

**UCWANINGO NGOMONAKALO OWENZIWE
NGAMALUNGELO ESINTU**

NGU-

LINDIWE THEODORA MBATHA

LWETHULWA UKUFEZA IZIDINGO ZEZIQU

ZE-

MASTER OF ARTS

EMNYANGWENI WESIZULU NAMAGUGU

ENYUVESI YAKWAZULU

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USUKU : UNHLANGULANA 2009

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2009

ISIFUNGO

Mina, Lindiwe Theodora Mbatha, ngiyazibophezela kulo msebenzi wocwaningo osihloko sithi: **“UCWANINGO OLUNZULU NGOMONAKALO OWENZIWE NGAMALUNGELO ESINTU,”** ngiyafunga ngiyagomela ukuthi ucwaningo lungumsebenzi nomcabango wami.

Imithombo ethembekile yolwazi esetshenzisiwe iveziwe lapho itholakale khona. Angihlonizi ngokuthi ucwaningo engilwenzile kuze kuyofika ekuphothulweni kwalo, ngilwenze ngokukhulu ukwethembeka.

L.T. MBATHA

Usuku: _____

UMNIKELO

Lo msebenzi ngiwethula kubaba uSamuel Zulu (87) nesithole sakaMgilija uGetrude (ongasekho) esasendele kaMaphitha. Ngibonga ukungigona kwabo bengibonisa indlela eya koNomfundo. Namhla ngimi ngiyisibani esingacimi ngenxa yemizamo yabo.

Ngiphinde ngidlulise lo msebenzi kumyeni wami uRobert Jerry Mbatha kanye nabantwana bami abayisihlanu nabazukulu abathathu. Ngibonga indlela ebebengixhasa ngayo, ngehla ngenyuka ngisebenzisa isikhathi engabe ngangisihleli nabo sabelana okungamagugu empilo, sibhunge nezemindeni. Ngamafuphi, lubonakele uthando lwabo kimi. Kuyisifiso sami ukuba uMdali abagcine nabo bawubone umkhombandlela engiwuhlahlile phambi kwabo, bahambe ngesibindi babheke endleleni yempumelelo.

AMAZWI OKUBONGA

Lo msebenzi ngiwethula ngentobeko enkulu kuSolwazi L.Z.M. Khumalo ‘uMashobane.’ Ngibonga amagalelo akhe ekungicathuliseni nasekungikhuthazeni ukusebenzela isizwe sikaMthaniya, ekuthuthukiseni ulimi lwesiZulu ukuze luhlale lucocekile. Angilibali abambisene nabo kulo mkhakha wesizulu Namagugu, ngithi nje umsebenzi wabo ngiwubeka umgqiki ngoba isizwe isizwe ngolimi lwaso.

Ngiphinde ngedlulise ukudabuka okukhulu ngefu elimnyama elithe labemboza kulo Mnyango ngokuhamba kukaNkosikazi C.N. Pewa. Ngiyawuphephisela umndeni wakwaPewa noMnyango wesizulu Namagugu, ngithi “akwehlanga lungehlanga.”

ISIFINYEZO

Ekugunyazweni ngokusemthethweni kwamalungelo abantu, uyabonakala umonakalo odalwa ukusetshenziswa kabi kwamalungelo. Ucwangingo lugxile kulowo monakalo obonakalayo nokuthi yini engenziwa ukwenza ngcono ukusetshenziswa kwamalungelo angezukulhukumeza omunye umuntu, kodwa avikele wonke umuntu njengesakhamuzi nesidalwa esingumuntu esimele ukuphila impilo ecocekile.

Isahluko sokuqala kuhlahlwe indlela yocwangingo, kuvezwa inhloso enkulu yalolu cwangingo kanye nentshisekelo okuwukuqwashisa isizwe ngenhlekelele engavezwa ukusebenzisa kabi amalungelo. Umklamo uqoqile lokho okuzodingidwa ngamalungelo. Ucwangingo luvezile ukuthi obani okumele bahlomule. Imibono yongoti ilunothisile ucwangingo.

Isahluko sesibili siveza amalungelo aphantselane nezakhamuzi kanye nezombusazwe, kwagxilwa kulawo malungelo okubonakala kuwo umonakalo. Ucwangingo luvezile izindlela ezehlukene ezehlisa isithunzi somuntu ngokusebenzisa kabi amalungelo, ukungabezelelani emikhakheni enhlobonhlobo yempilo okuletha ukudideka okukhulu ngamalungelo.

Isahluko sesithathu sidingida amalungelo aphantselane nenhlalakahle kanye nezomnotho. Ucwangingo luvezile ukuthi yiziphi izinto ezikhinyabeza inhlalakahle yabantu nokuthi isimo sezomnotho sinamuphi umthelela kuyinhlalakahle yabantu. Ucwangingo lucacise ngokusobala ukuthi nakuba abantu yenziwa imizamo yokulwa nobubha, basayenza inkohlakalo ebabeka engcinezini yokuhlupheka.

Isahluko sesine kucutshungulwe amalungelo aphantselane nemvelo, ukuzithuthukisa kanye nelungelo eliphantselane nesiko. Ucwangingo lugxilile kumonakalo owenziwa kuyimvelo, ziveziwe izindlela zokuzithuthukisa. Umonakalo uveziwe yilolu cwangingo mayelana nesiko elibukeka kungeyona indlela yempilo ngoba kukhonzwe amasiko ezinye izizwe.

Isahluko sesihlanu siqukethe isihlaziyo socwaningo, kuvezwa konke okuthiwe kuzolandelwa okukhombisa umonakalo. Ucwano lwenze iqoqa lawo wonke umonakalo ovele ezahlukeni ezehlukene. Ucwano lubuye lwadingida izincomo ezihambisana nawo wonke umonakalo ovezwe ezahlukeni ezehlukene.

Ucwano belungahlabi ngqo ilungelo kodwa bekwenziwa izichibiyelo zokulungisa lokho okubonakala kuwumonakalo ngenxa yokusebenzisa ilungelo kabi. Esiphethweni salolu cwano zinconyiwe izinhlelo ezinegalelo ekususeni inkungu yokungazi ngamalungelo ukuthi kumele asetshenziswe kanjani.

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ISAPHLUKO SOKUQALA

1.0 ISETHULO SOCWANINGO

1.1 Isingeniso

Udaba lwamalungelo lubukeka sengathi into entsha kanti amalungelo abevele ekhona naphambili konyaka we-1994. Into efike ibe impicabadala ngamalungelo, yikuthi ilungelo kuthi kuyilungelo ngokuphelele, libuye libe inkemba kwabanye abantu. Kumqulu wamalungelo esintu kuningi okudinga ukucutshungulwa okudala umonakalo esintwini. Nakuba isihloko sivulekile, ucwaningo luzogxila kulawo malungelo esintu agcina evuna isintu ukusebenzisa amalungelo ngokugunyazwe emthethweni bese kuthunazeka isintu nenqubo ejwayelekile.

Kumkhankaso wokulwela amalungelo esintu ezindaweni ezehlukene kuyavela ukuthi ukuthula ezweni lethu kwakungeke kubekhona ubandlululo lungaqedwanga. Impilo yabantu abansundu yaba nezinguquko eziningi ngokufika kwabamhlophe kuleli zwe laseMzansi Afrika. Abansundu babephele ngendluzula, kunemithetho yobandlululo. Ucwaningo lwenza ukuthi izwe laseMzansi Afrika lahlala emakhamandeleni engcindezelo ngenxa yokuthi

lalingangenile eNhlanganweni Yamazwe ngamazwe eyayilwela amalungelo esintu (Universal Declaration of Human Rights). Umkhankaso wokulwela amalungelo esintu wasekwa nangamazwe aphesheya kwezilwandle.

UBottaro, (2006:113) ubeka uthi:

In 1964 The American Congress passed the civil rights Act which outlawed segregation and discrimination based on race.

Lokhu okushiwo uBottaro kuhambisana kahle nenkulumo eyayethulwa uMandela, (1994:36) uma ethi:

Our people demand democracy. Our country, which continues to bleed and suffer pain, needs democracy.

Ucwaningo luveza ukuthi abantu ababephila ngaphansi kwemithetho yobandlululo bathola ithuba lokuphathwa ngendlela eyiyo nasemthethweni emveni kwenkululeko.

UJeffrey, (1997:21) ubeka uthi:

The bill of rights would have vertical operation, acting as a shield to protect the private person from abuse of power by the state. The bill of rights would operate not only vertically but also horizontally.

Ucwaningo luveza ukuthi ziningi izingwazi ezalwa zilwela amalungelo nenkululeko yabantu, abanye beboshwa iminyakanyaka, abanye befela etilongweni.

1.2 Intshisekelo Yocwaningo

Intshisekelo enkulu yalolu cwaningo ukuvusa isizwe ngenhlekelele engenziwa amalungelo. Amalungelo mahle kodwa kumele kubhekwe ukuthi awasilimazi yini njengesizwe ikakhulu lezo zinto ezingumgogodla wesizwe.

Intshisekelo enkulu yalolu cwaningo ukusiza isizukulwane esizokhula singamalulwane senze noma yini ngoba sembethe ingubo yamalungelo.

UKunene, (1996:Isethulo) uyichaza kahle le ntimbothi yokubukela phansi okungokwakho ugijimele okwabezizwe:

Empeleni ayikho into enyanyekayo ngaphezu kwalabo bantu abayizikhonzi abangasenalo iqholo nobukhulu bomhlaba namasiko abo. Labo asebethi nje ‘Phela thina sesiphucukile, sesizishiyile izindlela zakudala nezobuqaba, sesingabesimanje.’ Bathi isimanje njalo besho inhlalo yabezizwe.

Isizwe samaZulu saziwa njengesizwe esinenhlonipho nesiwagcinayo amasiko aso. Ucwangingo luveza ukuthi amalungelo abuye eqe imiklamo yobulungelo, abantu bagcine bengazazi ukuthi babutho lini kumbe babe abantu ‘bakaCishe’ abachazwa uKunene, (1996:Isethulo).

Abesifazane babenawo kwasendulo amalungelo okuba bakhulise abantwana ngendlela. Lokhu ukuba namalungelo kwabesifazane neqhaza ebebelibamba ekuphathweni kwemizi, bekubonakala ngenkathi abesilisa besempini, abesifazane baqaphe ikhaya ngeso elinzulu. Ucwangingo luveza ukuthi iqhaza labantu besifazane laba nomthelela nasekulweleni amalungelo esintu.

Enye intshisekelo ebhekene nezingane ukubuka amalungelo ezingane nomonakalo ovezwe ukusetshenziswa kabi kwalawo malungelo. Ucwangingo luveza ukuthi kungabe amalungelo aqondene nezingane awaphazamisi yini

ilungelo lobuzali, okungukuthi ingane phambili namalungelo ayo, umzali ngemuva.

Intshisekelo enkulu yocwaningo ngamalungelo ikakhulu kubantu besifazane ukubheka ukuthi ilungelo lomuntu wesilisa alilimali yini ngokuthi abesifazane badlondlobale ngaphezu kwabantu besilisa.

Uyakhuluma ngokuthobela umuntu wesilisa uMphostoli uPawula kwabase-Efesu, 5:22:

Abafazi mabathobele amadoda abo kungathi kukuyo iNkosi, ngokuba indoda iyinhloko yomfazi, njengokuba noKristu uyinhloko yebandla, yena engumsindisi womzimba. Kepha njengoba ibandla lithobela uKristu, kanjalo nabafazi mabathobele amadoda ezintweni eziningi.

Ucwaningo luveza ukuthi okusha okufike namalungelo akuzanga ukuzoshintsha kumbe ukuphazamisa inkambiso obekuhanjwa ngayo kodwa ukwengeza kulokho obekusiza kuyinhlalakahle yabantu.

1.3 Izinhlalo Zocwaningo

Inhloso ukucwaninga ngeso elinzulu ngomonakalo owenziwe amalungelo esintu ezigabeni ezehlukene.

Inhloso ukunqanda isintu esinokusebenzisa kabi amalungelo bese sizilahlekisela ngokungamagugu kuso. Ucwaningo luveza ukuthi kunezinto ezingumgogodla okungamele zishabalale:

- Inhlonipho
- Ulimi

- Isiko

Enye inhloso yalolu cwaningo ukubuyisela isithunzi somuntu sokuqondisisa kahle imvelaphi nezingxabo zomuntu nalapho kubhekwe khona.

Inhloso yocwaningo ukuveza ukuthi kusukwa kuphi namalungelo, sikuphi njengamanje kanye nokukhumbuza labo abagxambukele emafeni okungewona awabo, baphenduka abantu ‘baCishe’ okwabonwa uMthethi wedlozi aze alixhawule (Kunene, 1996).

Inhlosongqangi yalolu cwaningo ukuveza imibono ehlukene ngamalungelo adinga ukucutshungulwa abuyekezwe kabusha ukuze angasusi uhlevane uma esegunyaziwe ngokusemthethweni njengamalungelo.

1.4 Izindlela Zokuqhuba Ucwaningo

Kulolu cwaningo kuzosetshenziswa imithombo yolwazi olubhaliwe, yomlomo kanye nemitapo yezincwadi. Imibuzwana emayelana nesihloko kuyobhalwa ngasekugcineni, kumbandakanya imibono ezeziwe ngesihloko.

Imithombo yolwazi iyokwethekelwa kulabo abamkantsh’ ubomvu.

Kulolu cwaningo kuzosetshenziswa izazimthetho ngokuthekela ulwazi kuMabonakude nohlelo ‘YILUNGELO LAKHO [SABC 1].’

Abanye abayosetshenziswa kulolu cwaningo abantu bendawo abangamele izikhundla emphakathini ukucacisa ngenqubo esetshenziswayo uma kusingethwe amacala ezinkantolo ezincane. Kuyobuzwa imibuzwana yokuxoxisana ngenhloso yokuqhuba ucwaningo.

Kulolu cwaningo kuyosetshenziswa nolwazi olutholakala kumaphephandaba ukuveza imibono eyehlukene ngamalungelo.

Kuzosetshenziswa nentsha ezikoleni. Imibuzo edinga imibono ngamalungelo entsheni iyovezwa ngasekugcineni kocwaningo.

1.5 Umklamo Wocwaningo

Ucwaningo luzogxila ngqo kumonakalo owenziwe amalungelo esintu, kubhekwa ukuthi kufinyelelwe kanjani ekutheni ilungelo lenze umonakalo.

Kuzoqikelelwa ukuthi kungakhinyabezwa ilungelo ngqo kodwa kubhekwe lokho okuthanda ukuba umonakalo. Ngokomthethosisekelo waleli zwe (1996) onke amalungelo agunyazwe abasemthethweni adlula emigudwini eminingi ukubhekela ukufaneleka kwelungelo, umonakalo udaleka kulabo abasebenzisa amalungelo abo ngokungeyikho.

Isihloko socwaningo sisabalele kodwa ucwaningo luzogxila kulawo malungelo uTogni, (1994:138) achaza kanje ngawo:

There are a number of other rights which are important and form part of the greater spectrum of rights.

