59) the concept of non-discrimination is so central to international human rights law that all but one of the major instruments prescribe it as an article of general application. It is central to the Universal Declaration of Human Rights (1948), especially Article 7 that provides that: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any material to such discrimination." Articles 2(1), 3 and 26 respectively of the International Covenant on Civil and Political Rights (1966) also make pronouncements on non-discrimination, for example Article 26 provides that: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law." In this respect the law shall prohibit any discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, the Charter of Paris for a New Europe (1990) (EU) declares that: "We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right to freely express, preserve and develop that identity without any discrimination and in full equality of the law." The Charter

also recognises the rich contribution of the national minorities and undertakes to improve their situation. The European Community in this Charter reaffirms its conviction to protect and promote the conditions and identity of the minority groups and accept that the rights of minority groups must be fully respected as part of universal human rights.

### **2.3.3 The right to equality**

This right goes further than the right not to be discriminated against discussed in the preceding paragraphs in that it eliminates all forms of inequalities between the minority group and the majority group. On this right, the Universal Declaration on Human Rights (1948) Article 1 provides that: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." This article should also be read in conjunction with Article 7 of the same Declaration. The issue of the right to equality also goes hand in hand with the issue of equality of languages in a pluralistic society. In this regard Article 7(2) of the European Charter of Regional or Minority Languages (1992) declares that: "The parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority language aimed at promoting equality between the users of these languages and the rest of the population or which take account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages." The issue of equality also has strong Christian support. There is no difference between Jews and gentiles, between slave and freeman, between man and woman. People are all one in Jesus Christ (Bible, 1989:160). Summers (1996:58) comments that the golden rule is to do unto others as you would have them do unto you.

### **2.3.4 The right to develop autonomously within civil society**

This right is acknowledged widely in various treaties and conventions of international organisations. Article 27 of the International Covenant on Civil and Political Rights (1966) declares that: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group to enjoy their own culture, to profess and practice their own religion, or to use their own language. This right is further supported by the African Charter on Human Rights and People's Rights (1979) in which Article 22(i) provides that: "All peoples have the right to

their economic, social and cultural development with due regard to their freedom of identity and in equal enjoyment of the common heritage of mankind."

A further corroboration of this right is found in Article. 5(1) of Europe: Framework Convention for the Protection of National Minorities (1995), which declares that: "The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their own culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage."

### **2.3.5 Affirmative action**

This right is covered under Articles 1(4) and 2 of the Convention on the Elimination of all Forms of Racial Discrimination of 1965. Article 1(4) declares that: "Special measures must be taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such group or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be called racial discrimination, provided, however, that such measures do not, as a consequence, lead to maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

Article 2 of this convention continues: "States parties shall, when the circumstance so warrant, take in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved."

Claasen (1996:12) notes that although race, as part of ethnicity, is rejected as an element in identifying differences, race does serve, in some instances, as a differentiator for special provision. An example is the issue of affirmative action whereby blacks in the United States of America (U.S.A.) and in South Africa receive special attention when applying for a job. Although the Convention is aimed at the elimination of the effects of racial discrimination, the principles contained and the articles mentioned could be applied to any minorities trying to overcome the effects of past and continuing discrimination (Sachs, 1995:64).

### **2.3.6 Positive support from the state**

This is possibly the most controversial legal consequence of identifying and distinguishing a cultural, linguistic or religious minority group. It could be that a minority might be able to make a claim for special resources from the state for the purposes of maintaining its identity. The recognition of diversity and pluralism has in recent years come to receive growing support from legal scholars and political philosophers. However, even those countries that have given greater acknowledgement to minority rights, have tended to leave the creation of common or religiously based schools to private sphere, particularly if such schools were exclusive in character.

### **2.3.7 Synthesis**

To summarise the above discussion, the most recent document produced on the protection of minority groups is by the Committee of Ministers of the Council of Europe (in Sachs, 1995:5). It summarises the rights of minorities as follows:

- Non-discrimination.
- Promotion of effective equality.
- Promotion of the conditions regarding the preservation and development of the culture and reservation of religion, language and traditions.
- Freedom of assembly, association, expression, thought, conscience and religion.
- Access to and use of media.
- Linguistic freedom.
  - Use of minority language in private and in public as well as its use before administrative authorities.
  - Use of one's own name.
  - Display of information of a private nature.
  - Topographic names in the minority language.
- Education.
  - Learning of and instruction in the minority language.
  - Freedom to set up educational institutions.
- Contacts over borders.
- International and over border co-operation.
- Participation in economic, cultural and social life.
- Participation in public life.
- Prohibition of forced assimilation.

## 2.4 IMPLICATIONS OF INTERNATIONAL INSTRUMENTS FOR MINORITY GROUPS

### 2.4.1 Discrimination versus differentiation

From the preceding paragraphs it is evident that the rights of minority groups have been accepted by the various treaties and conventions of international organisations. Issues that emerged from the discussion are that minority groups have firstly the right to own identity and the right not to be discriminated against. These two main rights enable the minority group to fully develop in civil society because of their difference in religion, culture and language with the majority group (cf.par.2.3.2, 2.3.3 and 2.3.4).

The non-discrimination clause as explained in paragraph 2.3.2 implies that there shall be no discrimination on the grounds of, for example, race, colour, religion, language, gender or ethnic origin. It is important to note that **differentiation** is not to be equated to **discrimination**. The 1996 International Convention on the Elimination of all Forms of Racial Discrimination (UN:1966) states that the term *racial discrimination* applies to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Booysen (1993:38) alludes that in this instance the purpose or effect of differentiating measures is the crucial consideration namely the purpose or effect with respect to the equal enjoyment of human rights. Measures of which the purpose or effect is to impair equal enjoyment are discriminatory whereas other differentiating measures are not discriminatory. In 1947 the Sub-Commission on the Prevention of Discrimination and Protection of Minorities established by the United Nation Commission on Human Rights (UN: 1947) adopted the following statement: Prevention of discrimination is prevention of any action which denies to any individual or groups of people equality of treatment which they may wish whereas the protection of minorities is the protection of non-dominant groups which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which distinguish them from the majority of the population. The intention is that different treatment may be justified in the name of enabling the minority to preserve its valued unique characteristics.

According to Mncwabe (1990:35) educational diversity based on educationally irrelevant factors is discrimination; educational diversity based on educationally valid factors is differ-

entiation. Education may and must differentiate; education may not discriminate. Equal education may ignore the need for differentiation because of the slogan "equality", and so may discriminate by seeking to treat all in the same way. He suggests that people that are the same according to relevant criteria should be treated the same and people that differ according relevant criteria should be treated differently. Mncwabe (1990:35) is supported by Laforest (1993:x) and Figueroa (1993:27) when they state that justice in modern terminology consists of treating equals equally and unequals unequally. Lynch (1992:10) avers that there can be no just citizenship of a national society which ignores equal justice to other societies and communities, through ignorance, exploitation or unequal economic, environmental or political covenants. According to the Bible the state's task (Romans 13:1-7) is the promotion of impartial justice and freedom for all. Favouritism and discrimination should not be allowed. Although the state disposes of power, the concern in the first place is with justice, and its power should be used to effect this (Van der Walt, 1994:60).

Veny (in Steyn & Weggeman, 1998:4) recommends the Belgian community criteria to ensure that unequal treatment does not constitute discrimination: the criteria for differentiation should be objective; the measures should be relevant to the aims to be reached; the purpose of the measures should be a legal one and lastly the measures to reach the purpose of differentiation should be those with the least impact on society.

Shusta et al. (1994:69) mentions that to ignore diversity or to minimise its importance will not cause it to vanish. In its extreme form, when people attempt to strip others of their cultural identity, they do not allow them the right to be themselves. The consequences of this could be serious and even tragic. He continues to say that one way to begin to accept diversity is to view society as a mosaic in which all races and ethnic groups are displayed in a form that is attractive because of the very elements of which it is made. Each group is seen as separate and distinct but still contributes its own colour, shape and design to the whole, resulting in an enriched society.

Booyesen (1993:39) alludes that as important as human rights may be when it comes to the individual, it is more and more contended nowadays that human rights must also be associated with groups. For it is in groups that individuals are socialised and thereafter realise or try to realise their significant values. Minority groups, inspired by a growing sense of community identification and increased pride in ethnic identity, must take the responsibility to conserve, develop, change or reject their culture, or parts thereof. It is not the responsibility of the government or the majority group to develop the culture of the minority group. The minority group should, however, be provided with the opportunities to do it themselves. This implies

that the minority group can expect the same opportunities and assistance, for example financial assistance, to develop their culture as that perceived by the majority group. A balancing between individual and group rights is therefore of the utmost importance (Taylor, 1993:139). Pluralism as a value means recognising the right of individuals and groups to be different. If each person claims to be free, then each person must accept the right of others to think differently, and to have different values. The cohesion of a dynamic human society is not one of sameness, but one of mutual stimulus and interdependence. Frustration, alienation, conflict and a possible threat to cohesion are more likely to arise not just from difference or pluralism, but from injustice, inequality, exploitation, restricted freedom, discrimination and inhumanity (Mkhatshwa, 1997:7; Figueroa, 1993:26).

