

**NAPTOSA NORTH-WEST  
HUMAN RIGHTS CONFERENCE: LEHURUTSHE COMMUNITY HALL-ZEERUST  
19 MARCH 2011**

**THEME: THE RIGHTS OF TEACHERS AND LEARNERS WITHIN THE  
EDUCATION ENVIRONMENT**

**Keynote Address: Elda de Waal**

**THE PROTECTION OF THE RIGHTS OF TEACHERS AND LEARNERS  
WITHIN THE EDUCATION ENVIRONMENTS CAN NO LONGER BE  
DEFERRED OR COMPROMISED**

**Introduction**

Standing in front of the NAPTOSA North-West conference delegates, I am deeply moved by the invitation to deliver the formal address at this special celebration of South Africa's educators and learners' fundamental rights.

Today, I am humbled by the multitude of eager faces that I trust cannot wait to continue adding enthusiastic value to our education system out there where South Africa needs honest, eager and well-trained educators who will share the weight of the metaphoric labour rope and help ease our economy, welfare and responsible citizenry forward step-by-step. However, allow me to share a friendly warning with you upfront: do **not** make the mistake of waiting for the day when your work will become the most thrilling aspect of your life - you need to make it happen yourself.

My challenge today is to convince educators and their learners of the co-responsibility for creating and maintaining safe learning environments. If you as the educator have the right to teach, then your learners have the responsibility to attend the classes. If the learners have the right to a basic education, then you as the educator have the responsibility to teach them. Or perhaps allow me to phrase it differently: if you have the right to discipline your learners, then you have the responsibility to be efficient. If the learners have the right to a basic education, then they have the responsibility to attend school and the classes. If you do not believe me, consult the following five documents as soon as possible:

1. **Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners**
2. **Regulations for Safety Measures at Public Schools**
3. **Regulations to Prohibit Initiation Practices in Schools**
4. **National Policy on the Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions**
5. **Devices to be Used and Procedure to be Followed for Drug Testing**

To me these five documents are the functionary arms of the legal octopus, the South African Schools Act 84 of 1996.

You will be amazed at the secrets that are waiting to be discovered in these documents that appear to be so boring and time-consuming. It is all written there, ladies and gentlemen: we as educators and learners have equal amounts of rights and responsibilities. In some instances the scales tip somewhat heavier towards the side of the learners in reminding them of what is expected of them.

If is actually as simple as pie: no fundamental right can exist without an immediate responsibility kicking in on the spot.

### ***A closer look at the term accountability***

The Constitution (1996) juxtaposes accountability with *responsiveness* and *openness* as three values that need to be guaranteed by the multi-party system of the South African democracy. Moreover, Davel (2000:426) mentions *encouraging... child[ren] to be accountable for the harm caused by [them]* and *public administration* – including public schooling as an organ of state (1996:sec.1995(2)(b)) – is obliged to be accountable (1996:sec.195(1)(f)).

As part of the Values in Education Initiative, the Ministry of Education published its Manifesto on Values, Education and Democracy (DoE, 2001), describing accountability as making responsibility an established custom *according to Codes of Conduct and... formal expectations* (DoE, 2001:17).

Today I am using the term *accountability* to refer to the extent to which educators and learners are held responsible for specific aspects, all of them conducive to successful teaching and learning.

## **A South African dream**

Perhaps the much applauded directives in section 1 of our Constitution<sup>1</sup> that point out the value of *human dignity, the advancement of human rights and freedoms, democratic government to ensure accountability, responsiveness and openness* sound reassuring, as if guaranteeing that we would experience a remarkably compassionate co-existence with our fellow men and women in South Africa. What we seem to forget is that section 3(2) reminds all citizens that they are ***evenly obliged to accept the duties and responsibilities of citizenship.***

In the public sphere, while attending school, we place much emphasis on the legal duties and liabilities of the Department of Education, the respective School Governing Bodies<sup>2</sup> and all our

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<sup>1</sup> Constitution of the Republic of South Africa, Act 108 of 1996.

<sup>2</sup> Duke, DL. 2002. *Creating safe schools for all children*. Boston: Allyn & Bacon, xvi.

educators,<sup>3</sup> but almost no emphasis is ever placed on the specific responsibilities or accountabilities of our learners. This does not augur well for promoting the very constitutional rights and values that aim at advancing a sound democracy for us all.

The constitutional warning sounded by the phrase *not to be discriminated against unfairly* (1996:sec.9(2)-(4)) resounds in the section stipulating that no fundamental right could keep a learner, guilty of unlawful conduct, immune from disciplinary action (1996:sec.10) and in the section indicating the option of following the required legislated disciplinary procedure – considering the possibility of suspension and/or expulsion – in cases where a learner refuses assistance or where guilt of drug trafficking has been established (RSA, 2002:sec.31).