Ucwaningo luveza ukuthi kukhona:

- Amalungelo omthetho obhalwe phansi akwazi ukuthi alwelwe enkantolo yomthetho (Legal Rights).
- Olunye uhlobo lwamalungelo ilolo oluphathelele nokuziphatha kwabantu asekwe yindlela okuyiyona yobulungiswa (Moral Rights).

- Ngakolunye uhlangothi kube namalungelo esintu athinta ngqo umuntu (Human Rights).

UTogni, (1994) benoMc Quid-Mason, (1991) bavumelana ngokuthi lezi zinhlobo zamalungelo zibe sezihlukaniseka imikhakha emithathu, ucwaningo oluzogxila kuzo.

Ngenkathi kwenziwa umklamo, kuzobhekwa okungumonakalo owenziwe amalungelo ehlukenene.

Ucwaningo luzohlunga lubukisise ukuthi lokho okubizwa ngomonakalo owenziwe ngamalungelo esintu kuyemukeleka yini njengomonakalo ukuze uma kudinga ukuba umthethosisekelo, isahluko sesibili esiqondene namalungelo uchibiyelwe, kungabi nengcindezi emalungelweni.

Konke okuklanywe kulolu cwawano kuhloswe ukuba kungabikho ukuthunazeka kwesithunzi somuntu ngoba kuhlukumezeke ilungelo eligunyaziwe umthetho.

1.6 Imibono Yongoti

Uma kucwaningwa ngamalungelo esintu kugqama ukuthi abantu abansundu babencishiwe amathuba, bephila ngaphansi kwengcindezelo. Ucwaningo luveza ukuthi kwadinga ukuba kuliwe ukuze kuliwe nalesi sikhava, kubunjwe izwe elingacwasani.

UZondi, (1996: Isandulelo) ukubeka kahle ngesisoka:

Ngenkathi uShaka ehlasela izizwe zoMzansi Afrika nangasenhla wayeqonde ukuba kubekhona umbuso owodwa wabamnyama njengoba namuhla sizwa ngemibuso yako-United States, Britain, Russia neminye.

Lokhu okushiwo uZondi, (1996) kuyafakazelana nalokho okushiwo uMsimang, (1975:Isandulelo):

Ingani kwayena uShaka lona odume kangaka, amaZulu azi khona nje ukuthi uShaka wabe eliqhawe elanqoba zonke izizwe lakha umbuso wamaZulu. Uma ungababuza ukuthi iziphi lezo zizwe ezanqotshwayo, kwabanye zingayima emthumeni.

Ngakolunye uhlangothi abanye ongoti babuka ikusasa lezwe lakithi ngeso lokuthi indlela yokusebenzisa indluzula (udlame) yiyona eyasiza ekwakheni izwe lethu.

UJeppie, (2004:84) uchaza uthi:

A closer examination of what happened in the S.A. past, of how the exercise of imperial violence shaped S.A. does enable us to understand the present more clearly through the past.

Ucwaningo lwenza ukuthi isizwe esasibunjwe yiLembe kwasinika amandla okugabadela ukulwa nanemithetho eyase inikezwe uHlamvana Bhul' umlilo. Kungakho empini yaseSandlwana waqotha imbokodo nesisekelo, amaNgisi efa ngobuningi bawo, awabe esashaya ngonqhakala.

Ucwaningo lwenza ukuthi ziningi izingwazi ezanikela ngezimpilo zazo ukulwela amalungelo esintu.

UZondi, (1996:228) ubeka uthi:

Angazi ukuthi ikusasa lingiphatheleni, kungaba ukuboshwa, mhlawumbe ukushaywa, ukudingiswa noma ukufa. Ukuphela ngithandaza uNkulunkulu ukuthi angisize angiphe amandla, aqinise ukuzimela ukuze ubunzima behle bungangeni kimi okanye bungangehleli egameni

lezwe lakithi elithandekayo, iNingizimu Afrika libe nenhlangano ngempela, nesimo sazo zonke izinhlanga ezikulo.

Ucwaningo luveza ukuthi uma abantu behluliwe yizikhondlakhondla zeziphathi-
mandla, baphenduka izigqila baze badayise nangalokho okungamagugu kubo.

UKunene, (1996:Isethulo) ukubeka kucace lokhu:

Ke ngoba abantu behluliwe akusho ukuthi kufanele bahlulwe nangengqondo. Selokhu bengehlulwe ngengqondo bayofihla amasiko abo, bayofihla abakwaziyo okungemilando yabo, baze bangazivumeli izizwe zixove konke okuligugu kubo. Ukwenza njalo kudedela onobhadabhada bezizwe badavuze emafeni onke aboMdabu.

Ongoti abehlukene babenemibono eyehlukene ngezwe laseMzansi Afrika elalingakhululekile futhi babengenakho ukuphumula kungafinyelelanga la wonke umuntu ayezoba namalungelo afanele umuntu ophilayo.

UBradford, (1988:124) uchaza uthi:

I shall not cease in my fight, nor shall my sword slip in my hand, until I have built a new Jerusalem for my people, like John at Patmos, I see a new city for my people.

Ongoti abehlukene banakho ukubuka ngeso elifanayo. UMsimang, (1975:Isandulelo) ubeka ngendlela efanayo noKunene, (1994:Isethulo) uma begcizelela ngolwazi oluthekelwe kulabo abakade bewadla anhlamvana. UMsimang ube esehluka ngokuthi lokho okungamaphutha komele kulungiswe kanti uKunene, (1994:Isethulo) uchaza athi:

Ngoba phela uma uthekela ungabhekile, uyothi uphenduka isitsha sakho sibe sesigcwele izinhlamvu ezinesandundundu.

Lokhu okushiwo uKunene noMsimang kuhambisana kahle nalo mkhakha womonakalo owenziwe amalungelo esintu, okungukuthi okwethekelwa kwezinye izizwe kungayiphazamisi inqubo yesintu, kumbe kulungiswe lokho okubukeka kungavumelani nenqubo yesintu.

Ucwaningo luveza ukuthi ukuze kufinyelelwe enkululekweni kwadinga ukuba kube nohlelo olulwela amalungelo esintu.

UBishop, (1991:102) ubeka uthi:

We, the people of South Africa, declare for all our country and the world to know: That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the people; that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities; that only a democratic state, based on the will of the people, can secure to all their birthright without distinction of colour, race, sex or belief; and therefore, we the people of South Africa, black and white, together as equals countrymen and brothers adopt this FREEDOM CHARTER. And we pledge ourselves to strive together, sparing nothing or our strength and courage, until the democratic changes here set out have been won.

Lokho okushiwo uBishop kuveza kahle ukuthi wonke umuntu unalo ilungelo; kuyahambisana futhi nanokushiwo abanye ongoti ukuthi ilungelo lingelokuvikela umuntu nesithunzi sakhe hhayi ukuhlukumeza.

1.7 Abazohlomula Kulolu Cwaningo

Abazohlomula kulolu cwaningo isizwe esizoba nokuqonda kahle amalungelo aso njengesizwe nanokubuka okungahle kube isihlava esizobulala amagugu esizwe.

Ucwaningo luveza ukuthi isizwe samaZulu esidume ngenhlonipho, sizohlomula ukugwema lezo zinto ezigunyaza ukusetshenziswa kwamalungelo ngendlela eyehlisa isithunzi.

Abanye abanokuhlomula, imindeni eyehlukene. Isikhathi esiningi imindeni ihamba ibe nokungqubuzana emibangweni ethile ngezinto ezithinta imindeni. Uma ilungelo lazeka kahle lomuntu, kuyoncipha izinkinga eziba semndenini. Umthetho oqondene nokuhlukumezeka kwemindeni ungahlomulisa imindeni eminingi, lehle nezinga lokuhlukumezeka kwezingane.

Abantwana bona bangahlomula ulwazi olunzulu okumele baluthekele kulabo abamnkantsh' ubomvu, bangagabisi ngamalungelo angezukubasiza ngalutho. Ilungelo lisebenze njengelungelo njengoba ligunyaziwe.

Abanye abanokuhlomula umphakathi owakhele izwe lethu. Okumele kugxile ezingqondweni zomphakathi ukuthi ilungelo lingahlukumezi omunye umuntu oseceleni.

Ucwaningo luveza ukuthi imiphakathi ebambisene ingaba neqhaza elikhulu ekulweni nobugebengu nokusetshenziswa kwezidakamizwa okuholela ekuhlukumezeni amalungelo abanye abantu. Imiphakathi ibike, umthetho usebenze ngendlela efanele.

1.8 Uhla Lwezahluko

Isahluko sokuqala – Isethulo socwaningo.

Isahluko sesibili – Amalungelo aphathelene nezakhamuzi kanye nezombusazwe.

Isahluko sesithathu – Amalungelo aphathelene nenhlakahle kanye nezomnotho.

Isahluko sesine – Amalungelo aphathelene nezemvelo, amasiko kanye nokuzithuthukisa.

Isahluko sesihlanu – Ukuhlaziya, izincomo nesiphetho.

1.9 Isiphetho

Ekuphetheni isethulo socwaningo, iveziwe inhloso yalolu cwaningo okubalwa ukusetshenziswa kwamalungelo ngendlela engeyiyo bese kuba nokungqubuzana nelungelo eligunyaziwe. Nakuyona intshisekelo yocwaningo kuveziwe ukuthi akusikho nje ukuphikisana namalungelo agunyaziwe kodwa ukuveza ukuthi kungani kuthiwe ilungelo lenze umonakalo. Izindlela zokuqhuba ucwaningo nazo zizolandelwa njengoba ziveziwe esethulweni nemidiyo kugxilwe kuphela kulawo malungelo anokwenza umonakalo ngenxa yokusetshenziswa kabi. Imibono yongoti iveziwe, iveza ukuthi kufinyelelwe kanjani emalungelweni, kusukwa kuphi namalungelo. Izingwazi neminikelo yemibono yazo iveziwe ukuze kube nokuphathwa ngendlela engehlisi isithunzi somuntu.

ISAHLUKO SESIBILI

2.0 AMALUNGELO APHATHELENE NEZAKHAMUZI KANYE NEZOMBUSAZWE

2.1 Isingeniso

Kulesi sahluko Ucwangingo luzogxila ngqo kulawo malungelo aphathelene kumbe athinta abantu abayizakhamuzi zaseNingizimu Afrika kanye namalungelo agunyaziwe ngokusemthethweni ukubavikela, kumbandakanya namalungelo ezombusazwe.

Ucwangingo luzobheka lawo malungelo abonakala edala umonakalo ngenxa yokusetshenziswa kwawo kabi yizakhamuzi zaseNingizimu Afrika.

2.2 Incazelo Yamagama

Ucwangingo olwenziwa mayelana nokuthi ayini amalungelo esintu; luveza ukuthi indlela egunyaziwe ngokusemthethweni uHulumeni ukuba ingasetshenziswa njengenkambiso engahlukumezi omunye umuntu. Izindlela ezehlukene zokuchaza amalungelo zikuveza kahle lokhu ukuthi wonke umuntu unelungelo elilinganayo nomunye elingadingi ukuba licwaswe ngokobulili, ngokwebala, ngokwenkolo nangokobuzwe njalonzalo.

U-Mc Quid-Mason, (1991:8) ubeka uthi:

Human rights are generally accepted principles of fairness and justice which if people actually listen to them; ensure that all human beings are treated justly.

Amalungelo esintu yileyo migomo emisiwe yamukelwa enobulungiswa nokulunga

okuphelele okuthi uma abantu beyilandele kahle
iqinisekise ukuthi wonke umuntu uphatheka
ngendlela efanele kumbe okuyiyonayona.

Ucwaningo olwenziwe luveza ukuthi amazwe ngamazwe ayishuminane
ahlangana ukuze abhale umqulu ohlanganisiwe wamalungelo obizwa kuthiwe yi-
Universal Declaration of Human Rights (UDHR) noma Inhlangano Yomhlaba
Yokumiswa Kwamalungelo Esintu. Le nhlangano yamukelwa amazwe angama-
48 eNhlangothini Yezizwe. INingizimu Afrika yona yasalela ngaphandle kungakho
ubandlululo lwaqhubeka Isikhathi eside kusukela eminyakeni ye-1948 kuze kube
unyaka we-1994 lapho yathola khona inkululeko.

Ongoti abehlukene abayizazimthetho bachaza amalungelo ngendlela egqamisa
ukuthi Ilungelo lingelokuvikela umuntu.

UFreeden, (1991:) ubeka uthi:

A human right is a conceptual device expressed
in linguistic form; that assigns priority to certain
human or social attributes regarded as essential
to the adequate functioning of a human being;
that is intended to serve as a protective capsule
for those attributes, and that appeal for deliberate
action to ensure such protection.

Ilungelo liwumqondo / umcabango oshicilelwe
phansi ogqamisa indlela yoluntu kumbe
yenhlalakahle yesidalwa esiwumuntu; okudinga
lisetshenziswe ngendlela ukuze livikele lezo
zimo zemvelo eluntwini lonkana.

U-Mc Quid-Mason, (1991:14) uyaseka leli lungelo lemvelo uma ethi:

These rights are universal moral rights. These
are also called natural rights and they belong to
people simply because they are human. They do
not have to be earned, bought or inherited.
People are entitled to them regardless of their

sex, race, colour, language national origin, age, class, religious or political beliefs.

La malungelo kawonkewonke angamalungelo emithetho elungile. Abizwa ngokuthi amalungelo emvelo ngoba engawabantu abanobuntu. Awadingi ukusetshenzelwa, nakuthengwa nokutholwa njengefa. Abantu bafanele ukuba nawo lamalungelo kungabhekwa ubulili, ukuthi ungowaluphi uhlanga, ibala, ulimi, izwe ozalelwe kulo, izinga, inkolo noma inkolelo yezombusazwe.

Inyanga ka-Ndasa zingama-21 yaziwa njengosuku lwamalungelo esintu. Ucwaningo olwenziwe luveza ukuthi kungalo lolu suku lapho izindimbane zabantu zadela izimpilo zazo zahlanganela esiteshini samaphoyisa eSharpsville ukubhikishela umthetho wamapasi lapho kwafa ama-69 kwathi abayi-180 balimala.

2.2.2 Umonakalo

Umonakalo okuyiyona ntshisekelo enkulu yalolu cwaningo ungachazwa kuthiwe inhlekelele eyenziwe amalungelo esintu. Ucwaningo aluhlubi ngqo amalungelo agunyaziwe, kodwa indlela amalungelo asetshenziswa ngayo eshayisana namanye amalungelo.

U-Mc Quid-Mason, (1994:79) uchaza ngokuthi:

Where the rights conflict, the government or the courts must decide which right is more important.

Lapho kukhona khona ukushayisana kwamalungelo, uHulumeni kumbe izinkantolo kumele zinqume ukuthi iliphi ilungelo elisemqoka kunelinye.

Lo monakalo uvela kahle uma kucutshungulwa amalungelo ngokwehlukana. Ilungelo kuyaye kuthi kuyilungelo eliphelele, lijike lisetshenziswe kabi ngendlela engeyiyo eba inkemba komunye umuntu, kumbe ilungelo lihlukumeze. Ilungelo lokuba nemfihlo (the right to privacy) lingashayisana nelungelo lokuthola ulwazi (the right to information). Lo monakalo uvame ukuba sezintathelini uma sezilandela osaziwayo ezimpilweni zabo zangasese; bese benekelwa izwe ngezimpilo zabo zangasese.