#### **2.4.2 Language issues**

Another issue that needs further discussion, are the rights of minorities in the language issue. Language comprises a complex and involved component of any education system. It is rooted in the historical development of the education, religion and politics of various societies. The home language is generally recognised as the best medium of educating a child (Nkabinde, 1990:10). Taylor (1993:50) states that the modern form of identification is, to a large extent, the existence of common language. Modern people do not necessarily adhere to the traditional culture, but build a new one with the common language as major bonding element. Language is regarded as of great importance because if language is neglected it risks losing its expressive power in, for example in technology, the economy and the arts, sectors highly valued by today's people. Alexander (1991:13) is quite correct when he states that the slogan "one language, one nation, one culture" is out of step with modern development. It is important for learners to be able to say what they want, not to feel what they want as dictated to them or imposed on them. Therefore, it is important to develop all different languages of societies equitably. Goduka (1998:35) proposes that the following should be taken into account when education policy is made regarding the many languages in a country:

- A redefinition of linguistic and cultural diversity, which views it as an asset rather than a deficit.
- Educational policies and practices that build upon learners' strengths, including their culture and language, rather than devaluing these resources.
- A mandate to involve parents and other community members in the school to represent the culture and linguistic diversity learners bring to the school.

- An understanding that multilingual education is critical and a necessary component of inclusive and equity education.
- An awareness that all learners can benefit from cultural and linguistic diversity.

Nations provide havens for many different groups in their societies and allow them to maintain their cultural uniqueness. In this way groups will learn that cultural pluralism is one of the norms of free society; that differences among groups are a national resource rather than a problem to be solved (Summers, 1996:58).

### **2.4.3 Indicators**

The following indicators can be deduced from the preceding paragraphs:

- 2.4.3.1 A minority group is defined as a group that is numerically inferior to the rest of the population of a state and in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity, directed towards preserving their culture, traditions, religion or language (cf.par.2.2.1).
- 2.4.3.2 All people are equal before the law and are entitled without any discrimination to equal protection by the law (cf.par.2.3.2).
- 2.4.3.3 All human beings are born free and equal in dignity and rights (cf.par.2.3.3).
- 2.4.3.4 Race is rejected as an element in identifying differences (cf.par.2.3.5).
- 2.4.3.5 Differentiation is not to be equated with discrimination (cf.par.2.4.1).
- 2.4.3.6 People that are the same according to relevant criteria should be treated the same and people that differ according to relevant criteria should be treated differently (cf.par.2.4.1).
- 2.4.3.7 Minority groups must take responsibility to conserve, develop, change or reject their culture, or parts thereof. It is not the responsibility of the government or the majority group to develop the culture of the minority group (cf.par.2.4.1).



- 2.4.3.8 The home language is generally recognised as the best medium for educating a child (cf.par.2.4.2).
- 2.4.3.9 Education policy should take into account a mandate to involve parents and other community members in the school to represent the culture and linguistic diversity learners bring to the school (cf.par.2.4.2).

## **2.5 THE TWO PARADOXES**

The move towards the recognition of the rights of minority groups is further made possible because of the following trends: the paradox of globalism and the paradox of national unity. Each will be discussed briefly.

### **2.5.1 The paradox of globalism**

One of the major trends of the latter half of the twentieth century, influencing international education systems, is the trend of the global paradox. According to this trend the idea of a global village is promoted as a result of the influence of international economic groups, technological and communication developments. However, paradoxically people do not lose their group identification but seem to find security in their own group (Naisbitt, 1994:57). The trend of the global paradox is one of the major reasons why the educational rights of minority groups are one of the important determinants in educational provision on an international level (Dinstein, 1993:229). Within the context of the educational rights of minority groups, the right of education and the protection of the child's own identity are, for example, recognised as the main focus of the United Nations Convention on the Rights of the Child of 1990 (Detrick, 1992:ix).

### **2.5.2 The paradox of national unity**

National governments sometimes introduce policies whereby ethnic-minority groups are absorbed over a period of time into the mainstream of the majority society with the hope that this would promote national unity and harmony in the society. Members of minorities are expected to adopt the language, traditions and cultural modes of the host society. It is a question of one language; one nation; one culture. Jack (1993:28) comments that the point about the melting pot in the U.S.A. is that it did not happen. He continues to say that the notion that the intense and unprecedented mixture of ethnic and religious groups in American life was

soon to blend into homogeneous end product has outlived its usefulness and also its credibility. According to the paradox of national unity, national unity will be promoted if members of minority groups serve and develop their cultural, ethnic and religious identity. Differences among groups are a national resource and not a problem to be solved. The opposite tends to harm national unity because of the feeling of insecurity and fear amongst members of minority groups and will thus not actively contribute to the welfare of the country (Jack, 1993:31).

## **2.6 INTERNATIONALLY RECOGNISED EDUCATIONAL RIGHTS OF MINORITY GROUPS**

Like in the internationally recognised general rights of minority groups, the educational rights of minority rights have been given international recognition in various convention and treaties of several international organisations. In this section the various international instruments on the educational rights of minority groups will be dealt with as well as its implication on minority groups. The list will not be exhaustive - only a few instruments that have a direct bearing on the educational rights of minority groups will be dealt with. These will include: The Convention against Discrimination in Education (1960) adopted by Unesco, the United Nations Convention on the Rights of the Child (1990), the Universal Declaration of Human Rights (UN, 1948), the International Covenant on Economic, Social and Cultural Rights (UN, 1966), the International Covenant on Civil and Political Rights, (UN, 1966), the European Convention on Civil and Political Right (UN, 1966), the Banjul Charter on Human and Peoples' Rights (Organisation of Africa Unity Document), the Draft Declaration proposed by Minority Rights Groups to the United Nations Commission on Human Rights, Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (UN,1979). These will be discussed briefly with emphasis on the articles that make pronouncements specifically on the educational rights of minority groups.

### **2.6.1 United Nations Convention on the Rights of the Child (1992)**

In this Convention the right of the child to receive education, as well as the right of children from minority groups to receive education according to their religious or cultural needs, was reaffirmed (UN, 1992: Art. 29,30). The right of education and the protection of the child's own identity is recognised as the main focuses of the convention (Detrick, 1992:ix).

### **2.6.2 Convention against Discrimination in Education (1960)**

By adopting the Convention, Unesco accepted the responsibility of furthering the universally accepted respect for human rights and equality of educational opportunity. The protection of the educational rights of minority groups was included in the following way:

- The term *discrimination* refers to the impairing of equality of educational provision, including any distinction, exclusion, limitation or preference being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth (cf. Unesco, 1960: Art.1).
- The establishment and maintenance, for religious or cultural reasons, of separate educational systems or institutions or private schools offering an education which is in keeping with the wishes of the parents or guardians, shall not be deemed to constitute discrimination as long as attendance to these institutions is optional and conforms to such standards as may be approved by competent educational authorities (cf. Unesco, 1960: Art. 2).
- Public authorities should not assist educational institutions that base their policies solely on the ground that learners belong to a particular group (cf. Unesco, 1960: Art.3).
- The right of parents to choose educational institutions, other than those provided by the state, should be respected. The right of members of minority groups to pursue their own educational activities, including the maintenance of schools, is recognised, as long as these do not prevent learners of minority groups from understanding the culture of the majority group, if the standard of these educational activities is not lower than the general standards and if attendance to these provision is optional. (cf. Unesco, 1960: Art.5).

### **2.6.3 Universal Declaration of Human Rights (1948)**

In this Declaration, Article 26 stipulates that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (UN, 1948: Art.26). Education shall be directed to the full development of the human personality and to the

strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

#### **2.6.4 International Covenant on Economic, Social and Cultural Rights (1966)**

The State Parties in this Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace (UN, 1966:art.13).

- The State Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right
  - ❑ primary education shall be compulsory and available free to all,
  - ❑ secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
  - ❑ higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
  - ❑ fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; and
  - ❑ the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
- The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children, schools, other than those established by the public authorities, which conform to such minimum education standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

- No part of this Article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph one of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the state.

#### **2.6.5 International Covenant on Civil and Political Rights (1966)**

In one of its stipulations, the Covenant decrees that all peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions (UN, 1966:Art.1).

#### **2.6.6 European Convention on Civil and Political Rights (1966)**

This Convention decrees that no person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions (UN, 1966:Art.2).

#### **2.6.7 Banjul Charter on Human and People's Rights (1981) (Organisation of African Unity document)**

In this Charter it is declared that every individual shall have the right to education. Every individual may freely take part in the cultural life of his community. The promotion and protection of morals and traditional values recognised by the community shall be the duty of the State (OAU, 1981:Art.17).

#### **2.6.8 Draft Declaration proposed by Minority Rights Groups to the United Nation Commission on Human Rights' Sub-Commission on the Prevention of Discrimination and Protection of Minorities (1979)**

The Draft Declaration proposed by Minority Rights Groups to the United Nation Commission on Human Rights' Sub-Commission on the Prevention of Discrimination and Protection of Minorities (1979) provides inter alia as follows:

- The State must not undertake, support or favour a policy of artificial or enforced assimilation. The main kinds of protection on a national level are the following (UN,1979):
  - The right to self-determination as expressed in the UN Declaration of Principles of International Law on Friendly Relations and Co-operation among States in accordance with the Charter of the UN.
  - Cultural autonomy.
  - Linguistic autonomy.
  - Distribution of public funds for the promotion of the economic, cultural, and social development of the minority group. Every national or ethnic minority or group has the right to preserve its own cultural identity, whatever its manifestation (archives, museums, libraries, monuments, theatres, orchestras, cultural institutions of any other kind) may be, and to administer these independently.
- Every minority or group has the right to establish its own information and Press service. Cultural autonomy consists further in an educational system providing instruction on all education levels in the language of the group. Every child belonging to that group has the right to this education, provided the persons responsible for his education are willing to make use of this right.
- The right to require State grants - within the resources available - for the maintenance of their identity and their development. The right to develop and promote their own languages, including an own literary language, and to use them for administrative, juridical, cultural and other purposes.
- The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct and control their own education systems and institutions.