Aimed at creating a *consensus document* that needs to involve everyone, from the parents/care-givers to the non-teaching staff members at public schools (RSA, 1998:sec.1.5), School Governing Bodies are advised to have the aspects of a *disciplined... purposeful... order[ed]...safe* school setting (RSA, 1998:sec.1.1, 1.2, 1.4, 1.6, 4.6, 7.1) foremost in their minds as they endorse schools' *civic responsibilities* of increasing leadership (RSA, 1998:sec.1.4). A successful Code of Conduct should lay down a *standard of moral behaviour* that aspires to guide learners' future *conduct and safety in civil society* where they need to become *worthy... responsible citizens* who have attained *self-discipline and exemplary* behaviour (RSA, 1998:sec.1.4, 1.6 & 1.9).

Learner responsibility, from preparing to become accountable citizens to being dedicated to *self-development... education and learning* while extending their academic-sport-cultural possibilities, is mentioned in several instances (RSA, 1998:sec.1.4, 1.6, 2.2, 4.7.4, 5.1(b), 5.1(f), 5.2, 5.3, 5.4 & 5.5).

Implied learner responsibilities are mentioned in the sense that the Code of Conduct needs to indicate the role even of learners in developing a *proper learning environment* by looking after school property and being present in classes **without bothering educators or fellow learners** (RSA, 1998:sec.1.10, 4.6, 4.7.5). In the last instance, implied responsibility is spotted in the section that offers a list of transgressions that could lead to suspension, indicating expected positive learner behaviour.

The Guidelines for Codes proposes an educator-learner relationship that is based on *mutual trust and respect* (RSA, 1998:sec.5.6), that is built on both parties understanding the significant roles of intervention and collaboration (RSA, 1998:sec.4.4.1) and that indicates the possibility of a contact link being established between educators and learners so that disagreements could be settled amicably (RSA, 1998:sec.5.8 & 9). In this case, educators and learners are held partially accountable for resolving disputes.

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<sup>3</sup> Kocks-De Waal, E. 2009. *Educator-learner relationships in South African public schools. An educational-juridical perspective.*

A clear warning is sounded that *learners ... are not in charge of schools*; they are depicted as collaborators in creating learning sites that are favourable for successful teaching and learning (RSA, 1998:**sec.7.4**). To this effect, specific references are made to developing learner self-discipline (RSA, 1998:**sec.1.6 & 7.1**), placing the responsibility on learners to be available in this regard also.

Educator accountability comes specifically into play where it is pointed out that educators need to be dedicated and committed to education and acknowledge their co-accountability with the other education partners (RSA, 1998:**sec.2.2**). Moreover, educators need to pay due attention to treating their learners fairly while at the same time understanding the significance of intervention and co-operation at school level (RSA, 1998:**sec.4.4.1**). Educator accountability is also addressed in the discipline section (RSA, 1998:**sec.7**), describing the required fairness of all procedures (RSA, 1998:**sec.7.3, 7.4, 7.5 & 7.6**). Managing gang activities is mentioned two sections later, merely indicating that schools need systems that focus on conciliation (RSA, 1998:**sec.9**). This indicates that gang activity is not yet rife at schools or sound guidelines are unavailable.

Implied educator accountability can be found in the references that range from setting a commendable example at public schools and upholding *a high standard of professional ethics*, since learners *learn by observation and experience*, to assisting learners in developing their individual potential by also taking care of them during all school-related events (RSA, 1998:**sec.1.1, 1.4, 1.6, 3.7, 4.4.1, 4.2, 4.7.4, 4.7.5 & 5.6**).

Educator rights become paramount in several references that are made concerning, among others, maintaining the ethical ideals, standards and doctrines at schools that must be specified in their school's Code of Conduct, reminiscent of the *civic responsibilities* (RSA, 1998:**sec.1.4**) that a public school must advance; being reminded of their protected fundamental rights; and acting legally in the place of the parent/care-giver (RSA, 1998:**sec.1.5, 1.9, 1.10, 3.2, 3.3, 3.7 & 4.1**).

Sadly enough, the media often report on people who are taking others to task for having offended or impaired one or more of their rights. Hardly ever do we read of people complimenting others for being positive neighbours or congratulating others on individual accomplishments: we seem to take pleasure in the negative and miserable side of daily life. Today I challenge all of us to stop for a moment, refuse to be a victim, allow others the so-called *right of way* and hold ourselves accountable for everything we think, say and do.

## Closer to home

The current South African citizen-citizen relationship is a cause for concern since the parties involved are endowed with individual rights and freedoms. Unfortunately the focus often falls on the **freedoms** only, neglecting to prioritize holding ourselves accountable for the outcomes of our conduct.