2.3 Ilungelo Lemfundo

Ngokomqulu wamalungelo esintu; Isahluko 2:26 ugunyaza ukuthi yilowo nalowo muntu unelungelo lokuthola imfundo eyisisekelo; kubalwa abantu abadala ababaneshwa lokungawuboni umnyango wesikole, kanye nalabo abakhubazekile.

Ucwaningo olwenziwe luveza ukuthi imfundo ngqo noma okuyiyonayona, yileyo umntwana ayithola ekhaya. Uyafundiswa yonke imithetho nemikhutshana yasekhaya. Uma esengena esikoleni, ukwamukela kalula akufundiswayo uma ethole Isisekelo semfundo enhle ekhaya. Umonakalo omkhulu ofike ubekhona owokuthi isiko lokufunda nokufundisa liyaphazamiseka uma ingane iphuma emndenini oxabanayo kumbe ohlala ngengxokozelo yokulwa. Ucwaningo olutholakele emithonjeni eyethembekile luveza lo monakalo.

UDavel, (2000:88) uwuchaza athi:

Many children develop behavioural problems and regression in behaviour. They may be clinging, withdrawn, aggressive or delinquent and may have trouble in sleeping and develop health problem. Standard of school work may decline.

Izingane eziningi zibanenkinga indlela eziphatha ngayo ekhombisa ukuhlehlela emuva. Kwenye inkathi zingazikhipha inyumbazane, zibe

nenkinga yokungalali, zibe nenkinga nasempilweni. Umsebenzi wesikole ukhombisa izinga eliphansi lokusebenza.

Ucwaningo luveza ukuthi izingane ezivela ezimweni ezihlukomezayo uma ziqhathaniswa neziphuma emindenini enentokomalo, zivamise ukuba nezinkinga eziningi ezize zifinyelele nazo ebudaleni.

Imithombo eyethembekile iyakufakazela lokho okushiwo uDavel, (2000:89):

Recent research indicates that children exposed to domestic violence have significant lower self esteem and higher levels of anxiety and depression than children from non violent homes.

Izingane eziphuma emndenini enodlame ziba nokuzethemba okuncane netweletwele (uvalo) elikhulu elenza ubunzima nezikhathi zokuhlala ngokuxakeka, uma ziqhathaniswa nezingane eziphuma emndenini engenalo udlame. (S.A Journal of Human Rights, (1999:vol.15:313).

Omunye umonakalo othanda ukudlondlobala ezikoleni ukungaphatheki kwabafundi okudalwa ukuvalwa kwenduku ezikoleni. Umthetho ubuka ngeso lokuyihlukumeza ingane uma ishaywa, kuyajivaza kuyehlise nesithunzi. Ngokufanayo nomzali uncishiwe lelo lungelo lokushaya ingane.

Ucwaningo luveza ukuthi ezikoleni sekwaba kwamachanca, kwampunzi edla emini ngoba izingane zinelungelo lokungashaywa. Kulabo abazithola belandela umthetho wasendulo wokuthi ingane iyethuswa ngoswazi, bazithola bebhekene nengwadla yamacala okushaya ngesihluku, bagcine bephelelwa umsebenzi.

Ucwaningo olutholakale emithonjeni yamaphephandaba luveza imibono ehlukene yabafundi ngale ntimbothi eyenzeka ezikoleni lapho izingane zisebenzisa kabi

amalungelo azo, zibulalane zodwa kumbe zibulale othisha imbala, kujike kungabi ndaba zalutho.

UMthembu, (2007:4) uthi:

Ngonjani lo mthetho ovuna kwasani uphikisane
nenqubo yendabuko (indigenous laws)
yokukhuliswa komntwana?

(Ilanga, June 21-26:2007:4).

Lokhu kuveza kahle ukuthi mkhulu umonakalo okhona ngenxa yokuthi ingane inelungelo lokungashaywa umzali noma esikoleni. Kuningi okulahlekayo njengoba nomzali uyaboshwa uma ebeke ingane yakhe isandla.

Ucwaningo olwenziwe luveza ukuthi lo monakalo ezikoleni ubamkhulu ngoba nezinga lokuphumelela liyehla. Iningi lezingane lidlulela emabangeni alandelayo ngokucatshangelwa. Okufike kube inkinga enkulu ukuthi uma sezifika emazingeni athe thuthu emfundo, lezo zingane ziyehluleka ukusebenza ngokuzimela. Ongoti abehlukene bayakhuluma ngenhlonipho yokubambisana ekuthuthukiseni ingane.

ULemmer, (1999:158) ecaphuna u-Ebersole, (1979:v) ethi:

The ring of respect encircling students, teachers and learners is an essential relationship for effective learning. A break anywhere in the circle results in a breakdown in student performance. If there is a close communication, co-operation sincere caring, however, there seems to be no limit to what might happen – students learn more, teachers feel fulfilled, and parents feel better about their children and themselves.

Ubudlelwane bokuhloniphana phakathi kwabafundi nothisha bubalulekile ekufundeni okuba yimpumelelo. Ukungaboni ngaso linye

kudala imiphumela emibi. Uma kunokuxoxisana, ukunakekelana nokubambisana, abafundi bafunda kangcono nothisha bazizwa bekhululekile nabazali bethokozile ngezingane zabo nangabo uqobo.

Ucwaningo luveza omunye umonakalo owenzeka ezikoleni ezixube izinhlanga. Nakuba ubandlululo selwaqedwa, kunezinkomba zokuthi aluphelanga nya. Izikole lapho kufunde khona izinhlanga ezehlukene zisenakho ukucwasana ngokobuhlanga. Lokhu kubonakala ngokuqhubukushana kuliwe izimpi zobuhlanga kwenye inkathi kusweleke imiphefumulo ngasohlangothini oluthile.

ULemmer, (1999:224) ubeka uthi:

The learners from minority cultures or population feel alienated by the public schools. These schools are accused of promoting (internationally or otherwise) one culture, implying its superiority over others. The 'immigrant' learners find that the public school culture is different from theirs and the school ignores or alienates them from their culture.

Abafundi abayidlanzana bazizwa bengemukelekile ezikoleni zomphakathi lapho kunezingane ezixube izinhlanga. Lezi zikole zigxekwa ngokwenza ngenhloso ukugqamisa amasiko azo. Izingane eziyizifiki zithole nesiko lazo lehlukile eningini, isikole singabemukeli kumbe singabanaki.

Yiwo lo monakalo owenza kubhebhetheke izimpi zobuhlanga. Uma kungabhedukanga izimpi zobuhlanga, izingane ezifunda ziyidlanzana, zigcina zilahlakelwe yisithunzi sesiko lazo ngoba kubukwa ukuthi yiluphi uhlanga oluningi bese kugqanyiswa isiko lalolo luhlanga.

2.4 Ilungelo Lokuphathwa Ngokulinganayo

Ngokomthethosisekelo wamalungelo esintu Isahluko 2:9(1) ugunyaza ukuthi wonke umuntu uyalingana phambi komthetho; futhi unelungelo lokuvikelwa umthetho. Lo mthetho ugunyaza ukuthi labo ababengenawo amalungelo athile; kumbe ababephathwa ngendlela yendluzula, ubavikele ubabeke ezingeni elifanayo nabanye abantu.

Ucwaningo olwenziwe luveza ukuthi abantu besifazane babephathwe njengabantu abangenalungelo, bencishwa izikhundla kumbe amandla okuphatha enqindiwe, nasemshadweni befana nezingane.

Ucwaningo olwenziwe luveza imisebenzi kaBertha Solomon (owayengumRashiya) owakubona lokhu kungabinamalungelo kwabesifazane baseNingizimu Afrika wakulwela, bagcina benelungelo lokuvota; nasemshadweni bashada umshado ohlanganisa amafa. Yilo leli galelo likaBertha Solomon elenza abesifazane ukuba bazibambe ziqine emzabalazweni wokulwela inkululeko abayithola eBeijing.

UHeale, (1981:307) ubeka uthi:

Bertha remained a champion of woman's right in South African Society.

UBertha kuseyiyona ngqwele yamalungelo abesifazane emphakathini waseNingizimu Afrika.

Lokhu okushiwo uHeale kuyahambisana nokuvezwa uJeffrey, (1997:29) mayelana nokugunyazwa kwamalungelo abesifazane uma echaza ethi:

In November 1996, the Department of Justice established a gender unit to promote gender equality and the advancement of women in the

department as well as to ensure that all women would have equal access to justice at community levels.

Ngenyanga kaLwezi onyakeni we-1996, uMnyango wezoBulungiswa (mthetho) wasungula isigungu esaseseke ukulinganiswa kwamalungelo ngokobulili, kukhuthazwa inqubekelaphambili yabesifazane eMnyangweni ukuba babeneqhaza abalibambayo kwezobulungiswa nasemiphakathini.

Umonakalo obonakala emindenini ikakhulu kubantu abashadile; abagunyazwe yilo mthetho, awubibikho umehluko phakathi kowesilisa nowesifazane. Nangokwenqubo yobuKristu umehluko ukhona.

UParsons, (1967:48) uchaza athi:

You remember that in the Bible Christ is called the Bridegroom and the Church the Bride. This means that when some way was needed to express the closeness of the union between Christ and those who belong to Him, no better illustration could be found than the union of husband and wife.

Nizokhumbula ukuthi eBhayibhelini uKristu ubizwa ngoMyeni ibandla lakhe ngomlobokazi. Okusho ukuthi uma kugcizelelwa ukuhlungana nobumbano phakathi kukaKristu nalabo abangabakhe, ayikho enye indlela yokuchaza lobu budlelwane ngaphandle kwalobo bomyeni nonkosikazi.

Ucwaningo luveza ukuthi nakuba ubagunyaza umthetho abantu besifazane ukusebenzisa amalungelo abo enza abantu balingane, kodwa iBhayibheli liyakubeka ukuthi umuntu oyinhloko yekhaya kumele athotshelwe.

U-Mc Quid-Mason, (1994:77) ubeka ngendlela yokungaboni ngasolinye indlela yokuphatha abantu ngokulinganayo uma echaza ethi:

Sometimes it is reasonable to discriminate or not to treat people equally. For example, a person must be of a certain age to drive a motor car or to drink alcohol.

Kwenye inkathi kuhle ukubandlulula noma ukuphatha abantu ngokungafani. Isibonelo: umuntu kumele abe neminyaka ethile yobudala ukuze ashayele imoto kumbe ukuze abe nelungelo lokuphuza utshwala.

Lokhu okushiwo uMc Quid-Mason kuyiqiniso ngoba uma lo mthetho owenza abantu balingane ungavuma ukuphatha abantu ngokulinganayo kungasabukwa nezinga lokukhula, kungadala umonakalo ophindiwe.

U-Mc Quid-Mason, (1994:78) uqhubeka achaze omunye umonakalo ovezwe ukuphatha abantu ngokulinganayo, uma kusetshenziswa indlela evuna ababebandlululekile, abagcina bekhethwa ukuphatha izikhundla ezithile uma ebeka ethi:

Some people say that affirmative action leads to less qualified people being put into certain positions.

Ucwaningo luveza ukuthi lo monakalo ochazwa uMc Quid-Mason uvame ukubonakala koHulumeni basekhaya, lapho kugcina kukhethwa khona nabantu abangenamakhono ngoba nomnyango wesikole kwangenwa kancane kuwo, behluleke ukusebenza kumbe ukufeza izidingongqangi zomphakathi, bathole namathuba okuba ogombela kwesabo. Le nkohlakalo eyenziwa nangabantu abayiguda indlela eya esikoleni nabathenjwayo imiphakathi njengabantu abanenkali pho.

2.5 Inkululeko Yokukhuluma

Umthethosisekelo Isahluko 2:16(1) ugunyaza ukuthi wonke umuntu unelungelo lokuveza imibono yakhe ngokukhululeka.

2.5.1 Inkululeko Yamaphephandaba Neminye Imithombo Yezindaba

Ucwaningo luveza ukuthi lo mthetho ubanakho ukushayisana nelungelo elihambisana nesithunzi somuntu okumele sihlonishwe kumbe sivikelwe.

Umonakalo uvela ngenkathi abacosheli bezindaba belandela abantu abadumile noma abangosaziwayo noma sebethole ithuba lokukhululeka empilweni yabo yangasese, babanekele izwe ngabakwenza esithe, okugcina kusehlisa isithunzi sabo.

UJeffrey, (1997:63) ukubeka kahle lokhu sakugxeka lesi senzo sezintatheli uma ethi:

Press freedom does not entitle journalists to trample upon the dignity and privacy of others.

Inkululeko yamaphephandaba ayivumeli ukuba izintatheli zidovadove isithunzi nengasese labanye abantu.

Umthetho ogunyaza izintatheli obizwa kuthiwe yiCriminal Procedure Act 1977 (205) wawuvumela ingalo yomthetho ukuba kungadalulwa izimfihlo zabantu.

Le nkululeko yemithombo yezindaba iqhubeka idale umonakalo ngisho emaqenjini ezombusazwe abonakala edonsisana encofana nangamazwi.

UJeffrey, (1997:62) uchaza uthi:

If journalists are seen to take side with any party, it will make their jobs more difficult; if not impossible and damage the free flow of information.

Uma izintatheli zivuna iqembu elithile, kuzokwenza ukuba umsebenzi wazo ubenzima; kumbe kungenzeki lutho oluzokwenza ukuthi abacosheli bezindaba bathole ulwazi abaludingayo.

UJeffrey, (1997:60) uqhubeka nokuchaza ngalo monakalo oholelwa ekubulaweni kwamalungu eqembu agqamile kumbe angabaholi abanohlonze uma izintatheli zikhombisa ukuchema neqembu elithile:

We should recognise that we live in a young democracy, where there are still many strong emotions and unhealed scars.

Kumele sikhumbule ukuthi siphila ezweni lentando yeningi esanda kusungulwa, lapho kunezimo zemizwa yozwelo nezilonda ezingakapholi kahle.

Ucwaningo luveza ukuthi nakuba izintatheli zinelungelo lokucoshela izindaba kodwa kumele kube nemikhawulo ukuze ilungelo lingashayisani nelinye.

2.5.2 Inkululeko Yokusebenzisa Ubuciko

Ucwaningo luveza ukuthi leli lungelo libandakanya inkululeko yokusebenzisa Ubuciko okuwumculo okumele wedlulise umlayezo othile ngenhloso ezwakalayo nezoba nesigqi esihambisana nezimo ezithile, okungaba ukujabula, usizi kumbe umculo opholile.

Ucwaningo luveza ukuthi kunezingoma eziqanjwa ziculwe abaculi zingakhi, kunokuba zakhe ezonakalisa izimilo zentsha, ngoba izinhlamvu zalezo zingoma zizwakala zinganambitheki.

Ucwaningo luveza ukuthi izingoma ezithi: Sisi Khethiwe nethi Sister Albertina ziyisibonelo zezingoma ezacutshungulwa zaveza ukungazihlumelelisi izimilo zabantu abasha.