## **2.7 IMPLICATIONS OF THE INTERNATIONALLY RECOGNISED EDUCATIONAL RIGHTS OF MINORITY GROUPS**

The above-mentioned educational rights of minority groups should be included in the overall goals of education in culturally diverse societies, and in turn need to be further articulated into learning objectives for the learners. The instruments of the educational rights of minority

groups have serious implications for the provision of education for minority groups according to their unique educational needs.

### **2.7.1 Minority groups and educational institutions**

Bear *et al.* (1989:243) give the following reasons why minority groups prefer their own educational institutions or private schools.

Firstly, minority groups dislike “bigness”, remoteness, and regulation from afar. Any centrally determined prescription that must apply across the board is usually unnecessary and takes away from minority groups the power to take action that is clearly tailored to their wishes and clearly aimed at their advantage. Wherever there is prescription from above, minority groups tend to “go private” by deliberately stepping outside the system that imposes prescription.

Secondly, most of minority groups value the power of self-determination especially over affairs that affect them directly - the welfare of their children is such an affair. Increasingly, then, parents seek to exercise choice over schooling, demand some voice in their local schools and support local authorities over central authorities. Decentralisation is therefore tending to become a coping reaction. If an institution for minority groups aims to give their schools more initiative to allow parents more genuine engagement with the place where their children are being educated and to give the teaching staff a more professional and responsible climate in which to work, it will be acceptable. It must not be allowed to become a new means to perpetuate social injustice or inequities.

The ideas of Bear are supported by the findings of the Human Science Research Council (HSRC) investigation on the provision of education in the Republic of South Africa (Barnard, 1991:406; Van Schalkwyk, 1991:49). Inter alia it was recommended that :-

The recognition that is given to common and diverse religious and cultural ways of life and to the languages of the inhabitants of the Republic of South Africa in the Constitution (SA, 1984) gives the school community, particularly the parent-in-organisation, the right to closely-determine options with regard to religion, culture and national feeling within the educational system intended for the main national population group concerned. Parents are also given the option with regard to attending classes in religious instruction and joint authority regarding the language in which their children are taught.

On the basis of the differentiation in education in providing education, provision is made for the establishment and subsidising by the state of private education (SA, 1984: Art. 7) to provide education to those who make specific demands on education which state schools cannot or would not like to provide for.

### **2.7.2 Indicators**

The following indicators can be deduced from the preceding paragraphs:

- 2.7.2.1 The rights of minority groups are accepted in the various treaties, conventions and international deliberations, for example, the International Covenant on Civil and Political Rights (1966) of the United Nations and the Charter of Paris for a New Europe (1990) of the European Community focus on two main issues, namely the right to own identity and the right not to be discriminated against (cf.par.2.3.2 & 2.6.5).
- 2.7.2.2 The rights of minority groups should be understood within the context of the so-called paradox of national unity. According to this paradox, national unity is not endangered by the recognition of the rights of minority groups. National unity is, however, promoted if the rights of minorities are recognised, because these minorities feel secure, do not wish to separate and actively contribute to the welfare of the country (cf.par.2.5.2).
- 2.7.2.3 The idea of a global village is promoted as a result of the influence of international economical groups, technological and communication developments, but paradoxically people do not lose their group identification (cf.par.2.5.1).
- 2.7.2.4 Acknowledgement of the rights of minority groups promotes national unity (cf.par.2.5.2).
- 2.7.2.5 Educational rights of minorities imply freedom of establishment, denomination and institution (cf.par.2.6.2 & 2.6.4).
- 2.7.2.6 Educational rights of minorities are fully realised if their education is financially supported by government on an equal basis to that of the majority (cf.par.2.6.8 & 2.7.1).



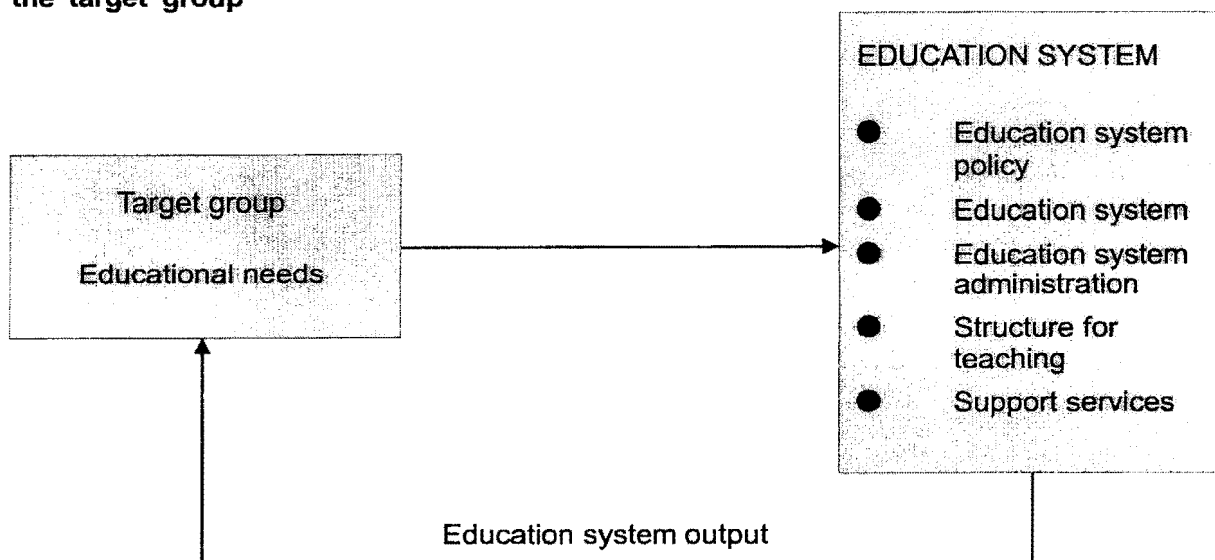
2.7.2.7 Minority groups can also request substantial involvement in educational control, which implies a system of decentralised education control (cf.par.2.6.8 & 2.7.1).

## 2.8 IMPLICATIONS OF THE EDUCATIONAL RIGHTS OF MINORITY GROUPS ON THE NATIONAL EDUCATION SYSTEM

Figueroa (1993:26) alludes that education is concerned with the development of the whole person as an individual and, inseparably, as an active social being in a specific cultural and socio-historical situation. Education is a process facilitating a growth of consciousness, a growth in critical awareness of self and of others. It is concerned with the initiation of value, symbolic, cognitive, communicative, affective, behavioural and social systems, faculties and skills, attitudes and behavioural patterns that a person needs to play an active and rewarding part in society and to interact constructively with others however different, to contribute to society's well-being and to make a living.

An education system is a means or instrument created by a community to provide education for its members in a purposeful, planned and systematic way (Van Schalkwyk, 1991:6). It is a structure consisting of the four components: education system policy, education system administration, structure for teaching and support services (cf. fig 2.2), for effective teaching to provide in the educational needs of the target group (Steyn, 1997a:25).

**FIGURE 2.2: Representation of the structure of the education system in relation to the target group**



Source: Steyn, 1997a

The educational rights of minority groups have serious implications on the national education system. These rights have to ensure that effective education to members of the minority group does occur and there is no discrimination to minority groups learners. Each component will be discussed briefly.

### **2.8.1 Education system policy**

Calitz (1991:42) states that policy in the provision of education is a statement of principles, that is, a view or convictions concerning the character, direction, nature, motive, idea and aim of education. Furthermore, it is a statement of intent of the way in which the identified needs of the target group (minority group) are to be solved. Its usually consists of the following elements: mission, aims and objectives and a publicised education policy, which usually include policies such as personnel, finance, support service and educational programmes.

The implication is that members of minority groups must be present in the agenda-setting for policy where their unique educational needs are presented. They should also be part and parcel of policy formulation, policy adoption and policy implementation to make sure that their rights are not violated (Taylor, 1994:17). Figueroa (1993:31) asks the question of what could be done directly or indirectly, in the short term or in the long term, where ethnic-minority children are not receiving the academic, personal and social education, and the market skills, which like other learners, they need. Supported by Gay (1994:107) he suggests that policies and structures are needed, as well as mechanisms for analysing and dealing with specific situations. Necessary measures will include among others the following: intensive tutoring and second-chance arrangements involving ethnic minority staff; support for supplementary schools; full involvement of parents and special mother-tongue instruction. Long-term measures would need to address a wide range of issues affecting every aspect of the education system. The constant concern would be to ensure equitable, humane, appropriate, open-minded and high-quality treatment for all.

The rights of different cultures should be included in all policy formulations. These relate to such things as: mother tongue and own culture; religious, moral and ethical requirements, including inter alia the requirements of diet, dress and behaviour; systems of naming and heritage (Figueroa, 1993:30).