### 1. Stop for a moment

It is discouraging to know that we let the spirit of the FIFA 2010 World Soccer Cup slip through our fingers: just free your mind and reminisce on what we had when everyone waved and smiled at everyone else; when we shared in the pride of the spectacular opening ceremony; when we yelled loudly and sounded our hooters as Bafana Bafana scored a goal; when we wore our green and gold shirts especially on Fridays; when we were pleased at the waving flags all around the country... where did we send the marvellous spirit? Did I miss the going away party? Why did we let it go? My answer to these questions is this: WE LET THE UNMISTAKABLY SOUTH AFRICAN SPIRIT SLIP AWAY BECAUSE WE WERE WAITING FOR SOMEONE ELSE TO TAKE THE LEAD – FOR SOMEONE ELSE TO FORCE US TO KEEP IT ALIVE. Shame on all of us.

Moreover, now that we are being asked to wear our green and gold shirts in support of the Proteas... are we supporting this positive national call or are we finding reasons for not taking part in the campaign? Are we encouraging our learners to become enthusiastic about an important World Cup? Are we as educators speaking well of our cricket team or are we enjoying what the media is trying to do with them when the results are not as green and gold as they should be? Are we being kind to our boys who are most definitely doing the best they can out there on the different cricket fields? Are we exercising the right to participate in life in our exciting country while allowing others to do the same or are we trying to force our choice of participation on others?

Ladies and gentlemen, **we** are South Africa; therefore I must take stock of **who I have become so that I can adjust my perspective positively.**

### 2. Refuse to be a victim

An aspect that truly concerns me is that often when I look around me I notice people with disgruntled faces; people who seem to think that the world owes them something. The reality of the matter is that we should be so grateful for being part of our country that we should be looking out to make things better for our fellow educators and our learners. It should not be about what I **get** from the education system – it should be about what I **put into** it!

It is general knowledge that the younger generation mimics the behaviour of those who need to guide and help educate them. We must be careful of appearing on television or being seen in newspaper photos as we cause havoc and harm to others' belongings when the right to strike goes

wrong. The young ones see us; the young ones imitate us. Therefore let us not forget the well-known maxim that reads as follows: *Education is the most powerful weapon which you can use to change the world.* Can you remember whose words these are? Our own beloved Madiba, Nelson Mandela!

Let us not exaggerate our rights but let us rather take note of our responsibilities. Let us therefore refuse to fall into the trap of feeling sorry for ourselves; let us refuse to lie down and wait for better days to come... Let us become survivors. Let us become achievers!

### **3. Allow others the *right-of-way***

Have you ever tried getting up in the morning and making the firm decision of **only** smiling and nodding your head at everyone who crosses your path that day? By the way, I mean **everyone** whom you encounter that specific day... including your wife/husband/principal/colleagues/cleaning staff/naughtiest learner. Even though it could perhaps start in a simplistic way of not becoming angry at or upset with your fellow man, this could result in becoming aware of the true meaning of *ubuntu* – sharing in the essence of humanity; arriving at the destination that will liberate all of us from the arrogance and coldness that are so often the characteristics of being a human being.

In our endeavour to exercise our fundamental rights and freedoms we tend to neglect the fundamental rights and freedoms of everyone else around us. If we would rather allow others the right-of-way then we would be well on our way to becoming worthy South Africans.

### **4. Accept responsibility or accountability**

Allow me to refer to accountability on a very basic level here... Travelling, as I frequently do, to the Benoni, Honeydew and Pretoria areas I stand astounded by what some vehicles seem to think they are allowed to do: those transport systems that you call taxi's and which I refer to as *coffins on wheels*, apparently have no regard whatsoever for the traffic laws and do not hold the lives of their passengers in high esteem. Why then do we continue supporting such drivers? Why do we not get the message out there that so-and-so is an unsafe driver?

How many more of our educators and learners need to die in such accidents before we put a stop to this evil dark force?

I urge all of us to take the directives of section 1 of our Constitution to heart: we need to look forward to being held accountable for our actions, since we have now, by the grace of God, become part of the privileged section of the population who have managed to further their education.

In sum, ladies and gentlemen...



We need to be careful of our thoughts → they can become words → can become actions  
→ can become habits → can become our character...



We need to model the sort of behaviour that we would want our learners around us to imitate.



We must be able to play both sides... be able to get under each other's skins: see the world through their eyes... play life from the other viewpoint.



We must change the shape of education one drop at a time... These drops WILL bubble up in unexpected places; therefore we MUST ensure that they are as wholesome as they can be.

In the final analysis, when we start looking after our personal accountability, I firmly believe that we will start moving towards the remarkably compassionate co-existence that many of us dream about. **I know I dream about this – the question is do you dream about it too?**

Let's work with a positive frame of mind and change our environment one drop at a time... May God Bless and keep all of you for many, many years to come.

*Elda de Waal*

*Associate professor*

*Education Law: North-West University, Vaal Triangle Faculty, Vanderbijlpark*

*Cellular number 072 480 7971*