UJeppie, (2004:17) ukuchaza kahle lokhu ngombono ovezwa uDeacon uma ethi:

If the branch is to flower, let it honour its roots.

Ukuze igatsha lithele kahle kumele lihloniphe izimpande zalo.

Lokhu okungumbono kaDeacon ngokucashunwa uJeppie kuveza kahle ukuthi abantu abayizimpande abantu abadala, okumele babe isibonelo entsheni ngoba umculo uqukethe konke ngisho okungamagugu esizwe imbala.

Lo monakalo wezingoma kumbe umculo ongezwakali kahle kuhle ukhuzwe njengoba nangezikhathi zobandlululo zazivalwa izingoma ezazivusa uhlevane esintwini.

UJeppie, (2004:93) uqhubeka achaze athi:

Music of social protest was restricted in this country under American Artists such as Sam Cooke with 'A change is gonna come.'

Izingoma ezazigovuzwa umphakathi ngezikhathi zobandlululo kubaculi baseMelika zazivaliwe njengengoma ka-Sam Cooke ethi: 'Iyofika inguquko.'

Ucwaningo luveza omunye umonakalo ohambisana naleli lungelo lokusebenzisa Ubuciko, okuwumculo. Uma kungumculo wesintu, uvame ukubukelwa phansi kucishwe nomabonakude ngoba kuthiwa awubalulekile, ikakhulu umculo womasikandi.

Ucwaningo luveza ukuthi lokhu kuzondwa komculo womasikandi ngoba kunconywa umculo wesiko laseNtshonalanga kufana ncimishi nalokho okwashiwo uKunene, (1996: Isethulo) uma ethi:

Bazibopha nje ngezibhamba zakwezinye izizwe
ezingafani nezingalingani nezinkalo zabo.

2.6 Inkululeko Yokuzihlanganisa Nabanye Abantu

Umqulu wamalungelo Isahluko 2:17 ugunyaza ukuba wonke umuntu unelungelo lokubuthana, ukubhikisha ukugculisa abanye ukuthi baseke nokwethula izicelo ezibhaliwe.

Ucwaningo luveza ukuthi lo mthetho uvikela abasebenzi kubaqashi ubagunyaze ukubamdibi embhikishweni esemthethweni uma umqashi engahambisani nezimfuno zabasebenzi.

Isiteleka esenziwa abasebenzi esingekho emthethweni njengoba kugunyazwe kumthethosisekelo kuholela ekutheni kugcine kusebenza umthetho othi: “Ongasebenzanga akaholi, kumbe kube nabantu abaxoshwayo.”

U-Mc Quid-Mason, (1991:112) ubeka ngokuseka abasebenzi abakhononda ngamaholo uma ethi:

Everyone who works have a right to just and
favourable remuneration ensuring for himself
and his family an existence worthy of a human

dignity and supplemented, if necessary by other means of social protection.

Wonke umuntu osebenzayo unelungelo leholo elivumelekile neligculisayo ukuzanelisa nomndeni wakhe, izidingo ezifanele isithunzi somuntu okumele zinakekelwe ngezindlela ezifanele inhlalakahle yomuntu.

Ngenkathi kwenziwa ucwaningo bekunesiteleka sabasebenzi bakaHulumeni, obekuyisiteleka sikazwelonke esaqala ngomhla lulunye kuNhlanguvana ngonyaka we-2007, saze saphela mhla ziyi-9 kuNtulikazi ngonyaka we-2007.

Ucwaningo luveza umonakalo owenzeke eMinyangweni eyehlukene. Ezibhedlela iziguli zazifa ubuthaphuthaphu, zingalutholi usizo lokwelashwa, oDokotela bengalekelelwa muntu ngoba abasebenzi nabahlengikazi ababeya emsebenzini babevinjwa, besatshiswa bashaywe.

Ucwaningo luveze nomunye umonakalo wokuthi nakuba imibhikisho yayiqhutshwa kungahlonyiwe, kwenye inkathi yayenziwa ngendlela eyehlisa isithunzi.

Ucwaningo olutholakele emithonjeni yamaphephandaba luyaveza lolu hlobo lokubhikisha lapho abesimame babevele ephepheni beveze imilece yezinqe ngokusho kwephephandaba. Laba besimame babebhikishela ukususwa ezindaweni zabo zokudayisa edolobheni laseThekwini.

UJele, (2007) ucaphune uNgubane obeke wathi:

Ngamanyala aphindiwe angahambisani nenqubo yesintu. Umuntu wesifazane uyawuhlonipha umzimba wakhe ngokwesintu.

UDube, (2007) useke uNgubane wabeka wathi:

Le nto eyenziwa yilaba bantu wukusihlaza thina
ndlu emnyama futhi kuwukusihlekisa ngezinye
izwe.

(Ilanga, June 25-27, 2007:2).

Omunye umonakalo odaleka ngokusebenzisa ilungelo lokuteleka ukwehla kwezinga lomnotho ngoba ngenkathi abasebenzi besesitelekeni umsebenzi awuqhubeki, kulahleke izigidi zezimali ebezizosimamisa umnotho.

Ucwaningo luveza omunye umonakalo ovelile otholakale emthonjeni wezindaba zikamabonakude ohambisana nokuhlukumezeka kwabasebenzi, yilowo wezisebenzi zasendlini yamagugu eBloemfontein ngenkathi abasebenzi abayi-8 beshintshelwa ezindlini zamagugu omlando lapho kukhulunywa khona isiSuthu abangasazi.

Isahluko 6:(2) kumthethosisekelo ugcizelela kahle umthetho ukuthi oMasipala kuhle babhekele ulimi olusetshenziswa umphakathi waleyo ndawo.

Umonakalo uvela ngokuthi abantu abafuna ukufunda kabanzi ngolwazi lobuciko Namasiko kumele bengeze olwazini abanalo. Uma izisebenzi zingazi lutho ngolimi lwesiSuthu, kudaleka umonakalo omkhulu kwezokuxhumana. Ongoti abahlukene bakuchaza kahle lokhu kusebenza kolimi alwazi kahle umuntu.

U-Whorf, (1956:263) uthi:

Language determines the way we think. He further argues that linguistic relativity hypothesis states that culture shapes the language which further determines the structure of thinking and shapes our basic ideas.

Ulimi luxhoza indlela yokucabanga komuntu. Uqhubeka abeke sampikiswano ukuthi isiko lilungisa ulimi oluphethe indlela yokucabanga nomqondo ophusile.

U-Togni, (1994:238) ubeka kahle leli lungelo lolimi uma ethi:

The state shall promote respect for all the languages in South Africa.

UHulumeni ongamele umthetho kuhle aqikelele ukuthi zonke izilimi zinikezwa inhlonipho elinganayo nefanayo eNingizimu Afrika.

U-Togni, (1994:238) ubuye ahambisane kahle nalokho okushicilelwe phansi kumthethosisekelo 6(b) uma eqhubeka ethi:

When it is reasonable to do so, one or more of these eleven (11) languages may be designated to be used for defined purpose at the national level or in any religion or area where it is widely used.

Uma kunokwenzeka olunye lwalezi zilimi eziyi-11 lungaqokwa lusetshenziswe njengolimi olusemqoka lokuxhumana esifundeni noma ezindaweni lapho lusebenza kakhulu khona.

Lokho okushiwo uTogni akunikezi ithuba lokuthi ezinye izilimi zibukelwe phansi ngoba nje kunolimi olukhethiwe lokuxhumana olunokuzwakala kuwowonke umuntu. Uyabonakala lo monakalo uma kunolimi olusetshenziswa kakhulu kunezinye.

2.7 Inkululeko Yokuphepha Komuntu

Umthethosisekelo waleli zwe Isahluko 2: (12) ugunyaza ukuthi wonke umuntu unelungelo lenkululeko nokuphepha kwakhe.

2.7.1 Ukungephucwa Inkululeko Ngaphandle Kokunikwa Ithuba

Ucwaningo luveza ukuthi lokhu kwenzeka ikakhulu kubantu ababoshiwe ukuthi banelungelo lokwaziswa izizathu zokuboshwa kwabo nanokuthi uthetho uyabagunyaza ukuba bangasho lutho futhi baphathwe ngendlela engenasihluku.

Umonakalo ubasekutheni kubakhona ukushayisana phakathi kwamalungelo abantu abahlukunyezwe iziboshwa zona zigcine ziphatheka ntofontofo futhi zidla nemali yabakhokhi bentela laba ezibahlukumezayo.

Ucwaningo luveza ukuthi iziboshwa zihlukumeza abantu abanamalungelo uma kucutshungulwa amacala okubulala.

Ukuhlukumezeka komqondo, komzimba nangokwenhlalo uma kubalwa amacala:

- Okudlwengula
- Okuphanga kuhlonyiwe
- Ukudunwa kwezimoto
- Ukubanjwa kwenkunzi izimoto ezithwala imali
- Ukugqekwezwa kwezindlu

Ucwaningo olutholakale emthonjeni wezindaba zamaphephandaba luveza lezi zibalo njengoba uDe Kok eshicilele kwi-Daily Sun, (4 Julayi 2007):

- Ukubulala kwehle kancane kwezibalo zonyaka we-2006 ngama- 2,4%
- Ukuzama ukubulala 3%
- Okudlwengula kwehle ngama- 5,2%
- Ukushaywa kwehle ngama- 5.5%
- Okuphanga uhlomile kwenyuke ngama- 4.6%
- Okuphanga okujwayelekile kwehle ngama-5.8%
- Ukubanjwa kwamathilagi kwenyuke ngama- 7.6%

- Ukudunwa kwezimoto kwenyuke ngama- 6%
- Ukubanjwa kwezindawo zamabhizinisi kwenyuke ngama- 52.5%
- Ukugqokezwa kwezindlu kwenyuke ngama- 25.4%
- Ukubanjwa kwezimoto ezithwala imali kwenyuke ngama- 22%

Ucwaningo luveza ukuthi onke amacala okubalwa awokubulala ngenxa yelungelo elenza umuntu aphephe, iziboshwa azigwetshwa intambo (ayikho eNingizimu Afrika) kunalokho zinikezwa udilikajele, ijele liphenduke ikhaya ngoba ziphethwe kahle, kungasafani nalezo zasendulo ezazihlupheka, zisebenza kanzima ziphinde zishaywe ngoswazi oluncane okwakuzihlukumeza ukuze zingabuye zicabange ukuphindela endlini emnyama. Ezamanje iziboshwa ezinamalungelo ukuhlukumezeka zikuthola uma zihlukumezana zodwa.

Ucwaningo luveza omunye umonakalo ovezwa Ilungelo lokunikeza ithuba lokusho okuthile sakuzishwelezela kuyingalo yomthetho kumbe ukuzivikela (audi et alteram partem) ngaphambi kokugwetshwa. Iziboshwa ziyazihlangula emacaleni kuthi noma isiboshwa besizogutshuzelwa icala siphume gelekeqe sizincoma.

U-Hansson nethimba lakhe, (1990:129) babeka ngokuthi:

Due process includes the right to fair trial before an impartial court, which recognises the right to legal defence and which adheres to basic rules of evidence, notably the presumption of innocence and the privilege against self incrimination.

2.7.2 Ilungelo Elimaqondana Nezingane

Ucwaningo luveza umonakalo ovezwa yilungelo eliqondene nezingane ezineminyaka eyishumi nambili ezigunyazwa umthetho omusha wokuthi zinelungelo lokuya ocansini nomuntu wesilisa zizvikele ngejazi lomkhwenyana, nanokuthi zinelungelo lokuhushula izisu.

Ucwaningo olutholakele lwacoshelwa kwabezindaba zikamabonakude (Asikhulume, 08-07-2007) lapho kunempikiswano ngalo mthetho izazimthetho zikhombisa ukungawunambithi kahle lo mthetho lapho uMndende 2007) ebeke wathi:

Angazi noma abantu abenze lo mthetho bewuphasisa bavuthwe ngokwanele engqondweni?

Uqhubeke wachaza ukuthi umphakathi wama-Afrika ukwazisa kabi ukuba umuntu abe intombi nto, abhekwe kuzo zonke izigaba zokukhula ukuze ubuntombi bakhe eyintombazane bulondeke. Ukuqikelelwa kokuphepha kobuntombi obuhamba ngala mazinga eminyaka:

1 - 7 iminyaka

7 – 14 iminyaka

14 – 21 iminyaka

Ukubekwe ngokungahlonizi ukuthi lo mthetho wona izimilo zabantwana ngoba le minyaka eyishumi nambili basuke bengakakhuli ukuba bangathatha izinqumo.

Ucwaningo olumayelana nalo mthetho luveza ukuthi amaphesenti angama- 71% bayaphikisana nalo mthetho, amaphesenti angama- 29% bavumelana nawo. UMasutha (2007) wayewuseka lo mthetho ngokuthi usiza izingane ukuzivikela zingakhulelwa nasesifweni segciwane lengculazi (SABC1, Asikhulume: 08-07-2007).

UMsimang, (1975:47) uveza ukubaluleka komntwana emndenini uma ebeka uthi:

Ukuganana kungumphumela neziqhamo zothando oluhle nolubusisekileyo, abantwana bayizithelo eziwumvuzo. Singebenalo igunya lokuthi umuzi Wesizulu ungumuzi uma

kungekho umntwana phakathi kwamasango. Kumnandi kangakanani emphefumlweni webandla ukuzwa uswana lukhala seluze lwanesilokozane. IBhayibheli lisifundisa ukuthi uJesu wathi: ‘Vumelani abantwana beze kimi ningabanqabeli ngokuba umbuzo weZulu ungowabo njalo.’

Lo mthetho oveza lo monakalo omubi kangaka wokuhushulwa kwezisu obekuzothi mhlawumbe ingane ehushuliwe ibe umholi onohlonze wakusasa.

2.8 Inkululeko Yokungenela Ezombusazwe

Umthethosisekelo wamalungelo esintu Isahluko 2: (19) ugunyaza ukuthi yilesi naleso sakhamuzi sinelungelo lokuzikhethela nokuzenzela izinqumo eziphathelene nezombusazwe okubandakanya ilungelo:

- Lokusungula iqembu lezombusazwe
- Ukubamba iqhaza emisebenzini yezombusazwe
- Ukukhankasela iqembu lezombusazwe
- Isakhamuzi sinelungelo lokungenela ukhetho olukhululekile.

Isakhamuzi esineminyaka yobudala eyishumi nesishiyagalombili sinelungelo:

- Lokuvota okhethweni lwanoma yisiphi isishayamthetho esisungulwe sagunyazwa umthethosisekelo
- Ukungenela isikhundla somphakathi.

Ucwaningo olwenziwe luveza ukuthi nangezikhathi zobandlululo, inhlango yoPhakimpi (Defiance Campaign) eyayilwela amalungelo esintu yalilwela leli lungelo.

UBradford – Smith nabanye, (1977:122) bechaza ngokuthi:

We would point out that as a defenceless and voteless people; we have explored other channels without success. The African people are left with no alternative but to embark upon the defiance campaign. We desire to state emphatically that it is our intention to conduct this campaign in a peaceful manner, and that any disturbances, if they do occur will not be our making.