### **2.8.2 Education system administration**

The administrative structure of an organisation is a composition designed to determine the task and place of the management and all the executive functionaries in the enterprise by granting and assigning authority and responsibility and by accepting responsibility through which suitable co-ordination and communication between individuals and groups can be brought about so as to attain the goals for which the undertaking was set up (Reynders, in Van Schalkwyk, 1991:55). Through the education system administration the education system policy mentioned above is, on the one hand determined, and on the other hand ensured, that the accepted policy is implemented. This component includes elements of organisational structure, financing and liaison arrangements in the particular education system and between the education system and the interest groups in the community.

The organisational structure implies that effective education for minority groups will be to their benefit if parents, representatives and other interest parties from the minority group are part of the organisational structure, especially at the local level where education takes place in reality. This will ensure that the educational rights are not trampled upon. The state should also finance education on an equal footing with that of the majority group.

In societies where cultural diversity prevails, the adoption of administrative structures that provide for a balance between local and central control will be necessary. Local control means the formulation and execution of policy within the broader policy framework created by the central authorities. Local control would focus on the actual running of the schools on a day-to-day basis (Jarvis, 1993:29).

The community also needs to be involved in decision-making, in administrative procedures and in the financing of education. Schools need to be developed as community schools in the sense that they both serve and belong to the local community. The community needs to be seen as a full partner with the state. Within this partnership attention should be paid to funding arrangements (Jarvis, 1993:28).

### **2.8.3 Structure for teaching**

This is the framework within which different types of teaching and learning situation are arranged, including their mutual relationships. The structure makes provision for various educational possibilities as well as for the possibility of both the vertical and the horizontal flow of learners through the system. The functions of an education system is to create and

organise teaching and learning situations that on the one hand will provide in the best possible way for the differences in ability, interest and choices of learners and, on the other hand, for the rightful and differentiated demands (Van Schalkwyk, 1991:106).

Educational structure as the core component of the education system, characterises it as a system of educational provision. It consists of the elements: educational levels, educational institutions, educational programmes, the learners, the educators, the language and the physical facilities. Each will be discussed with regard to minority-group interests (Steyn, 1997a:29).

#### **2.8.3.1 Educational levels**

The minority group will expect education provision and educational opportunities at all four levels (pre-primary, primary, secondary and tertiary level) in what is normally called general education or formal education. The minority group also needs education provision in vocational education so that their unique educational needs can be met.

#### **2.8.3.2 Educational institutions**

Educational institutions to provide effective education for all four educational levels shall be made available. The unique educational needs of the minority group will determine the type of educational institution.

The demand for supplementary or separate provision is largely to be explained in terms of aspects of the existing school environment, levels of attainment, school climate, educator expectations, curriculum content and the effects of all these upon the morale of learners. It is widely acknowledged that low attainment by learners of some ethnic-minority groups is an important factor in the demand for alternative or supplementary schools. In some countries Saturday schools have been started by parents to support the second-rate education that the school system offers to their children. The purpose is to give them qualifications to get a job. They have lost faith in the ability of schools to improve things for their children (Homan, 1994:62).

Parents and community leaders of minority groups most ardently seek special provision within existing schools. Demands affect both curriculum content and school organisation and involve a considerable measure of withdrawal and insulation within the school community. For example, the Muslim community might require that schools should prepare children for

public examination in Islam; should appoint Muslim educators and should arrange for their training; should withdraw their children from music, dance, sex education and school assembly. These complex arrangements are both burdensome for the staff and disruptive of the learning programmes. The case of own institutions starts where the possibility of accommodation fails (Homan, 1994:65).

Opponents of own institutions for minority groups argue that this system of schooling runs counter to an overall goal of an education for all which has been legislated by many democratic countries; the system is socially divisive and indoctrinating; it is feared that the system would have the effect of estranging from each other sections of the community that one wants to harmonise; the system will lead to isolation, which might exacerbate the very feelings of rejection and of not being accepted as full members of society that were seeking to overcome (Homan, 1994:67). Crouch (1998:17) states that there is some evidence that the rather haphazard privatisation and decentralisation of schooling in Eastern Europe and the former Soviet Union are exacerbating the fragmentation of society. Localised control over curricular and language choices could enhance insularity and even ethnic and nationalistic hatred. Gungubele, in Radinku (2000:20), alludes that confining one sector to its own cultural activities is not freedom. Separating educational facilities and not engaging black educators to get involved in white education (and vice versa) is also not freedom.

Proponents of own institutions are of the opinion that own institutions for minority groups emerge in a case when the level of ethnic minority children in a school is such that parents start to send their children elsewhere. The notion that the children of a minority community should remain in mixed settings for the benefit of the majority is persuasive for educational administrators and for the educator. However, parents could hardly be expected to be unselfish if they believe that by remaining in an integrated school they limit their social and educational opportunities. For the children of ethnic minorities that are separately educated, the purpose is to build self-esteem, pride, strength and confidence with which to face the wider world. What are at stake are not just the aspirations of minority groups, but their right to realise these by their own means (Homan, 1994:68).

Vine (1994:195) argues that to concede to what could be a rather rapid growth of minority-group schools effectively segregated on ethnic as well as religious and gender lines, would leave many serious uncertainties about the future. A more purist generation of ethnic-minorities trained by their own educators, would well make further and more insistent demands for greater national recognition of their faith and what it entails in moral and legal terms. On the other hand, frustrating parents of ethnic-minorities by resisting their demands,

is itself likely to evoke more public protests, which sharpen group boundaries and inflame inter-ethnic conflict. A clear decision to refuse state support for ethnic minority schools must bring its own dangers in the shorter term. It is bound to look like the tyranny of the dominant majority over a relatively powerless minority. Rejecting an ethnic-minority's educational demands is to override the special needs of people who had to endure inexcusable historical injustices.

Lynch *et al.* (1994:387) mention that the purpose of separate schools is not necessarily to replace the available state schools, but to enhance, extend or otherwise cover needs not adequately responded to by the state schools. They mention that three major functions of separate schools appear to be: (1) to provide religious socialisation; (2) to afford opportunities not available in the state system for mother-tongue teaching and learning; and (3) to compensate for the shortcomings of the state schools in other directions, such as out-of-school support for academic work. Examples are given of the types of provision, from evening and weekend classes to the provision of full-time independent schools in parallel and in competition with state schools, with a view of achieving state support or subsidies after subsequent recognition.

### **2.8.3.3 Educational programmes**

The study fields, subjects and content must be in line with the actual educational needs of the minority group. The curriculum must also satisfy the unique characteristics of the minority group. Educational programmes should also be based on the philosophy of life of the minority group, especially religion.

When people view their culture from the point of view of another culture, they are able to understand their own culture more fully, to see how it is unique and distinct from other cultures, and to understand how better it relates and interacts with other cultures. A mainstream-centric curriculum negatively influences ethnic-minority learners in society. It marginalises the experiences and cultures and does not reflect their dreams, hopes and perspectives. Learners learn best and are more highly motivated when the school curriculum reflect their cultures, experiences, and perspectives. Many ethnic-minority learners are alienated in the school partly because they experience cultural conflict and discontinuities resulting from the cultural differences between the school and the community. The school can help ethnic-minority learners mediate between them and school cultures by implementing a curriculum that reflects the culture of their ethnic groups and communities (Banks, 1989:190).

Rabbet (1993:25) regards education as preparation for adult life and the world of work. Therefore the curriculum should be balanced and broadly based and promote the spiritual, moral, cultural, mental and physical development of learners for the opportunities, responsibilities and experiences of adult life, which specifies the curriculum in subject terms. Van der Linde (1994:359) avers that education must be relevant to the learner as well as the employer. Frustration could occur when a graduate is unable to find a job. The school should sift, sort and provide society with natural leaders and followers, architects of business and resource personnel for business. Learners should know the history of different cultural groups in the country. They must be able to appreciate the views and cultures of other groups.

#### **2.8.3.4 The learners**

In order to satisfy the unique educational needs of minority groups, the provision of effective education implies that the learners of minority groups must be in the majority at the specific educational institutions. Irrelevant factors should not be used to prevent learners from being admitted to any educational institution. The code of conduct of learners must take into account the position of minority group (Steyn, 1997b:11).

Phelan and Davidson (1993:5) argue that learners have questions and concerns about the increasing diversity of the learner population in the schools. Their interactions with peers and relationships with educators and the way in which schools are structured, are just a few of the factors that impact on learners' conceptions of their own ethnicity and that of others. Classrooms, educators, peer groups and schools can all powerfully affect the ways in which learners view and interpret their circumstances.

In the case of the educational achievement of ethnic minority children, Eldering (1989:127) notes that the relevant issue is whether the educational performance of the minority learners could be explained by specific factors related to minority position and ethnic/cultural backgrounds. He alludes that the educational achievements of learners depend on many factors in and outside schools, such as lack of discipline, factors associated with maladjustment and difficulty in concentrating for physical reasons. There is also a strong connection between the parents' socio-economic status in society and the educational achievements of learners. Van der Linde (1994:358) alludes that learners could become alienated if they were unable to see the connection between their achievements at school and their future status and success. They may become apathetic about their education.