Masikubeke kucace ukuthi njengabantu abangavikelekile, nabangamelekile ngokwevoti, sesizame izindlela eziningi ezingaphumelelanga. Isizwe sama-Afrika ayikho enye indlela esiyoyisebenzisa ngaphandle kokuba sivele sisebenzise umkhankaso woPhakimpi ukulwisa uHulumeni. Sifisa ukugcizelela ukuthi lo mkhankaso siyowuqhuba ngendlela enokuthula, uma kube nokuphazamiseka kuyobe kungeyona inhloso yethu.

Umonakalo ofike ube selungelweni lokungenela ezombusazwe ukungaboni ngasolinye kwezinhlangano ezingakwazi ukubekezelelana, ezidonsisana zibukana ngeziq zamehlo kugcine kufe abaholi nabalandeli baleyo nhlangano.

Omunye umonakalo owokuncofa abaholi balawo maqembu ezombusazwe, okubehlisa isithunzi okungavumelekile ngokomthethosisekelo ukugovuzisa umphakathi. Amaculo aye aculwe abalandeli; ukushiswa kwezikibha nezithombe zabaholi abehlukene, amaqembu ezombusazwe, kubonakala kungakhombisi ukuvuthwa kwemiqondo ngasohlangothini lwezombusazwe.

U-Mc Quid-Mason nabanye, (1994:99) wayibona le ngozi uma ethatha ebeka kanjena:

Political tolerance often becomes an issue during election campaigns. Supporters of one political

party sometimes attempts to restrict political activities of other parties and candidates.

Ukungabekezelelani kwezombusazwe kuvame ukubonakala ngezikhathi zokhetho. Abalandeli beqembu elithile livame ukuphazamisa elinye iqembu namalungu alo angenela ukhetho.

Lokhu okushiwo uMc Quid-Mason nethimba lakhe kuyahambisana nokushiwo uJeffrey, (1997:75) uma ethi:

Various mistakes of violence and intimidation were reported in the run-up to the local government elections in KwaZulu-Natal, held on 26th June 1996.

Izinxushunxushu zodlame nokwesabisa kwabikwa okhethweni loHulumeni basekhaya KwaZulu-Natal mhla zingama-26 kuNhlangulana onyakeni we-1996.

Omunye umonakalo ohambisana naleli lungelo lezombusazwe kulapho kungenziwa khona ubulungiswa obuhambisana nenqubo yokhetho. Kamuva sekuvela ukugodlwa kwemiphumela kuze kube isikhathi eside ngoba iqembu elikade libusa lingasafuni ukugudluka.

Ucwaningo luveza nabalandeli beqembu okubonakala linamavoti amaningi agcina eshushiswa kabuhlungu kumbe abulawe ngesihluku.

Ucwaningo luveza izwe laseZimbabwe likhombisa ukuhamba phambili kule nkohlakalo yezombusazwe.

2.9 Isiphetho

Kulesi sahluko bekubukwa umonakalo owenziwe amalungelo ezakhamuzi zezwe laseNingizimu Afrika, kumbandakanya namalungelo ezombusazwe.

IKhomishane Yamalungelo esintu ibonakala inendima ebonakalayo ngokubhekela ukuthi wonke umuntu uphatheke ngendlela efanele; ingeyokubekwa umgqiki. Izinhlelo zikamabonakude, 'Ilungelo lakho' nazo ngokunjalo ziyaxwayisa Isintu ukuba amalungelo asetshenziswe ngokuyikho.

Ngokufanayo ekuphetheni lesi sahluko, awunakulibaleka umsebenzi ka-Martin Luther the King owayeyingqalabutho ekulweleni amalungelo esintu (Civil Right Movement). Nokho-ke akusoka lingenasici, phezu kwemizamo emikhulu kangaka uyabonakala umonakalo emalungelweni asetshenziswa ngendlela okungesiyo. Amalungelo kumele acutshungulwe ukuze lokho okubonakala njengesona emalungelweni esintu, kusishunwe ukuze kungahlukumezeki Ilungelo lomuntu nomuntu.

ISAPHLUKO SESITHATHU

3.0 ILUNGELO ELIPHATHELENE NENHLAKAHLE KANYE NEZOMNOTHO

3.1 Isingeniso

Kulesi sahluko Ucwangingo luzogxila kulowo mungxa wamalungelo abhekele inhlalakahle kanye nomnotho (Social and Economic Rights). U-Mc Quid-Mason (1991:16-17) uvumelana noTogni, (1994:139) babuye leli lungelo balibize ngokuthi Ilungelo elenza ukuba abantu bakhuliseke (security-oriented right). Ivikela ukuba abantu bangephucwa izinto ezisemqoka.

Ngokomthethosisekelo waleli zwe Isahluko 2:27 uyakucacisa ukuthi:

1. (a) Umuntu unelungelo lokunakekelwa kwempilo mayelana nokubeletha.
- (b) Umuntu unelungelo lokuthola amanzi nokudla okwanele futhi
- (c) Athole ilungelo lenhlalakahle okumbandakanya usizo olufanele uma umuntu engakwazi ukuzondla, nokondla labo okufanele abondle.

3.2 Ilungelo Lokunakekelwa Kwezempilo Okuqondene Nokubeletha

Umthetho uvuna kakhulu abantwana abasafunda isikole, ubavikele nxa bekhulelwe ukuba banelungelo lokuhlala esikoleni bekhulelwe benjalo.

ULicht nethimba lakhe, (1994:162) bacaphuna imibhalo kaLocke's evumelana kahle naleli lungelo lempilo uma bebeka bathi:

It is self evident that we have a right to do what we can to preserve ourselves; we know we have a right to life.

Kuyacaca ukuthi sinelungelo lokwenza noma yini okusemandleni ukuzivikela, sinelungelo lempilo.

Ucwaningo luveza umonakalo ohambisana naleli lungelo eligunyaza abantwana abasafundayo ukuba banelungelo lokukhulelwa besezikoleni.

Uma umntwana ebanenkinga kudingeka uthisha ukuba amsize umfundi ngoba uthisha enikezwe umsebenzi wokunakekela, (duty of care) ukufunda kuyama nse.

Ucwaningo luveza omunye umonakalo wokuthi uma umfundi okhulelwe ngeshwa egcina engayifinyeleli ezinsukwini zakhe zokubeletha, kumele asizwe uthisha ongakufundelanga ndawo ukusiza abantu abehlelwa yile nkinga.

Leli lungelo lengeza umsebenzi ongadingekile kuthisha ngoba ngenkathi umntwana esaye ngasekhaya elindele izinsuku zokuteta, uthisha ulindeleke ukuba umfundi amhambisele wonke umsebenzi owenziwa esikoleni. Kubukeka leli lungelo lishayisana nelungelo likathisha ogcina enza umsebenzi osabugqila, lokhu okungavunywa umthethosisekelo.

Ucwaningo luveza ukuthi izingane ezikhulelwe ngenkathi zihlezi emakhaya zilindele ukuteta; ilukuluku lokufunda liyehla okugcina kwehlisa izinga lemiphumela ngoba ezinye izingane ziqondana nesikhathi sekuzobhalwa, singabibikho isikhathi esanele sokunaka umsebenzi wesikole.

Ucwaningo olwenziwe luveza ukuthi leli lungelo lokubeletha ezinganeni ezisafunda isikole ngokunjalo nezingashadile libuye lishayisane nendlela eyinqubo yesintu lapho kuyihlazo eliphindiwe ukutholela ingane ekhaya ungashadile. Lokhu ngeso longoti kungumkhuba isibili.

U-Buthelezi, (1996:209) ubeka uthi:

Indaba yokuzalela emakhaya iyindaba ende edinga ukuba ifakelwe izibuko yimiphakathi yonke.

NgokukaButhelezi, leli lungelo nakuba ligunyaziwe ngokusemthethweni kodwa izingane ezisafundayo nezingaganile kumele zixwayiswe ngobungozi bokutholela izingane emakhaya.

Omunye umonakalo uvela ngenkathi okhulelwe edla izinto ezithile ezingahambisani nemigomo yomuntu okhulelwe, ukuphuza utshwala noma ukubhema ngoba ethi umuntu uyathandiswa, okugcina konakalisa izimilo zabantwana abasakhulayo. OSosayensi nocwaningo olunzulu abalwenzayo ngabantu abaphuzayo kumbe ababhemayo bachaza izindlela ezechukene ingane ekhulelwe engahlukumezeka ngayo.

UHalonen, (1996:303) ubeka athi:

Heavy drinking by pregnant woman can also be devastating to offspring. Fetal alcohol syndrome (FAS) is a cluster of abnormalities that appear in the offspring of mothers who drink heavily during pregnancy.

Ukuphuza ngokweqile kubantu besimame abazithwele, kungalimaza impilo yomntwana. Kuba nezimpawana zokukhubazeka ezibonakala emntwaneni kubantu besimame abaphuza ngokweqile.

Uqhubeka achaze lo monakalo okhubaza ubuso, izingalo kanye nemilenze nenhliziyo yengane. Iningi lezingane ligcina linokuhlakanipha okuncane kanye nokukhubazeka komqondo.

Omunye umonakalo ohambisana naleli lungelo ubonakala ngenkathi owesifazane ozithwele enegciwane lesandulela ngculazi nengculazi.

Abantu abasuke benezinkomba zegciwane uma (i-CD4 count) yabo ingaphansi kwama-200 banikezwa imithi abayidlayo, nengane nayo inikezwe imithi ezoyidla okugcina kubhola imbobo iphakethe, nokudla okumele kudliwe ukudla okunempilo okuzokwakha umzimba, konke kusuke kuzoba nezindleko kumbe kukhokhelwe izimali ezinkulu.

Omunye umonakalo ubasekutheni emveni kokuteta; noma ngabe isifo besisazozilalela size sibonakale emveni kwesikhathi, simane sidlondlobale emveni kokuteta, okushiya izintandane zezingane ezigcina ziqoqwa zondliwa uHulumeni.

Ucwaningo olwenziwe luveza ukuthi nalezi zingane ezihlala emigwaqeni, ezinye zisuke zingabhekelekile ngokwempilo ngoba mhlawumbe abazali babulawa yisifo sengculazi. Uma imindeni yalezo zingane ezinabazali ababulawa yingculazi bengazinaki, zigcina ngokuyohlala emigwaqeni ukuze zithole okuya ngasethunjini. Uma zikutholile ukunakekelwa zabikwa kuMnyango weZenhlalakahle, ziyaluthola usizo lokuba zihole.

Omunye umonakalo ovezwa yileli lungelo lokuteta ukuthi uma umntwana ezibona engenakulungela ukuba umzali wengane ngoba naye esadinga ukukhuselwa umzali, umane leyo ngane ayintshinge emgqonyeni kadoti, kushayisane nelungelo lempilo eligunyaziwe umthetho.

3.3 Ilungelo Lokuthola Ukudla Namanzi Okwanele futhi Nelungelo

Le nhlalakahle okubandakanya usizo olufanele umuntu ongakwazi ukuzondla nokondla labo okufanele abondle.

3.3.1 Imali Eyisondlo Sezingane

Ngokomthetho waleli zwe, uHulumeni kunemali eyisondlo ayikhiphayo ukondla izingane ezingenabo abantu abazozondla; kumbe abazali bazo abangasebenzi; ngenxa yokuntuleka kwemisebenzi. Kulezo ngane ezingenabo nhlobo abazali zithola imali ingane ngayinye (social grant) bese kuthi lezo ezinabo abazali kodwa bengasebenzi uHulumeni azinikeze imali elinganiselwa ema-R200.

Ucwaningo olwenziwe mayelana nalo monakalo ovezwa yileli lungelo lokondliwa; luveza ukuthi le mali ayisetshenziswa ngendlela ngabanikazi. Ongoti abehlukene bachaza ngokuvumelana ukubhekelwa kwenhlalakahle yabantu.

U-Licht nethimba lakhe, (1994:133) becaphuna uDugard uma ebeka kanje:

The idea of a bill of rights that seeks to protect only civil and political rights and fails to concern itself with poverty, housing, unemployment, poor working conditions and the breakdown of family life.

Umqondo womthetho sivivinyo ofuna ukuvikela kuphela amalungelo ezakhamuzi nezombangazwe, engakwazi ukuzihlupha ngobubha, izindlu zokuhlala, ukungasebenzi kanye nezimo ezingekho esimweni okubalwa ukwehlukana kwemindeni.

Umonakalo odalwa yileli lungelo lokondliwa yikuthi labo abanelungelo lokuthola imali yesondlo sezingane bagcina benezingane eziyizipoki, (ezingekho) kwenziwe izitifiketi zokuzalwa kuMnyango Wezasekhaya; imali kaHulumeni isebenziseke

ngokungemthetho. Ezinye izingane kube ezake zabakhona, zashona, azangesulwa kodwa kuqhutshekwe ziholelwe noma sezabamathambo amhlophe.

Omunye umonakalo intsha iba semshikashikeni wokuthola izingane zize zibeningi ingashadile ngoba kwandiswa inani lezingane eziholelwa yona le mali yesondlo sikaHulumeni.

Ucwaningo luveza umonakalo wezingane ezitholakala ngale ndlela, kwenye inkathi ingane ikhule ingazazi nesibongo sayo kumbe usiko lwakubo lwembeleko leli akhulumela ngalo uMsimang, (1995:52):

Ngaleso sikhathi sembeleko umntwana ungeniswa esibayeni enziwe usiko lwakubo. Yilolo nalolo luhlobo lunosiko lwakubo. Abanye imbeleko kuba inkomo ikakhulukazi uma umntwana eyizibulo. Nokho akusavamisile ukuba imbeleko kube imbuzi. Abanye bayaye bakhombise ukubonga nokuthokoza kwabo ngokuba bahlabe izintondolo kokunye ngambili benze imbeleko. Kolunye uhlobo isiko lakhona kuba ukuklekla kokunye umntwana anikezwe inyama ethile ewusiko lohlobo lwakubo ukuba ayidle esibayeni. Ngokwenzenjalo umntwana usuke esphelelisiwe osikweni lohlobo lwakubo.

Ucwaningo luveza ukuthi ongoti bakubeka ngezindlela ezehlukene ukuthi abantu kumele balilwele Ilungelo labo.

U-Herman ecashunwe uBagley nabanye, (1990:153) ubeka athi:

If daughters are to be protected, they must find in their mothers and other women; images of strength than weakness. Daughters must learn from their mothers that they have the right to fight and the capability to walk away from situations that are degrading and shameful to them.

Izingane zamantombazane ukuze zivikeleke, kumele zithathe isibonelo konina, nabanye abesifazane abaqotho. Kumele bafunde konina ukuthi banelungelo namandla okuqhela ezimweni ezibehlisa isithunzi neziyihlazo.

Umonakalo obuye ubekhona ngalezi zimali zesondlo sezingane ukuthi ibuye isebenziseke kabi. Esikhundleni sokuthenga ukudla okunomsoco, kondliwe lezi zingane, imali isetshenziselwa ezinye izidingo ezingabalulekile kangako, izingane zife ubuthaphuthaphu indlala kumbe izifo ezihambisana nokungondleki.

Ongoti bayakhuluma ngalolu xhaso uma uHalonen, (1996:322) ebeka ethi:

Many families especially those in low-income circumstances, need access to family services and support that will help them cope with challenges and stress that invade their lives.

Imindeni engakhoni ukuzondla ngoba ihola kancane; iyodinga ukwelekelelwa ukuze ikwazi ukumelana nezimo ezinzima ezidlula nemiphefumulo.

Lokhu okushiwo uHalonen kuyiqiniso futhi uHulumeni uyayixhasa imindeni entulayo, konakala ezandleni zabantu abanikezwe umsebenzi wokuthi bawengamele; esikhundleni sokuthi kusizakale abantu, kwenzeke umonakalo wokuthi abadla ngengxwembe baphangele abantu abangathathi ndawo.

Omunye umonakalo obonakala ezindaweni zasekhaya lapho uHulumeni exhasa khona ngamanzi ahlanzekile athwalwa izimoto zamanzi. La manzi agcina engafinyeleli kubobonke abantu, okugcina ngokuthi abangawatholi bayawathenga ngemali eshisiwe; ekubeni kusetshenziswa imali yabakhokhi bentela ukukhokhela lezo zimoto.

Ucwaningo luveza ukuthi lezi zimoto ezithwala amanzi zikhokhelwa imali elinganiselwa ezinkulungwaneni ezingamashumi amahlanu (R50,000) imoto ngayinye, ngeviki.

3.3.2 Imali Yempesheni, Eholwa Abadala, Abagulayo kanye Nabakhubazekile

UHulumeni uyayilekelela imindeni enabantu asebekhulile kusukela eminyakeni engama-60 kuya phezulu ubudala, abagulayo angeke bakwazi ukusebenza kanye nalabo abakhubazekile.

Ucwaningo luveza ukuthi umonakalo ubonakala umkhulu ngoba kusuka abantu abaziphilela saka nabaneminyaka engabagunyazi ukuthi bangathola ukuhola le mpesheni.

UYelloly nethimba lakhe, (1995:38) ubeka kahle ngeqhaza okumele libanjwe oSonhlalakahle:

Perhaps most fundamentally, social work practice is determined by the statutory framework which governs the care of children, of people with mental health problems, of elders of disabled and those who are ill.

Mhlawumpe into esemqoka okumele yenziwe uMnyango Wezenhlakale owengamele umthetho wokuphathwa nokunakekelwa kwezingane, abantu abagula ngengqondo, abadala abakhubazekile kanye nabagulayo ukuqinisekisa ukusebenza kwalo mthetho ngokufanele.

Ucwaningo luveza omunye umonakalo ovelayo uma kuyoholwa ezikhungweni nasezitolo, lapho izigebengu ezihlome ngezibhamu ziye zibambe inkunzi, kubanjwe imoto ethwele imali, kudutshulwane namaphoyisa okuholela ekutheni kufe abantu abadala nabangenamacala. Ucwaningo luveza izibalo eziphezulu zalolu hlobo lobelesi.

Ucwaningo luveza omunye umonakalo owenziwa izisebenzi zikaHulumeni ezisebenza kuwo lo Mnyango Wezenhlalakahle; ezithatha ukudla okuxhaswa ngakho imindeni entulayo, kungafinyeleli kubobonke abantu abahluphekile, kugcine kungukudla kwabo nezihlobo zabo nemithonselana yabantu abathile.

UYelloly nabanye, (1995:80) uqhubeka achaze ngeqhaza okumele libanjwe abantu abaseMnyangweni Wezenhlalakahle:

In fact, social workers would have to admit to yielding great power over the lives of disadvantaged people.

Eqinisweni abantu abangoSonhlalakahle kumele bavume ukuphatha ngesandla esiqinile nangokwethembeka izimpilo zabantu abaswele.

Lokho okushiwo uYelloly kuyahambisana kahle nokushiwo uHalonon uma ebeka umbhoshongo kaMaslow ekhombisa ukuthi imindeni iyadinga ukuxhaswa ukuze igququzeleke ukwenza izinto ezithile.

3.3.3 Ilungelo Eliqondene Nokuthola Izindlu Zokuhlala

Umthethosisekelo Isahluko 2:26(1) ugunyaza ukuthi wonke umuntu unelungelo lokuba nendawo yokuhlala okubalwa indlu esezingeni lokuhlala umuntu kumbe efanele.

Ucwaningo luveza ukuthi kunezindlu ezingumxhaso ezakhiwa uHulumeni ukusiza labo abangenazo izindawo zokuhlala; kumbe abafuna ukuzimela gelekeqe. Umonakalo okhona ukuthi izinga lobugebengu liyodlondlobala kulezo zakhiwo zemixhaso ngoba kunenhlanganisela yabantu okungazeki nemuva labo ababaleke ezindaweni ebehlala kuzo ngenxa yenkohlakalo abebeyenza.

Ucwaningo olwenziwe luveza nomunye umonakalo ovezwe abezindaba zikamabonakude [SABC1; 19:30 mhla ziyi-14 Meyi 2008] lapho kuvezwe khona abangabokufika kuleli behlukunyezwa izakhamuzi zezwe laseNingizimu Afrika ngoba bethi bathenjiswa izindlu osekungezezifikanamthwalo. Lo monakalo oqale e-Alexander wadlulela nakwezinye izindawo owenza kubukwane ngeziqu zamehlo nabokufika.

Lo monakalo awuhambisani nalokho okwashiwo uMandela ngenkathi ezabalazela inkululeko yomuntu oNsundu.

UNtuli, (2001:505) esihumushweni sakhe sencwadi kaMandela ubeka uthi:

INingizimu Afrika ngeyabobonke ukuba bahlale khona, abamnyama nabamhlophe.

Uqhubeka uMandela achaze ngokuthi:

Angingabazi futhi ukuthi baningi abanye baseNingizimu Afrika abakhathazekayo ngalokhu kwehlukaniswa kwabantu baseNingizimu Afrika babe amaqembu amabili aphikisanayo, abamnyama ngapha nabamhlophe ngapha abalokhu bebulalana.

Nakuba uMandela wayeqonde ngqo ukwedlulisa ukukhathazeka kwakhe ngezinhlanga ezehlukene, kungathi amazwi ake ayahambisana nokwenzeka esikhathini samanje ukuthi onsundu ubulala omunye onsundu ngenxa nje yokungakwazi ukubekezelelana ezindaweni okuhleziwe kuzo.

Ucwaningo luveza ukuthi nakuba behlukunyezwa abantu bokufika ezindaweni abahlezi kuzo kodwa usizo lwamakhono abo, ulwazi lwabo kuyadingeka. Izingane ezisazimisele ngempilo eya kumbe eqhubekela phambili zezwe lethu nazo zizodinga ukuya kwamanye amazwe ukuyothekela ulwazi, zifune namadlelo

aluhlaza ngokwemisebenzi. Uma kungekho ukubekezelelana kuyodala inkinga esizukulwaneni esizayo.

Ucwaningo luveza enye inkohlakalo eyenziwa abantu abangantulile kangako; abazifuna ngendlela engasile izindlu zemixhaso. Imithombo yamaphephandaba ikuvezile lokhu ngenkathi amaphoyisa abeqaphe esikhungweni obekubhaliselwe kuzo izindlu zemixhaso, eyeka ukuqapha isikhungo, abambe umugqa wokubhalisela izindlu nawo. Umonakalo ophindiwe lo ohambisana nokusetshenziswa kabi kwelungelo lokuthola izindlu, ezingatholakala seziqashisa zigcine sezidayisa ngoba abanikazi bazo bebevele bengenayo inkinga yendawo yokuhlala (Ilanga: 08-04-2008).

Ucwaningo luveza omunye umonakalo mayelana nezindlu zokuhlala okunesivumelwano sokukhokha ngamanconzunconzu (Bond). Lo monakalo ugqame kubantu abasuke sebephelelwe umsebenzi kumbe ukushona kwalowo owayekhokhele indlu, kuthi ngokungabi nolwazi olwanele abantu bazithole bengondingasithebeni.

3.4 Ilungelo Lokungaphazanyiswa Ukuxhumana Nabanye Abantu

Umthethosisekelo Isahluko 2:14 ugunyaza wonke umuntu ukuba nelungelo lokungaphazanyiswa okubandakanya ilungelo lokungaphazanyiswa ukuxhumana kwakhe nabanye abantu.

Kuleli lungelo ucwaningo luzobheka ukuthi ukuzihlanganisa komuntu nabanye abantu kunamthelela muni. UMc Quid-Mason nabanye, (1991:118) bachaza amalungelo abhekele izingane egunyaza inkululeko yokuzihlanganisa nabanye abantu.

UHalonen nabanye, (1996:664) bachaza ngokuvumelana noMc Quid-Mason:

We like to spend time with our friends, and we accept their friendship without trying to change them. We assume our friends will act in our best interest and believe that they make good judgements.

Siyathanda ukuchitha isikhathi nabangani bethu, siyabemukela ubungani babo ngaphandle kokubashintsha ububona. Sicabanga ukuthi abangani bazoziphatha ngendlela eyiyo enhle neyokuthatha izinqumo ezinhle.

Umonakalo ufike ube sekutheni uma umntwana kufanele athathe ilungelo lokukhetha abangani, uyehluleka agcine ekhetha abangani ababi abasebenzisa izidakamizwa ezigcina ziyingozi empilweni yakhe.

U-Escandon nabanye, (2005:54) bachaza bethi:

Quite frequently, gangs built around drug consumption turn to criminal behaviours; burglary, mugging robbery, homicide, sexual assault, rape and all sorts of offences.

Kuvamisile ukuthi intsha esebenzisa izidakamizwa itholakale ezenzweni zenkohlakalo okuwukugqeqeza, izezo zobuphukuphuku, ukubulala, izezo zokhlukumeza ngokocansi, ukudlwengula kanye nazo zonke izezo zenkohlakalo.

U-Escandon uqhubeka awuchaze lo monakalo owenziwa ukusetshenziswa kwezidakamizwa ngokuthi kubuye kufe nobudlelwane emindenini eganene ngoba amandla obudoda ayatheneka.

Ucwaningo luveza umonakalo obasekutheni nasemsebenzini imbala kubantu abaqashiwe kubanezinkinga eziningi kumuntu osebenzisa izidakamizwa; beza

bedle izidakamizwa kugcine kunengcindezi yokuxakeka okungapheli kugcine kuphela nomsebenzi.

Omunye umonakalo ovela ngokusebenzisa kabi leli lungelo ukuthi intsha igcina ingababhebhezeli besifo sengculazi. Ucwangingo luveza ukuthi imithombo eyethembekile, UNAIDS izindimbane zabantu ezingaphezu kwezigidi ezingama-20 zabantu sebefe bebulawa yingculazi. U-Escandon uqhubeka achaze ukuthi lesi sibalo siyobe sesifinyelele ezigidini ezingama-25 onyakeni we-2010.

Ucwangingo luveza ukuthi lo monakalo uyoqhubeka isizwe siyobe silahlekelwe amalungu angumngodla wesizwe, umnotho uyobe wehle ngendlela exakile, izindimbane zabantu zifa ngalo igciwane lengculazi.

3.4.1 Ukuganana

U-Mc Quid-Mason nabanye, (1991:70) uthi iningi lamalungelo esintu ngaphansi kwalo mungxa welungelo lihlanganisa ilungelo elithinta imindeni okubalwa:

- Ilungelo lokuganana nokuba nomndeni.
- Ilungelo elilinganayo emshadweni.

UMsimang, (1975:249) ubeka ngendlela evumelana noMc Quid-Mason nethimba lakhe uma indaba yokuganana eyichaza ethi:

NgesiZulu ukuganana akusikho ukuhlangana kwezithandani zihlanganise isibopho sokwakha umuzi owodwa, kepha kuwukuhlangana kwalezo zithandani kanye nemindeni yazo, kwakhiwe isihlobo esihle. Imishado ephakathi kwezithandani zodwa imindeni ishiywe ngaphandle ivama ukuba ibumba elibunjwa libhidlika.

Lokho okushiwo uMsimang kuhambisana kahle nalokho okushiwo uWahking, (1994:43) uma ethi:

Married people are to be fruitful and multiply (Gen, 1:28); they are to have children together. This was both a blessing given by God and a command.

Abantu abaganene kumele bazalane bande (Gen, 1:28); kumele babe nezingane. Lokhu kuyisibusiso abasinikwa uNkulunkulu ngomyalelo.

Lokhu okushiwo ongoti ngokuganana kuyiqiniso nakuba ubonakala umonakalo ekugananeni.

3.4.2 Ukuganana Kobulili Obufanayo

Inhloso enkulu emshadweni ukuthola abantwana nokwandisa ubudlelwano. Umshado wobuKristu wawunikezelwe ukuba abaganene bazane othandweni olwenananayo buqhubeke ubudlelwano obungapheli.

Ucwaningo olwenziwe ngokomthetho wamaphephandaba luveza ukuthi amahlelo ayi-17 kuleli zwe asegunyaze ngokusemthethweni kwavunywa uHulumeni Wasekhaya umshado wobulili obufanayo. Uhlu lwamahlelo ohambisana nalolu hlobo lomshado kubalwa:

- The Unitarian Church
- The African Church of Truth
- The Church of Gloria
- The African Church
- Renaissance Gemeente
- The Reforming Church
- St Marks Church

- Reformed Church of S.A.
- Metropolitan Community Church
- The Glorious Light MMC
- The Evangelical Lutheran Church in S.A.
- Agape Bedienige
- De Gloria Family Church
- Jacaranda Church
- Ex Amino Ministers
- The Dhama Centre
- Light House

Amahlelo angahambisani nalolu hlobo lomshado wokuganana kobulili obufanayo kubalwa:

- Anglican Church of S.A.
- Baptist Church
- Presbyterrian Church
- Catholic Church kanye ne-
- Methodist Church.

UHalonen nabanye, (1996:427) uchaza lo monakalo wokuganana kwabantu bobulili obufanayo uthi:

Homosexual behaviour is common amongst prisoners and others with no alternatives for intimate, enduring relationships.

Ubudlelwano bokuhlobana kobulili obufanayo buvamise ukuba kwenziwe iziboshwa ezisuke zingenayo enye indlela yokwenza ubudlelwano obuhlukile.

Uqhubeka achaze ngokuthi:

Also just like cohabiting and married heterosexual couples, homosexual couples have sex more frequently in their first two years of being together than when they have been together for two to ten years.

Ngokufanayo abantu abahlalisene ngokuganana bebulili obehlukene kumbe obufanayo bavamise ukuba bukhuphekhuphe kwezocansi iminyaka emibili yokuqala bendawonye uma kuqhathaniswa neminye iminyaka kusuka Eminyakeni emibili kuya kweyishumi.

(Halonen nabanye, 1996:427).

Ucwaningo olwenziwe luveza ukuthi lokho okushiwo uHalonen kuyahambisana nalokho okushiwo u-Isaacs nabanye, (1992:161) uma bechaza bethi:

South Africa's apartheid history of racial oppression and black political resistance has created a complex socio-political situation that affects all dimensions of society, and sexual minority group issues are no exception.