Eldering (1989:129) further states that the primary problem in the school performance of minority learners does not lie in the mere fact that children possess a different language, dialect or communication style. The main factor differentiating the more successful from the less successful minorities appears to be the nature of the history, subordination and exploitation of minorities and the nature of minorities' own instrumental and expressive responses to their treatment, which enter into the process of their education.

In making provision for minority adult learners the following factors must be taken into account (East, 1999:1):

- The adult learner sees himself as capable of self-direction and desires others to see him the same way.
- Adults bring a lifetime of experience to the learning situation.
- Adults need to be involved in evaluating their own progress toward self-chosen goals.
- Adults prefer less use of transmittal techniques and more experiential techniques.
- Adults need opportunities to identify the competency requirements of their occupational and social roles.
- Adults can best identify their own readiness-to-learn and teachable moments.

#### **2.8.3.5 The educators**

Educators of good quality and that will act as role models must come from members of the minority group (Steyn, 1997b:17). The code of conduct for educators must be observed at all times by the educators so that effective education could take place in the educational institution.

Cushner (1992:278) notes that educators must create an environment that helps learners to develop a sense of personal identity. They can also create an environment that helps learners develop a sense of pride in their own particular groups. When confronted with a situation in which one of their group is not recognised as a viable entity, or is discriminated against, many people tend to feel excluded, or become withdrawn, or even hostile.

Amir (1994:34) states that one attitudinal difficulty in minority education has to do with educators' unwillingness to distribute equitably their efforts and time to all social or ethnic groups in class. The problem is that many educators pay attention and direct their teaching more to learners who belong to the mainstream rather than to those learners that belong to



minority groups. He continues to say that educators generally belong to the mainstream society, i.e. middle class and the majority group. When such attitudes and priorities are prevalent amongst educators and the school staff, the chances of achieving any goal that intends to bring the different groups closer together or to provide major academic inputs to the minority groups are quite small. Only when schools in general and educators in the classroom consciously succeed in equitably distributing their resources to each group, is there a chance to successfully implement in the schools the goals of social or ethnic integration.

Van der Linde (1994:359) states that in the case of educator training, the courses should deal with the role of the educator, especially as leader and conflict mediator. Student educators must be trained in how to teach learners to base their individual views on facts. Student educators should be able to adapt to new challenges. Initiative and creativity should be encouraged.

#### **2.8.3.6 The language**

A minority group that is identified by a specific language should use that language in all levels of education provision to support educational achievement. Language is not only a critical key to understanding the culture and experience of others, but also enables people to develop a sense of belonging and acceptance in a particular group. It is through language that complex concepts and ideas are transmitted. Language plays a critical role in the maintenance of sub-cultures. One function language serves is to distinguish those who should be considered potential members of the in-group from those who should be in the out-group. Language serves to bind an individual to others by developing in the group a sense of real social unity. Maintenance and acceptance of their first language may serve to bind members of a minority group in the face of oppression, tension and insecurity (Cushner, 1992:78).

Marland (1993:144) alludes that language and language variety - dialect or socio-dialect - is one of the overt signs of cultural identity in daily life. People use language with varying degrees of self-awareness to signal their social identity. The choice of particular variety for teaching purposes is significant for the learner's self-projection to native speakers and for his or her understanding of native speakers' cultural and ethnic identity.

#### **2.8.3.7 The physical facilities**

Facilities typically comprise building and grounds. Its distinct configurations, as well as its quality, architecture and furnishings make an immediate and lasting impression. Equipment

generally relates to hardware or material that the institution owns. For the institutions, resources - its possessions - both human and material - reflect the priorities, values and philosophy underlying the school curricular (Bear, 1989:192). It is accepted that effective education for minority groups implies that the physical facilities must suit the unique educational needs of the minority group, their philosophy of life and their sense of what is beautiful and valuable.

Poonwassie (1992:24) warns that the provision of physical requirements for education, such as buildings and grounds, does not ensure or produce equal achievement. Equality of educational opportunity maintains that the individual will achieve according to his ability if provided with the opportunity to do so. However, for minority group learners the provision of basic requirements such as buildings and grounds is not sufficient for success. Other factors such as educational background, cultural values, family life and family income determine whether learners will be able to benefit from public provision of educational opportunities. The school therefore has to go beyond the provision of facilities.

#### **2.8.4 Support services**

The support services refer to the specialised non-educational services needed to improve the equality and effectiveness of the educational activities. The following elements are usually referred to: support services for educators, learners and support services rendered to the teaching activities and structures. Common support services are library services, educational media services, school transport services and feeding schemes (Steyn, 1997a:29). Since minority groups are identified because of their unique characteristics and situation, the elements for support services must be compatible with their unique educational needs.

Gay (1994:107) says the quality of the various resources used in the educational process has a direct effect on the level of the learners' achievement. When different groups of learners are exposed to qualitatively different resources, their achievements also differ. A crucial question is whether the resources used in teaching ethnic-minority learners are comparable to those used for the majority with regard to accuracy, technical quality, relevance, and appropriateness. These resources include facilities, personnel, financing, institutional materials and programmes, and environmental facilities.

He goes on to say that the relative value of instrumental resources cannot be determined independently of environmental context, intended users, and expected outcomes. When ethnic-minority learners receive the same educational resources as the learners of the majority, the

effects are not identical. It might be the case that they receive fewer laboratory facilities, fewer out-of-classroom learning experiences, less qualified educators, and less commitment, concern and effort from the educators.

### **2.8.5 Indicators**

The following indicators can be deduced from the preceding paragraphs.

- 2.8.5.1 Members of minority groups must be present in the agenda-setting for policy-making where their unique educational needs are presented (cf.par.2.8.1).
- 2.8.5.2 Policies should be made to accommodate the educational needs of minority groups, for example, intensive tutoring and second-chance arrangements by minority staff (cf.par.2.8.1).
- 2.8.5.3 The rights of different cultures should be included in all policy formulations (cf.par.2.8.1).
- 2.8.5.4 Effective education for minority groups will be to the benefit of parents, representatives and other interested parties from other minority groups if they are part of the organisational structure at local level (cf.par.2.8.2).
- 2.8.5.5 Minority groups will expect education provision and educational opportunities at all levels of education so that their unique educational needs can be met (cf.par.2.8.3.1).
- 2.8.5.6 The purpose of separate schooling for minority groups is not necessarily to replace the available state schools, but to enhance, extend or otherwise cover needs not adequately responded to by the state schools (cf.par.2.8.3.2).
- 2.8.5.7 Educational programmes should be based on the philosophy of life of the minority group (cf.par.2.8.3.3).
- 2.8.5.8 The curriculum should be balanced and broadly based and should promote the spiritual, moral, cultural and physical development of learners for opportunities, responsibilities and experiences of adult life (cf.par.2.8.3.3).

- 2.8.5.9 There is a strong connection between the parents' socio-economic status in society and educational achievement. Lack of discipline by the learners not only affects educational achievement, but also educational quality (cf.par.2.8.3.4).
- 2.8.5.10 Educators of good quality and who will act as role models must come from the members of the minority group (cf.par.2.8.3.5).
- 2.8.5.11 Educators must create an environment that helps learners to develop a sense of personal identity as well as a sense of pride in their own particular groups (cf.par.2.8.3.5).
- 2.8.5.12 Minority groups that are identified by a particular language should use that language in all levels of education provision (cf.par.2.8.3.6).
- 2.8.5.13 Effective education for minority groups implies that the physical facilities must suit the unique educational needs of the minority group, their philosophy of life and their sense of what is beautiful and valuable (cf.par.2.8.3.7).
- 2.8.5.14 The elements for support services must be compatible with the unique educational needs of minority groups, since minority groups are identified because of their unique characteristics and situation (cf.par.2.8.4).

In the preceding section the nature and origin of the rights of minority groups, the internationally recognised rights and educational rights of minority groups were discussed. Their implications to minority groups and to the national education system were also dealt with. In the next section cultural diversity and national unity in selected foreign countries and in South Africa will be discussed.

## **2.9 NATIONAL UNITY AND CULTURAL DIVERSITY: THE PRACTICE IN FOUR OTHER COUNTRIES AND IN SOUTH AFRICA**

### **2.9.1 Introduction**

In order to implement the acknowledged educational rights of minorities, several countries implement specific measures in their respective education systems, thereby serving the specific religious and/or cultural needs of the minority group in that country. How they perceive

their own position vis a vis different groups, is vitally important. While it is possible to learn lessons from how different societies deal with their ethnic minorities, it is clear that there is no ideal policy that is applicable across the board. Too many variables such as the particular economical, social, religious and political considerations unique to a particular situation need to be taken into account. Those countries seeking to recognise the value of different ethnic groups, to provide the same language, religions and cultural opportunities to all through education and that do not deliberately seek to suppress the rights of different groups, are much more likely to achieve racial harmony than those that deny these basic, even fundamental, aspiration of group identity. The educational implication of ethnic and cultural diversity are likely to increase rather than diminish during the rest of the century, as different groups flex their muscles and modern technology makes them aware of developments in other parts of the world (Claasen, 1996:8; Watson, 1994:264).

Watson (1994:257) mentions four criteria in which different countries have been trying to foster national unity in their culturally diverse societies, namely positive discrimination, common and separate schooling, the curriculum and language policies. Each will be discussed briefly.

### **2.9.2 Positive discrimination**

In a country where cultural diversity prevails and one ethnic group dominates and uses its powers to control the others, the chances of national unity as well as economic development are greatly hampered. This in turn affects equality of opportunities in the workplace and in education. To compensate for the inequality of opportunities, some countries apply some form of positive discrimination or differentiation to ensure that the proportion of minority groups in school and in the workplace at least approximates their proportion in the overall population. To ensure this, some countries use the quota system. Educational policies are frequently used in support of such positive discrimination.

### **2.9.3 Common and separate schooling**

The issue of whether national unity is best preserved through a common school system or through separate schools for different ethnic or religious groups, is a contentious one and varies from one country to another, regardless of its political complexion. The demand for separate schooling has grown steadily during the past decade, partly as parents have opted out of the state sector, dissatisfied with, for example, poor academic standards, poor discipline and

drug abuse. The private sector, which has shown itself to be superior to state schools, has also become popular.

In many countries separate schooling is largely along religious lines. In Australia 25 % of all its schools are private denominational institutions that are both elitist and well-funded from government taxes and grants. In the United Kingdom there has been considerable opposition to the establishment of ethnically separate schools on the grounds that they would be socially divisive and would not help to foster harmonious multicultural relations. Nevertheless, the 1988 Education Reform Act, which allows for schools to opt out of local authority control and become grant-maintained schools under the control of the Department of Education and Science, could well have made it easier for schools to acquire separate ethnic or religious status.

#### **2.9.4 Curriculum**

The most effective long-term educational measures to achieve national unity have been to use the curriculum and syllabi of individual subjects taught, reinforced through the state's control of the examination system and policy towards national language provision. In countries as diverse as Nigeria, Ghana, Cameroon and Indonesia, each with several hundred ethnic and linguistic groups, the uniformity of the curriculum in each situation has been remarkable. The Nigerian Constitution states: "The state shall foster a feeling of belonging and involvement among the various sections of the country to the end that loyalty to the nation shall override sectional loyalties."

#### **2.9.5 Language policies**

Many people would see the language policies pursued in ethnically plural societies as essential in the attempts to bring about harmony or the dominance of the particular group. The central feature is how far the mother tongue or home language of different groups is tolerated or even encouraged through the school system, and how far it is marginalised to community use only. Language is one of the most important formative influences in moulding the intellect as well as the character of a child. It is a powerful instrument by means of which not only can express their personality, but groups may also identify their collective consciousness. If a group's mother tongue is largely left to the domestic scene and is ridiculed or ignored in the educational scene, this could have serious consequences for both cognitive and emotional development.

The above-mentioned criteria as described by Watson (1994:257) will be used as a basis of comparison in the four other countries that have culturally diverse societies, namely India, Canada, the Netherlands, and Belgium. The intention is to find out how these countries have tried to foster national unity in culturally diverse communities. It must be noted that these are not the only countries with culturally diverse communities - the list is long. However, it is important to indicate that the chosen countries are all multicultural communities and could therefore serve as valid case studies regarding the planning and provision of unique educational opportunities for minority groups. These countries have all managed to survive deep divisions within their populations.

## **2.9.6 India**

### **2.9.6.1 Positive discrimination**

Positive discrimination represents a major policy for equalising political, economic, and educational opportunities to underprivileged classes in India. This policy encompasses all public service areas and is applied in practice through the reservation of a given block of places for particular groups. In the policy of Reservations Article 335 reiterates the upholding of claims by scheduled castes and tribes in making appointments to services consistent with the maintenance of efficiency. For the overall development of scheduled castes and tribes, federal and state governments envisaged three major areas to be encompassed by the policy. Firstly, seats were reserved in the legislation to boost the political participation of the underprivileged. According to the Indian Constitution, seats are reserved in the Lower House and state assemblies for ten years at a time. Secondly, reservations were made in government jobs aimed at uplifting economic conditions. Thirdly, preferential treatment or affirmative action made educational opportunities accessible to scheduled castes and tribes (Ghosh & Talbani, 1992:333).

### **2.9.6.2 Common and separate schooling**

The rights of minorities to establish their own educational institutions are enshrined in the Indian Constitution, Article 30 (Booyesen, 1993:35).

This article stipulates among others that:

- All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their own choice.

- In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in the above clause, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.
- The State shall not, in granting aid to educational institutions discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

### **2.9.6.3 Curriculum**

In India the curriculum at the higher education level is the responsibility of universities, which also prescribe the curricula for the colleges affiliated to them. There is a board of secondary education in each state with responsibility for devising a curriculum and prescribing textbooks for secondary and higher secondary classes. For the primary and middle stages, the responsibility rests mainly with the state education departments with a common curriculum for secondary and primary schools throughout each state (Hussen & Postlethwaite, 1988:2430).

Several measures have been taken for the implementation of curricular reform. The University Grants Commission has undertaken an extensive programme to encourage university educators to write books with reference to the Indian situation (cultural diversity). The Central Ministry of Education funds the publication of the scholarly books in both Hindi, the national language, and the regional languages (minority-group languages). Textbooks at the secondary, middle, and primary level are written mainly by educators. Other measures to encourage the implementation of curricular reform include retraining educators (to teach in multicultural settings) and the introduction of modifications in instructional methodology to emphasise the interaction of learners with the environment and laboratory experiments and science teaching (Britannica, 1990:18(76)).

### **2.9.6.4 Language policies**

Douglas (1992:159) states that India has experienced three thousand years of foreign invasions, a recent and enduring colonial legacy, the interaction of many religious that were indigenous, sixteen major languages and more than a hundred dialects, and poverty within a state of 750 million people. Beardsmore (1994:287) states that there are some states where the official language (Hindi) is not spoken by the majority. India has a three- language policy



in education, depending on the situational context, consisting of the local vernacular, the official state language and one of the sixteen major languages.

## **2.9.7 Canada**

### **2.9.7.1 Positive discrimination**

Canada has established an instrumental regulation, aimed at achieving greater normative regulation of human behaviour in culturally diverse societies, that can provide an ethical base for democracy and address the dilemmas of equity and diversity, justice and freedom, unity and pluralism, ethnic identity and national citizenship. A Charter of Rights and Freedoms was attached to the Constitution when it was first introduced to Canada, which affords all citizens defense and redress against the infringement of their rights by other citizens of the State. It must be noted that Canada is a signatory to the Universal Declaration of Human Rights and two other International Covenants - thus indicating international legal obligation (Zacharia, 1994:274). According to Lynch *et al.* (1994:54) Canadian ethnic policies are effective because the population has been highly selected in terms of its commitment to the social relations required by capitalism. Canada is generally liberal in its treatment of the aspiration of ethnic and cultural minorities. For legal immigrants to Canada, committed to economic advancement with a capitalistic framework, Canadian social structures offer many advantages. Educational institutions in Canada, as the servants of the economy, generally socialise ethnic minorities without overt discrimination, to undertake successful roles in a free enterprise system.

### **2.9.7.2 Common and separate schooling**

In Canada several of the Inuit and Indian groups use their own educational institution to provide in their own educational needs (Steyn & Vanderstraeten, 1998:91). Friesen (1994:301) states that by 1984 there were 450 to 575 Indian tribes in Canada controlling all or part of their educational programmes. Immediate advantages have been identified, e.g. that of producing a pride in native heritage, bringing the school closer to the community, encouraging a greater use of Indian languages and a reduction in drop-out rate. Parental involvement in these schools has increased, educators have become more sensitive to the traditional Indian perspective and learners have gained an enhanced self-esteem. In this way the future of Indian education is assured.

On the issue of finances, Section 23 of the Canadian Charter of Rights and Freedoms (1982) establishes an express right to minority-language education from public funds, providing Francophone and Anglophone minorities equal opportunities. Public financing of secondary private schooling in Canada became available in 1966 (Bergen, in Dekker & Van Schalkwyk, 1989:9).

### **2.9.7.3 Curriculum**

Cultural pluralism in Canada refers to one of the following in education:

- **Education for cultural minorities**

This type of education assumes that learners from minority groups generally perform less well and have higher drop-out rates than other learners. Therefore, attempts are made to fulfil the specific needs of these learners. Measures taken involve designing special training programmes for educators, designing and introducing special curriculum material, drawing auxiliary educators from minority group themselves, and using the mother tongue as medium of instruction in the initial years (Maseman, in Dekker & Van Schalkwyk, 1989:11).

- **Education concerned with cultural difference**

The aim of this kind of education is to teach all learners the following principles and concepts:

- The significance of culture as a concept.
- Respect for cultural differences.
- Acceptance of the fact that groups may display cultural differences.

The school's primary duty is to promote good relations among different cultural groups and to reduce prejudices and racism. Schools are expected to design programmes that contribute to the development of various cultural groups and that counteract ethnocentricity (Young, in Dekker & Van Schalkwyk, 1989:12).

### **2.9.7.4 Language policies**

According to Oosthuizen (1997:6) in Section 23 of the Canadian Charter of Rights and Freedoms ample protection is given to citizens of Canada to enjoy education in their mother tongue (English or French) where they are situated in an area where they form the minority. The only reservation to this right is to be found in Section 23(3) of the Charter: "The rights of citizens of Canada under subsections (1) and (2) to have children receive primary and secon-

dary school instruction in languages of the English or French minority population of a province

- applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
- includes, where the number of those children so warrants, the right to have them receive that instruction in minority language education facilities provided out of public funds.