Isimo somlando wobandlululo wezwe laseNingizimu Afrika, nokucindezelwa kwezinhlanga zomzabalazo wezombangazwe, sadala isimo esingajwayelekile sezokuxhumana kwezombangazwe, esakhinyabeza izinhla ezehlukene zomphakathi kubalwa nedlanzana elehluke ngokobulili obungajwayelekile.

Ucwaningo luveza ukuthi lolu hlobo lwemishado yobulili obufanayo abuhlali isikhathi eside. Ubulili obufanayo nakuba sebugunyaziwe ukuba abantu bangathandana bashadane kodwa bungemukeleki.

U-Isaacs, (1992:148) ubeka uthi:

A male person, who commits with another male person at a party any act which is calculated to stimulate sexual passion or to give sexual gratification, shall be guilty of an offence.

Noma yimuphi umuntu wesilisa oyotholakala esemcimbini enza izezo ezivusa imizwa ebukhuphekhuphe yocansi, uyothweswa icala ngesenzo sakhe.

Ucwaningo luveza izinkinga ezibasemshadweni wobulili obufanayo okuholela ezehlukanisweni zemishado okuba nemithelela ezinganeni.

UDavel, (2000:89) uthi:

Psychosexual difficulties such as homosexuality apparently result when a child's major identification is with the parent of the opposite sex. If this is the case, a mother centred system is peculiarly unsuitable to the needs of a boy, for while he is under cultural pressure to act as a male, he is reared predominantly by the woman who he is likely to acquire a feminine pattern.

Lokho okushiwo uDavel, (2000:89) kuyiqiniso ngoba izingane ezihlukunyezwe ukuhlukanisa kwabazali kuba nomthelela wokuziphatha ulingisa lowo muntu okukhulisile.

Ucwaningo luveza ukuthi abantu abagananayo bobulili obufanayo nakuba babungemukeleki ngokungako emphakathini kodwa inhlangotho yabo i-GASA (Gay Association of South Africa) yalilwela ilungelo labo.

U-Isaacs, (1992:139) uthi:

We maintain that we have the right to exist after the fashion which nature made us. And if we cannot alter your laws, we shall go on breaking them.

Sibambelele ekutheni sinelungelo lokuphila siyilokhu imvelo eyasenza sayikho. Uma singenakuyishintsha imithetho yenu, siyoqhubeka njalo nokungayigcini kumbe nokuyephula.

Umonakalo omkhulu uma kulandelwa inkolo yobuKristu, ngabantu abagananayo bobulili obufanayo, abunasisekelo nangokwenkolo.

Lokhu ukuchaza kahle uWahking, (1994:44):

Jesus quoted Genesis (2:24) when he declared that in marriage a man leaves his father and his mother and joins with his wife in creating a new oneness (Mark 10:7). The two become one.

UWahking, (1994:44) uqhubeka achaze athi:

There is unity but not uniformity, oneness but not sameness.

UJesu ucaphuna encwadini yendalo (Genesis 2:24) uma emisa umshado ongcwele ngokuthi indoda iyakushiya uyise nonina babe nyamanye nomfazi wayo. UMark (10:7) uthi laba ababili bayoba nyamanye.

UWahking, (1994:44) uqhubeka achaze ngokuthi:

Kunokuhlangana hhayi ukufanana, bamunye hhayi ukufanana.

Lokhu okushiwo uWahking (1994) kuwuveza kahle umonakalo wokuganana kobulili obufanayo ukuthi akusiyo nenhloso yoMdali, into nje evezwe ukuba abantu basebenzise amalungelo ngendlela engesiyo.

Ucwaningo luveza ukuthi uWahking (1994) uvumelana no-Isaacs, (1992:152) uma ethi:

Some gay deliberately keep away from teaching lest they be a corrupting influence. Others, except for brief, furtive sexual encounters consciously avoid the company of gay people because they cannot bear to see a reflection of their own homosexuality.

3.5 Ilungelo Lokuhweba

Umqulu wamalungelo esintu Isahluko 2:22 ugunyaza ukuthi yilesi naleso sakhamuzi sinelungelo lokukhetha ngokukhululeka umsebenzi esiwufundele.

Lokhu okushicilelwe emqulwini wamalungelo kuveza kahle ilungelo lokuzikhethela umsebenzi kungekho mgoqo ebekiwe ephoqelela umuntu emsebenzini othile.

Ucwaningo luveza ukuthi izwe laseNingizimu Afrika linothe ngokumbiwa phansi okuyigolide, idayimane kanye namalahle okuyaye kuthunyelwe kwamanye amazwe; ukuze umnotho waleli zwe ube sezingeni elithe thuthu.

Umonakalo ohambisana nelungelo lokuhweba otholakale kubahlaziyi bezomnotho ephepheni i-Sowetan; Juni 27, 2007 kuvelile ukuthi imisebenzi yona ibaminingi kodwa amaholo awahambisani nomsebenzi.

UZondi, (1996:225) uyichaza kahle le ndaba yamaholo angagculisi:

Abelungu kufanele basinike amaholo alingene ukuthi siphile. Uma bengafuni kuhle ukuba baqashe abelungu bakubo....

Lokhu okushiwo uZondi kuyahambisana kahle nokushiwo uMandela, (1994:93) enkulumeni yakhe nabasebenzi basemayini mhla zingama-27 kuMbasa kunyaka we-1991:

You know what it is to work in the deep heat in the bowels of the earth. You know the fear of being buried alive underground. Yet it is your sweat and blood that has created the vast wealth that White South African enjoys.

Nazi kahle ukuthi kuyini ukusebenza emathunjini omhlaba. Niyalwazi novalo olubakhona lokwesabela ukungcwabeka uphila ngaphansi komhlaba. Isithukuthuku negazi lenu enikhande ngalo lo mnotho otanyuzwa oMhlophe waseNingizimu Afrika.

Lo monakalo ochazwa uMandela wamaholo amancane uyakhuluma ngawo uCurtis nethimba lakhe, (1994:270) ukuthi yonke le nkohlakalo isuka kuphi.

About half the population of South Africa is under 25 and poorly educated due to extensive disruption of black schools during 1980's.

Cishe isigamu sabantu baseNingizimu Afrika esingaphansi kweminyaka yobudala engama-25; engafundanga ngenxa yokuphazamiseka kwezikole zabamnyama ngeminyaka we-1980.

Lokhu okushiwo uCurtis nethimba lakhe kuyiqiniso kufakazelwa uChristie, (1991:243):

Many black workers were laid off, and unemployment rose. Black matriculants faced poor employment opportunities.

Iningi labasebenzi abansundu babevinjwa bengayi emsebenzini, kwaphela imisebenzi. Izitshudeni ezinomatikuletshezi zabhekana nengwadla yokungaqasheki.

Ucwaningo luveza ukuthi lo monakalo wokungaqasheki namaholo amancane kulokhu kwaqala lapho.

Omunye umonakalo ohambisana nelungelo lokuhweba yilowo ovezwa yimikhiqizo yakwamanye amazwe angaphandle odayiswa oSomabhizinisi abasafufusayo. Umonakalo usekutheni imikhiqizo ayikho ezingeni elifanele, kuba yisifanekisomkhiqizo. Imali ethenga leyo mikhiqizo yenza isimo somnotho sintengantenge ngoba leso sifanekisomkhiqizo sithengwa kuphindelelwa ngenxa yokuthi ayihlali isikhathi eside.

Ucwaningo luveza ukuthi imvamisa yale mikhiqizo ivela ezweni laseShayina okugcina kufukula umnotho wezwe laseShayina kunokuba kufukule izwe lethu.

Omunye umonakalo ovele ngamathuba emisebenzi angekho, ubugebengu bezinhlobo ezehlukene obubikwa imihla namalanga. Kamuva sekuya ngokudlondlobala ubugebengu bokubhonjwa kwemishini efaka imali (ATM's).

URossouw, (1994:43) uyakuchaza lokhu:

Population growth which contributes to unemployment as well as to inadequate housing, education and health care.

Ukukhula kwesibalo sabantu kunomthelela wokungaqasheki kwabantu, izindlu ezingenele, imfundo kanye nokunakekelwa kwempilo.

Ucwaningo luveza omunye umonakalo ohambisana nelungelo lokuhweba lapho izimboni kumbe izitolo zibanobudedengu ngemikhiqizo esiyeqelwe isikhathi idayiselwe abantu. Abantu abathenga leyo mikhiqizo ngokungabi nalo ulwazi lokuthi umthetho wokudla nezidakamizwa wonyaka we-1950 awukuvumeli ukuba abantu bathengiselwe ukudla okungakulungele ukudliwa abantu.

Omunye umonakalo ohambisana nelungelo lokuhweba lapho abasebenzi basezimayini befa begqibeka emathunjini omhlaba bagcine bengakhokheleki kahle yonke imali yesinxephezelo ngoba bengenalo ulwazi lwe-OMBUDSMAN, eqinisekisa ukuthi konke okukumthethosisekelo kuhamba ngendlela.

UMc Quid-Mason, (1994:247) uchaza athi:

In accordance with his or her findings, the OMBUDSMAN may initiate legal proceedings, refer the matter for prosecution, negotiate and compromise, or make the report to the department or organ concerned containing recommendations with a view of remedying the improper conduct, preventing, repetition and where appropriate making amends including compensation.

Ngokucubungula kuka-OMBUDSMAN udaba lolo olushushiswayo, kuxoxiswana ngalo, unokwenza umbiko oya emnyangweni kumbe ophikweni lolo oluhambisana nezincomo ukulungisa isimo esingahambi kahle ukuvikela ukuphindaphindeka kwephutha, lapho kudingeka khona ukubuyezwa kabusha kumbe kukhokhwe uma kudingeka.

Lo monakalo uvamise ukwenziwa nayizinkampani zemishuwalense.

Ucwaningo luveza umonakalo owenziwa kubasebenzi yizinkampani lapho benxuswa ukuba benze ukuhlolwa kwegazi okungaphoqiwe. Inhloso enkulu kusuke kubukwa ukuthi umuntu okhungethwe yigciwane angehlisa umnotho uma kudingeka akhokhelwe emva kokushona.

URossouw, (1994:108) uyichaza kahle le ndaba yokuchaphazeleka ngegciwane lengculazi:

The proposal of voluntary testing and a counselling service will identify persons who are HIV positive to be exceptionally careful of not spreading virus into the community.

Umhlahlandlela wokuzihlolela igazi ngokungaphoqekile nokunakekelwa kusiza ekutheni kusheshe kubonakale abantu abaphila negciwane lengculazi ukuze bangalibhebhethekisi balidlulisele kwabanye abantu.

Lokhu okushiwo uRossouw nakuba kuyiqiniso nosizo kodwa kungadala ukuthi labo abazithola bephila negciwane lengculazi babe nokuzethemba okuncane besabele futhi nokugconwa emphakathini. Izimboni zibhekana nengwadla yokuqasha abantu abasha futhi kubhole nembobo, iphakethe, kuqeqeshwa abasebenzi abasha.

3.6 Isiphetho

Kulesi sahluko bekubhekwa amalungelo athinta inhlalakahle kanye nomnotho. Uveziwe umonakalo odaleka ngokusebenzisa leli lungelo kabi. Inkohlakalo eyenziwa abantu abazanywa ukuthi bakhishwe ebubheni, ukusetshenziswa kabi kwezimali zikaHulumeni, imixhaso yezinhlango ezizimele okungezona ezikaHulumeni kanye nemixhaso kaHulumeni. Uveziwe umonakalo ohambisana nokuntuleka kwemisebenzi, amaholo amancane kanye nengcindezi yesifo

sengculazi. Ekuphetheni, izinhlelo zikaMabonakude: ‘Ilungelo lakho’ ziyakhuthaza ukuvikelwa kwamalungelo, nalo monakalo obonakalo ungashabalala kuhle kwamazolo ekuphumeni kwelanga.

ISAHLUKO SESINE

4.0 ILUNGelo LEZEMVELO, LAMASIKO KANYE NELOKUZITHUTHUKISA

4.1 Isingeniso

Kulesi sahluko kuzocwaningwa ilungelo eligunyazwe ngokusemthethweni kumthethosisekelo Isahluko 2:24 lapho kucaciswa khona ukuthi:

- Wonke umuntu unelungelo lokuphila endaweni engesiyo ingozi empilweni noma kuyinhlalakahle yakhe, futhi
- Lokuba kuvikelwe imvelo ukuze kusizakale izizukulwane zamanje nezizayo, ngemithetho efanele nangezinye izinyathelo ezimisiwe okuqondwe ngazo,
 - i) ukuvimbela ukunukubezwa nokucekkelwa phansi kwezitshalo nempilo yezilwane,
 - ii) ukukhuthaza ukulondolozwa kwemvelo, futhi nokuqinisekisa intuthuko engapheli nokusetshenziswa ngendlela efanele kwemithombo yemvelo kube,
 - iii) kugqugquzelwa ukuthuthuka okufanele komnotho nendlela yokuphila komphakathi.

4.2 Ilungelo Lezemvelo

Ongoti abehlukene bayavumelana ngaleli lungelo ngokuthi ligunyaza abantu ukuuba bahlale endaweni enganukubezekile umoya, uma kubhekwa izakhiwo zama femu akhiqiza imikhiqizo enhlobonhlobo.

UMc Quid-Mason, (1994:80) bayavumelana noDyal, (1984:314) uma ebeka kanje:

Laws that do not allow people to smoke in certain areas give ownership of the air in these areas to non-smokers.

Imithetho engavumeli abantu ukubhema ezindaweni ezithile, kunikeza abantu abangabhemi ithuba lokuphefumula umoya ohlanzekile.

UTogni, (1994:139) uhambisana kahle nalokho okushiwo uMc Quid-Mason, (1994) benoDyal, (1995) kodwa yena ube esehluka ngokuthi leli lungelo ligunyaza ukuthi:

People have the right to develop their cultural, political and economic potential generally. These rights are referred to as third generation rights, and can also be seen as group rights. That is, groups of people (as well as individuals) social and economic rights to be protected.

Ucwaningo luveza umonakalo ongenziwa abantu ababhemela ezidlangaleni okuyingozi enkulu kubantu abangabhemi.

U-Escandon, (2005:69) ubeka ubungozi bokubhema ugwayi uthi:

Tobacco has become one of the largest scourges of mankind. There is an increasing awareness about the habit of smoking. After being considered for centuries as a true art, it is customary to regard it now as a dreadful enemy of public health since it is the cause of many premature deaths throughout the world.

Ugwayi usuphenduke waba ingxenye enkulu yohlupho kubantu. Kunokwexwayisa okuningi okuqhubekayo ngomkhuba wokubhema nakuba endulo ukubhema kwakuyinto ewubuciko kodwa

namuhla sekuyisitha sezimpilo zabantu ngoba kubanga ukufa umhlaba wonke nakubantwana abangakawuboni umhlaba.

Ucwaningo lwezibalo oluvezwe u-Escandon, (2005) lo monakalo wezifo ezibangwa ukubhema ezidlangaleni luveza ukuthi 300,000 abaphethwe iphika, 26,000 isifuba somoya, 8,000 inyumoniya.

Umonakalo wokusebenzisa imvelo ngendlela okungesiyo udlulela nasekutheni izindawo okuhlalwa kuzo nazo zingcoliswe.