In the Canadian court case of *Mahe v Albata* of 1990 (Oosthuizen, 1997:7) French parents filed an application that they, as a minority group, should be afforded the opportunity to have representation on the local school board. The court amplified the so-called “where-numbers-warrant” with regard to minority groups by comparing it to a scale.

“At the end of the scale, the number of children might be so small that the where-numbers-warrant threshold of paragraphs 23 (3)(6) would not be crossed, and no programme of minority language instruction would be required. It is arguable, however, that a very small number of minority-language learners would warrant the provision of bus transportation to a minority-language school, if there were one within reasonable driving distance. A somewhat larger number of learners would warrant the provision of classroom space and some intensive minority instruction within a majority-language school. A large number would cross the where-numbers-warrant threshold of paragraph 23(b), which requires provision from public funds of minority-language education facilities. Those facilities might include a part of a school or an active school. At the high end of the scale, the number of children might be so high that paragraph 23 (3)(b) requirement of minority-language school facilities would require the establishment of a minority-language school board.”

## **2.9.8 The Netherlands**

### **2.9.8.1 Positive discrimination**

The basic assumption of the Educational Priority Policy, which came into effect in 1985 in the Netherlands, is that children of immigrant workers and those of Dutch low-income families are to a high degree comparable. They live in similar houses in the same neighbourhoods of the big cities, they attend the same schools and their parents hold more or less the same socio-economic position in society. This assured similarity was the main reason for develop-

ing an educational policy for all underprivileged children in the Netherlands (Eldering, 1989:121).

In the policy for underprivileged (i.e. additional funds) priority is given to schools and to geographical areas with a high percentage of children from both categories (immigrant children and children of Dutch low-income families). Learners are rated according to the educational level and economic position of their parents and their country of origin. Thus, learners from ethnic-minority groups are given nearly twice as much weight as average (income) Dutch children. This weighting forms the basis for assessing the school score and the school score determines the number and sort of staff or funds allocated to a school by the Ministry of Education and Science (Eldering, 1989:122). Besides this, schools may organise lessons in the mother tongue of ethnic-minority children to a maximum of 2,5 hours a week, during school time. Attendance at these lessons is not compulsory.

#### **2.9.8.2 Common and separate schooling**

The “freedom to provide education” is phrased in the Constitution of the Netherlands (Article 23) as a typical human right. Every citizen may invoke this right from the government. This human right concerning educational freedom has two aspects. It confers a freedom on all citizens to receive education according to their own needs. Therefore, Article 23 contains a classical human right that forbids government interference. It implies that the government should refrain from interfering in the provision of education, however, government intervention is also necessary to maintain equality of educational opportunity for all citizens (Steyn & Weggeman, 1998:217).

The principle of “freedom to provide education” includes three aspects, namely: the freedom to establish schools; the freedom of philosophical and/or religious expression within the private schools of that particular denomination; and the freedom to arrange educational programmes and the organisation, structure and administration of the school in conformity with the school's philosophical basis (Steyn & Weggeman, 1998:219).

Although the government is responsible for maintaining public schools in the Netherlands, it is agreed that public education should not be favoured at the cost of private education. The Constitution stipulates that private schools and public schools should be equally financed (ibid.).

### **2.9.8.3 Curriculum**

In return for public funds, the private school mentioned in the preceding paragraphs, which may be Protestant, Roman Catholic or secular, must provide a curriculum equivalent to that offered by public schools (Britannica, 1990:18(611)).

Religious-philosophical diversity is a characteristic feature of Dutch schools. Secondary education comprises four main types that could be further differentiated: pre-university, general, vocational, and miscellaneous, which may be part-time. Selection decisions are strongly influenced by examinations. Pre-primary and primary schools were combined into single eight-year schools for children aged 4 to 12. Other recent changes include the growth of vocational education at the post-secondary level and the increase in opportunity for females, as indicated by increasing enrolment at higher levels and by the establishment of special programmes (ibid.).

According to Eldering (1989:121) Dutch society has over the years changed into a multicultural society. The idea behind intercultural education was that it should prepare children of ethnic-minorities and those of the Dutch majority to live harmoniously side by side in that multicultural society. According to the 1980 policy plan, the prerequisites for such a harmonious co-existence are a knowledge and acceptance of the respective cultures and even readiness to adopt elements of each other's cultures. Intercultural education is intended to contribute to this process of acculturation (Berkhout, 1989:113). According to Fase and Van der Berg (in Dekker & Van Schalkwyk, 1989:121), research has shown that less than half the Dutch schools include intercultural activities in their curriculum, which include customs regarding life-cycle rituals, clothing, music and dancing.

### **2.9.8.4 Language policies**

Extra and Vallen (1989:168) state that in the 1981 document of the Ministry of Education and Science three major issues related to language diversity and language teaching came to the fore:

- Education should contribute to eliminating the disadvantaged position of ethnic-minority groups in society and education by means of special facilities for teaching Dutch as a second language.

- Education should take into account the identity of ethnic-minority groups by means of teaching the language and culture of their countries of origin.
- Education should contribute to the development of a multi-ethnic society by means of intercultural education.

Eldering (1989:122) avers that in order to facilitate the transition and adaptation to Dutch education, the law allows the languages of the countries of origin of ethnic-minority learners to be used as a medium of instruction. Those language varieties may also be taught as an optional school subject, but only under certain restrictive conditions:

- The proper school authorities may decide to make instruction in the language and culture of the country of origin part of the curriculum, but this option does not exist for all ethnic-minority children.
- Classes with this type of instruction may also be attended by learners from other schools, if this type of instruction were unavailable at their schools.
- Ethnic-minority children are only required to attend instruction in the language and culture of their country of origin, if their parents wish them to do so.

## **2.9.9 Belgium**

### **2.9.9.1 Positive discrimination**

Experience in the different countries prove that the provision and maintenance of own educational institutions according to unique education needs of particular minorities, on an attainable and sustainable basis, should be a well-planned exercise in order to ensure the implementation of just differentiation and to avoid unjust discrimination. The Belgian experience, and in particular the provision of Roman Catholic education, is of great value in this regard.

In Belgium, pillars are ideologically integrated networks of organisations that are active in several areas. The label "Catholic pillar" thus refers to all the Roman Catholic organisations that are linked to one another (e.g. church, political party, unions and schools). In the same way, the "socialist" pillar refers to the network of socialist organisation. With this chain of diverse organisations in the same ideological family, the pillars represent mini-societies. Historically, education has been an area of great concern to the leading enclaves of these pillars, since schools bear the responsibility for the socialisation and enculturation of the new members of the respective pillars. After World War II, the massive expansion of secondary schools in Belgium has led to the decentralisation of the educational responsibilities within

the Roman Catholic and other pillars, and to the adoption of a comprehensive method for planning school provision. This planning method is aimed at securing the identity of a minority group within a neutral state (Steyn & Vanderstraeten, 1998:3).

#### **2.9.9.2 Common and separate schooling**

In Belgium the fact that the national unity can only be preserved if the needs (also the educational needs) of the different groups are effectively catered for in separate institutions, are accepted. The planning procedure alluded to above operates within a legal framework, of which most parts have been specified within the school pact that ended the school struggle in Belgium. The School Pact of 1958 acknowledges the rationale of a free system of education alongside an official system. State-subsidisation of the Roman Catholic network is substantial. State schools are now almost equally supported by the national government. The State pays the salaries of all educators and most of the daily expenditures of free schools. In return these free schools have to adhere to certain legal stipulations regarding the structure of education and minimal curriculum content (Steyn & Vanderstaeten, 1998:4).

According to Roosens (1989:87) there has been official recognition of the Islamic religion by the Belgium authorities since 1974. Islamic parents have the right to demand that courses in Islam be given in Belgium state schools. Moreover, if Islam were to organise itself formally, Islamic leaders would have the right to establish their own school system, which would be funded almost totally by the Belgium government. The position of Islam as an officially recognised religion could become a powerful political weapon. Parents would be able to remove their children from Roman Catholic and other Belgium schools and thus deprive these schools of a significant proportion of enrolment.

#### **2.9.9.3 Curriculum**

Roosens (1989:93) states that a first Royal Decree in Belgium in 1975 allowed for the organisation, under certain conditions, of special courses in the local language, for primary school children of foreign origin. In 1978, the Islamic religion was accepted as a subject in the school curriculum. In 1980 a number of transition classes between primary and secondary school were given government grants.

Roosens (1989:93) continues to say that in the weekly seminars on school problems of immigrant children held at the Centre for Social and Cultural Anthropology of the Catholic University of Leuven, everybody agreed that all the children of the nation of Belgium should be

educated to live in a pluri-ethnic and multicultural society. Consequently, all future educators should be given appropriate academic training in the field of inter-ethnic and intercultural issues and massive complementary training should be offered to those already in the profession.

#### **2.9.9.4 Language policies**

In Belgium a policy called full biliterate bilingualism is applied. According to this policy equality of esteem is accorded to two or more languages in the classroom, as well as outside school, where children learn different subjects through different language media (Watson, 1994:263).

Extra and Vallen (1989:174) state that facilities for first-language instruction in Belgium within the regular curriculum are provided by the framework of 'Elkaar Ontmoetend Onderwys' (EOO), an experimental, relatively short-term programme of the Ministry of Education. There are four options for instruction in elementary education within the most recent proposal for the EOO framework:

- Ethnic-minority children have four hours of first-language (L1) instruction per week in the first grade of elementary education, three hours in the second grade and two hours in the third grade.
- Ethnic-minority children have a maximum of 18 hours monthly of L1 instruction during the total period of elementary education (six years), with a maximum of four and a minimum of two hours per week.
- The bilingual-bicultural experiment of Foyer Brussels allows a maximum of 14 hours of L1 instruction per week in the first grade of elementary education and 12 hours in the second grade. In higher grades the first option has to be chosen.
- In nursery classes with more than 70 % ethnic-minority children speaking the same L1, a maximum of ten hours instruction in L1 per week is allowed. For the other ethnic-minority children in those classes the first model has to be used.



## **2.9.10 South Africa**

### **2.9.10.1 Positive discrimination**

Section 9 of the Constitution of the Republic of South Africa (SA, 1996) stipulates *inter alia* that the State (or a person) may not unfairly discriminate, directly or indirectly, against anyone on grounds that include race, colour, ethnicity, religion, culture and language.

However, Oosthuizen (1998:22) cautions that the principle of equality must not be confused with the concept of differentiation. Equality does not imply that all persons must be the same and also does not imply that everybody should have the same talents and capabilities. Furthermore, also not that everybody should be treated identically. In a decision before the Constitutional Court: *President of the Republic of South Africa v Hugo* 1997(1997(6) BCIR 708 (cc) the court summarised this point as follows: "We need therefore to develop a concept of unfair discrimination which recognise that although society which afford each human being equal treatment on the basis of equal worth and freedom as our goal, we cannot achieve that goal by insisting upon identical treatment in all circumstances before that goal is achieved."

The Constitution does not forbid all forms of discrimination, only unfair discrimination (Potgieter, 1997:53). Furthermore, two Bills have then recently introduced, authorised by Section 185 of the Constitution, namely The Bill on the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities and The Bill on Cultural, Religious and Linguistic councils.

### **2.9.10.2 Common and separate schooling**

The Constitution (SA, 1996) establishes a right for persons to establish independent schools at their own cost, provided there is no discrimination on grounds of race, the schools are registered with the State, and they offer education of comparable standard to an equivalent public school.

To be eligible for subsidy, an independent school must be registered, operated on a non-profit basis, and be well managed. Secondary schools must, in addition, maintain a matric pass rate of at least 50 %, and must discourage excessive repetition of learners. The rate of subsidy will vary according to the level of fees charged by a school. Schools of which the tuition fees are more than 2,5 times the provincial average cost per learner in public schools will not receive a subsidy. At the other end of the spectrum, schools charging less than half the provincial aver-

age cost per learner in a public school will be eligible to receive a subsidy of 60 % of that average cost (SA, 1998:126).

### **2.9.10.3 Curriculum**

Curriculum 2005 in the South Africa Education system is centred on eight learning areas as identified by the Council of Ministers. Each learning area consists of critical outcomes, which are broad, critical cross-curricula general outcomes underpinning the Constitution. These outcomes were adopted by the South Africa Qualification Authority (SAQA). They are general things that the learner can do and understand and which matter in all learning areas, like communication or problem-solving and that are not linked to a particular learning area (Ganz, 1998:2).

There are seven critical outcomes proposed by SAQA with an additional five outcomes that support development:

- Identify and solve problems in which responses display that responsible decisions, using critical and creative thinking have been made.
- Work effectively with others as a member of a team, group organisation or a community.
- Organise and manage oneself and one's activities responsibly and effectively.
- Collect, analyse, organise and critically evaluate information.
- Communicate effectively, using visual, mathematical and/or language skills in models of oral and/or written presentations.
- Use science and technology effectively and critically, showing responsibility towards the environment and health of others.
- Demonstrate an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation.

In order to contribute to the full personal development of each learner and the social and economic development of the society at large, it must be the intention underlying any programme of learning to make an individual aware of (Ganz, 1998:2):

- reflecting on, and exploring a variety of strategies to learn more effectively;
- participating as responsible citizens in the life of local, national and global communities;
- being critical and aesthetically sensitive across a range of social contexts;

- exploring education and career opportunities; and.
- developing entrepreneurial abilities.

#### **2.9.10.4 Language policies**

Oosthuizen (1998:22) states that although Section 9 of the Constitution (SA, 1996) determines *inter alia* that everyone should be treated on an equal base, little provision is made for the diversity in ethnicity and cultural resources of the South African community. According to Pretorius (2000:2) the Minister of Education has appointed top academics to come up with practical guidelines to deal with differences in race, language, religion and culture in schools. This came in the wake of growing dissatisfaction over discrimination and conflict six years after playgrounds became multiracial.

Among the diversity problems identified by the Minister are (Pretorius, 2000:2):

- a failure to take into account the first language of learners;
- teaching from the perspective of only one religion;
- a lack of sporting options in schools; and
- cultural insensitivity, such as the singing of only parts of the national anthem or not singing it at all.

The solutions would not involve imposing one culture on schools, but adopting agreed values that people can celebrate as their diversity. The envisaged policy would affect the training of educators, who would have to put it into practice. It could also provide guidelines for school managers on catering for diverse population, like offering a greater variety of sports as extra-mural activities (*ibid.*).

In Section 6 of the Constitution (SA, 1996), recognition is granted to not less than eleven official languages. Section 6(2) determines expressly that the State must implement measures to promote the status of all eleven languages and to increase the use thereof. Oosthuizen (1998:22) states that the language rights of the individual were confirmed in the *State v Ngunbane* 1995 2 S A 8 II CT). In this case the services of a Tswana-speaking interpreter was used during the hearing to interpret to the Zulu-speaking accused. Based on the fact that the accused was Zulu-speaking and could not understand Tswana well, the court found that on the grounds of Section 35 (3) (k) of the Constitution (SA, 1996), the decision of the court was unconstitutional. This section determines that an accused must be heard in the language that he/she understands.

Another example of a relevant provision is Section 30 of the Constitution (SA, 1996) that provides inter alia that every person has the right to use the language of his choice and to participate in the cultural life of his choice. Section 31 also recognises the cultural, religious and linguistic rights of communities. Section 29 (2) determines that every person has the right to education in the language of his choice, where reasonably practicable, if in the process the equality principle is not transgressed.

### **2.9.11 Indicators**

The following question ought to be asked at the end of this chapter: "How far can we learn anything of practical value from the study of foreign educational policy?" (Saddler, in Cowen, 1990:45). The following can be noted specifically in relation to South Africa:

- 2.9.11.1 The existence of a school founded upon a specific culture in South Africa is not impossible, provided that in terms of Section 9 of the Constitution (SA, 1996) there is no deviation from the equality principle and /or no unfair discrimination towards persons belonging to another cultural group (cf. par 2.9.10.2).
- 2.9.11.2 The right of minority education is permitted in South Africa. In the light of Section 29(2) of the Constitution everyone has the right "to receive education in the official language of their choice in public educational institutions" (SA, 1996) if it is reasonably practicable (cf. par 2.9.10.4).
- 2.9.11.3 It is critically important that criteria to evaluate the measures of differentiation, as being the case in for example Belgium, are developed in South Africa (cf. par 2.9.9.2).
- 2.9.11.4 In order to serve the different religious, cultural and /or ethnic-minority groups several countries provide their own school or distinguishable systems to provide in their unique educational needs (cf. par 2.9.6.2, 2.9.7.2, 2.9.8.2, & 2.9.9.2).
- 2.9.11.5 The Belgium experience suggests that national identity and national stability can only be achieved if particular attention is paid to the differences between the populations' cultural groups (cf. par 2.9.9.1).
- 2.9.11.6 A viable planning procedure is necessary to ensure cost-effective educational provision to minority groups as well as the involvement of all stakeholders. This plan-

ning procedure should recognise the demographic context of the minority and majority groups, the educational needs of minority groups and the viability of education provision in own educational institutions (cf. par 2.9.9.2).

- 2.9.11.7 Clearly formulated criteria regarding state support should be provided to ensure cost-effective schools. It should, on the other hand, be noted that education is influenced by cultural, religious and ethnic differences and that all learners must acquire the knowledge, skills and attitudes necessary to function effectively within the multicultural nation of South Africa (cf. par 2.9.6.2, 2.9.7.2, 2.9.8.2 & 2.9.9.2).
- 2.9.11.8 Respect for religious convictions is an imperative. The religious convictions as well as the freedom of conscience of everybody involved in a public school are to be respected by everybody else (cf. par 2.9.8.2 & 2.9.8.3).
- 2.9.11.9 Minorities may need each other to influence change. This point of departure implies that minority groups may understand each other's educational needs and support each other in their focused actions to provide in their unique educational needs (cf. par 2.9.8 & 2.9.9).
- 2.9.11.10 The acknowledgement of the educational rights of minority groups promotes national unity. Because the security of these groups is guaranteed, they will contribute to the well-being of the country (cf. par 2.9.6.2, 2.9.7.3 & 2.9.7.4).

## **2.10 SUMMARY**

In this chapter the discussion centred around numerous issues concerning minority groups rights. It started with the nature and origin of the rights of minority groups, followed by the general and educational rights of minority groups and their implications. The implications of these rights on the national education system were also discussed. Cultural diversity and national unity was next to be discussed in terms of some selected foreign countries in relation to South Africa. In the next chapter theoretical aspects of the educational needs of minority groups will be discussed.