UViljoen, (1987:257) uchaza uthi:

Despite the number of people involved in organizations which promote preservation of the environment, a great deal of harm is still being done by littering and pollution.

Naphezu kwemizamo yezinhlango ezisiza ekuthuthukiseni ukuhlanzwa kwendawo, kunomonakalo owenziwa ngokulahla udoti nokunukubeza umoya.

Ucwaningo luveza ukuthi ziningi izindawo ezisetshenziswa umphakathi ezitholakala zingahlanzekile. Intsha kubonakala kuyiyona enesandla ekungcoliseni izindawo zemiphakathi uma kuqhathaniswa nabantu abadala.

Enye yezimbangela yalokhu kungcolisa. Ucwaningo luveza ukuthi ezikoleni awusenziwa lo mkhuba wokuthi ekuseni ngaphambi kokungena kwesikole, kwakucoshwa amaphepha nantambama uma sekuzophuma isikole.

Ucwaningo luveza ukuthi uHulumeni ukhokha izimali ezinkulu ukuqasha abantu abagcina amadolobha ehlanzekile. Ngonyaka we-1983 imali eliinganiselwa ezi-R400,000 uHulumeni wayisebenzisa ukuxwayisa imiphakathi ngokungcolisa izindawo ezisetshenziswa imiphakathi.

Omunye umonakalo wokusebenzisa kabi imvelo uba sekusebenziseni kabi amanzi, lapho imiphakathi isebenzisa amanzi angahlanzekile ngenxa yokuba sendaweni enabantu abaningi.

UViljoen, (1987:259) uchaza uthi:

The natural ability of the land to purify water is actually insufficient to cope with the increasing number of pollutants and reliance has to be placed on legal measures and technology to prevent pollution.

Indlela yamandla emvelo yokuhlaza amanzi ayanele ukumelana nesibalo esikhula ngesivinini sabantu abangcolisa amanzi ngaphandle kokuba umthetho nendlela yesayensi yemisebenzi ethile ingangenelela ukuvimbela ukungcoliswa kwamanzi.

Ucwaningo luveza ukuthi amanzi aphuzwayo angahlanzekile angenye yezimbangela zezifo.

ULangley, (2006:571) ubeka uthi:

Almost 6,000 children die everyday from diseases associated with unsafe water and poor hygiene.

Izingane ezilinganiselwe ezi-6000 zifa nsuku zonke ngenxa yezifo eziphathelene namanzi angahlanzekile.

Ucwaningo luveza omunye umonakalo ohambisana namanzi ezikhukhula. Ucwaningo luveza ukuthi uHulumeni ukhipha imali enkulu ukwelekelela imindeni ehlukumezekile yasala dengwane ingenamizi ngenxa yezikhukhula. Imali yokwakha kabusha izindawo zokuhlala iveza ingcindezi yokwehla kwezinga lo mnotho.

UViljoen, (1987:261) uchaza uthi:

Reaction's to natural disasters can be understood in terms of environmental stress as expressed by the model of behavioral constrain.

Lokhu okushiwo uViljoen kuliqiniso ngoba abanye abantu bayaye bakhe eduze nemifula ngoba befuna ukuzithukisa kwezolimo, kuthi ngokukhinyabezwa izikhukhula bashiye baye bayohlala edolobheni okukhulisa isibalo sabantu abangcolisa imvelo.

ULangley, (2006:14) uchaza lo monakalo wezikhukhula uthi:

Floods kill more people than any other type of disaster. There are many natural causes of flooding including storm surges created by hurricanes, torrential rains and Tsunamis. Many people live in places where there are at high risk of being flooded, such as low-lying coasts and river valley, where the land is often fertile and good for farming.

Ucwaningo olwenziwe luveza ukuthi izwe elivamise ukuba nezikhukhula eziningi izwe laseBangladesh okwenza ukuthi abantu bakhona bangabinandlela kodwa bahlale bakhukhuleka.

Ucwaningo luveza ukuthi unyaka we-1998 kwakungunyaka omubi wezikhukhula nemililo yequbulo.

UBarber, (1999:12) ubeka lo monakalo ngokuthi:

All of these events made 1998 the worst year on record for natural disasters, and scientist are predicting that this is the pattern for years to come.

UBarber, (1999:30) uqhubeka achaze lo monakalo wezikhukhula ngokuthi uzamcolo ubukeka kuyindlela yokujezisa abantu uma ebeka uthi:

Myths about floods are found in culture all over the world. In these stories, a flood is often sent by the gods to punish wicked people on earth.

Ucwaningo luveza ukuthi lokho okushiwo uBarber, (1999) kuyiqiniso, kuyahambisana nokushiwo iBhayibheli lapho uNkulunkulu wawubhubhisa umhlaba ngozamcolo, walayeza kuNowa ukuba akhe inqanawe yomkhumbi, wasezithathela izilwane ngazimbili wasinda nenzalo yakhe.

Omunye umonakalo ohambisana nelungelo lezemvelo kulapho kubhekenwe khona nempi yezifo ezibangwa izilokazane ezinhlobonhlobo ikakhulu ezindaweni ezingathuthukile kahle.

ULangley, (2006:53) uchaza athi:

The biggest killer is malaria. This is carried by a type of mosquito which passes on the infection when it bites a human and injects the disease into the bloodstream. Victims suffer from fever and cold and may then fall into comma and die. At least 200 million people are affected by Malaria which is difficult to treat and cure. About 2 million die.

Umbulali omkhulu umalaleveva, othwalwa umiyane ngokumunca igazi ufake ubuthi egazini. Abalunywe umiyane baphathwa imfiva, nomkhuhlane bagcina begula kakhulu bashone. Njalo ngonyaka abantu abalinganiselwa ema-200 ezigidi babe nomalaleveva, abayizigidi ezi-2 zishone ngoba kulukhuni ukwelapha umalaleveva.

Ucwaningo luveza ukuthi imvelo ingathuthukisa umnotho kanye nokuzethemba kubantu abanamakhono. Umonakalo ufike ube sekutheni uma izindawo

ezithuthukiswe ukuheha izivakashi zizophenduka izidleke zobugebengu, kuyancipha inani lezivakashi nabantu abanamakhono ahlukene ebebethuthukisa izwe lakithi.

UViljoen, (1987:251) uchaza uthi:

Recreational activities also appear to gratify other needs, such as the development, maintenance or protection of social identities or affiliation with others, the winning of esteem or the enhancement of status, the development of skills or the achievement of goals.

Omunye umonakalo ophathelene nelungelo lezemvelo ukucekelwa phansi kwezihlahla ebezizoba usizo esizukulwaneni ngesizukulwane.

UMc Quid-Mason, (1994:67) uchaza athi:

Environmental right often clash with economic development issues. For example, paper companies may want to cut down trees in an area where environmental lists believe trees must be protected.

Lokhu kucekelwa phansi kwemvelo kugqama kahle kumlilo oshisa utshani kufe imfuyo nezihlahla.

UBarber, (1999:6) uwuchaza kanje umonakalo ovezwa umlilo:

The two causes of fire in the environment are lightning and human activity. Throwing away a lightened match or glowing cigarette can have catastrophic consequences but a surprising number of fires are started deliberately.

Izizathu ezidala umlilo kuba umbani nesenzo sokuthungela ngomentshisi usikilidi olahwayo wenze umonakalo.

Imibono kaBarber, (1999) uyahambisana nokushiwo uLangley, (2006:48) uma ebeka ethi:

Where there is little water, there is also the danger of wildfire, started by lightning or by human action. These fires can spread with terrifying speed over vast areas, burning down forest and threatening urban areas.

Lapho kunamanzi angemaningi khona kunengozi yemililo yasendle, eqalwa imibani nesenzo sokuthungelwa kwemililo ehamba ngesivinini, ucekele phansi amahlathi kuphazamise nezindawo ezisedolobheni.

4.3 Ilungelo Lesiko

Kumqulu wamalungelo esintu Isahluko 2:31 leli lungelo ligunyaza ukuthi:

- Abantu abangamalungu emiphakathi enamasiko, izinkolo noma izilimi ezithile kufanele bangephucwa ilungelo kanye namanye amalungu emiphakathi yabo.
- Ukuthokozela amasiko abo, ukuqhuba inkolo yabo ngokusebenzisa ulimi.

UNyembezi, (1966:99) uchaza ngokuthi:

Isiko lingumkhuba owenziwayo, inqubo ejwayelekile elandelwa isizwe, indlela yempilo eqokothisiwe yaba nesigqi somthetho okuthi lapho umuntu eyeqa le mithetho okufanele ayigcine avelelwe yishwa, yena noma nomndeni wakhe, noma naso sonke isizwe sakhe, kube kuya ngokuthi isimiselo sakhe besisikhulu kangakanani ekufezeni lokho obekufanele ukwenziwa.

UHalonen, (1996:697) uvumelana nokushiwo uNyembezi ngokuthi:

Culture refers to behaviour palterns, beliefs and all other products of a particular group of people that are passed on from generation to generation.

4.3.1 Inkolo

Ucwaningo luveza ukuthi inkolo yilokho umuntu akholelwa ukuthi kumnikeza impilo. Uma kucwaningwa uhlangothi lwezenkolo, abantu abansundu babenayo inkolo yabo nakuba yayihlukile kule eyeza nabaMhlophe.

UMsimang, (1975:16) uchaza kanje:

Okhokho babemazi uNkulunkulu nanxa babengamkhonzi ngale ndlela esimkhonza ngayo thina emva kokwemukela iBhayibheli. Babemazi ngokuthi ilona lithonga elikhulu kunawo onke amanye, abanye bethi nguyena owadala abantu, abanye bethi akabadalanga abantu kuphela wadabuka kuqala.

Lokhu okushiwo uMsimang, (1975) kuyahambisana nokushiwo uMdluli Nkuna, (2006:6):

Abantu abalandela ukholo lwendabuko bakholelwa ukuthi impilo enhle nenezibusiso zonke baziphakelwa ngabaphansi, amathongo abangasekho okungukuthi amadlozi omndeni lowo ayindlela yokubaxhumanisa noMvelinqangi.

UMade, (1943:25) ecashunwa uNtuli, (1988:200) yena ufakaza uthi:

Abaphansi bayawudlulisela umthandazo wabaphilayo kulowo ongaziwa nendabuko yakhe uMvelinqangi.

Ucwaningo luveza ukuthi miningi imibono ngezinkolo ezehlukene, ezehluka nangokwamasiko.

UMaletjie, (1968:299) uchaza kanje:

The function of religion is a universal one, but the specific procedures by which it is accomplished differs from culture to culture.

UMsimang, (1975:111) yena ugcizelela inqubo esizweni samaZulu ngokuthi:

Kwakufanele kuhlale njalo kukhona amanzi amponjwana ekhaya kwenzelwa umnumzane nezihambi kanye nabaphansi imbala. Bekuthi lapho abantu sebexokozela sebeswakeme Kuthiwe abaphansi nabo bayathokoza, basondele emzini wabo nezilokotho ezinhle kube ubuhle ekhaya.

Ucwaningo luveza ukuthi inkolo ihambisana nobuhle nobubi bayo. Uma kungenziwanga okufanele okuhambisana nenkolo leyo okubanjelwe kuyo, kube nemishophi yezifo.

Omunye umonakalo ohambisana nenkolo ukuthi njengoba kunezinkolo ezehlukene, ezinye zazo ziyadida, uma kubalwa nenkolo yobuSathane enomlando ongacacile uma kuqhathaniswa nezinye izinkolo.

Ucwaningo luveza ukuthi kunezinhlobo ezimbili zikaSathane. Kuneqembu elikholelwa ukuthi uSathane ukhona futhi unamandla enjalo nje unezikhonzi zakhe. Iqembu lesibili elikholelwa ukuthi uSathane akekho kepha uba luphawu lomuntu ophilayo owenza lonke uhlobo lwesono, ukubulala, ukuqamba amanga, ukweba kanye nobugovu.

Ucwaningo luveza ukuthi abenkolo kaSathane ababangingi bangaphansi kwi-10,000 emhlabeni. Inkolo yobuSathane esezingeni eliphezulu ukushiswa

kwamasonto, ukuhlukunyezwa ngokocansi okubandakanya izingane ezincane, ukushiswa kweziphambano kanye nokumbiwa kwamathuna.

UBrowne, (2003:37) uchaza uthi:

But there are other spirits from home who might appear from time to time and thoroughly confuse us, not only because we've never seen them before in our lives but also because their reason for coming here have nothing to do with us at all.

Kukhona eminye imimoya esemakhaya ebonakala izikhathi ngezikhathi ezisididayo hhayi ngoba singazange sibabone ezimpilweni zethu, isizathu sokuza kwabo asihlanganisi lutho nathi.

Umonakalo uba sekutheni abanye abantu baze bangenwa yile mimoya baze bagcine sebesebenza ngayo, injalo nje ayihambisani nenkolo yobuKristu.

UMsimang, (1975:312) uchaza uthi:

Abalozi laba bakhomba ukudlonga kwamandla edlozi. Eqinisweni umlozi ungaphezulu kwesangoma noma umndiki. Phela abalozi bazikhulumela bona kudideke abantu babambe ongezansi.

Lokhu okushiwo uMsimang kufakazela kahle ithemba lenkoloze. Abantu abakholelwa kuyinkoloze bavamise ukushayisana ngemibono nabantu ababambelele enkolweni yobuKristu. Kuvamise ukuba kube nezehlakalo zokubulalana ngoba abantu abakholelwa kunkoloze emveni kokubhula kunukwe abantu abathile abagcina ngokubulawa bagcine bephuciwe ilungelo lokuphila labo bantu okungumonakalo ophindiwe. Ucwangingo luveza ukuthi umuntu unelungelo lenkolo azikhethelela yona uma ingezukuhlukumeza amalungelo abanye abantu.

Ucwaningo luveza olunye uhlobo lwenkolo okuwumlingo. UMaletjie, (1968:85) ucaphuna uMalinowski, Frazer kanye noDurkheim abavumelana ngokuthi:

Magic and religion are alike in that both arise from universally experienced emotional stress-man's realization of his inability to control nature.

UMaletjie, (1968:354) uqhubeka achaze ilungelo lenkolo elingaphoqelekile:

The freedom of religion has another implication which is frequently overlooked. The precious right to conscience means that each individual should be free to have no religion at all, if that is his preference.

Ilungelo lenkolo okuvame ukuthi libukelwe phansi elokuthi umuntu unelungelo lokungabi nayo inkolo uma ezikhethela ukwenza njalo.

ULines, (1987:157) udaba lwenkolo yena ulubuka ngenye indlela uma echaza ethi:

A religious orientation is healthy if it enhances life and fosters growth of one's powers as a human being including the power to love, to be productive and creative. Thus no matter whether a person be a Christian, Jew, Moslem, Hindu, Buddhist the criterion of whether his or her religion is healthy is provided not by the piety and scrupulosity of ritual observations but by its effects on life.

Ucwaningo ngenkolo luveza ukuthi umonakalo ubamkhulu uma kungezukupheleliswa inkolo kulokho okukholelwa kukho.

4.3.2 Ilobolo

UMsimang, (1975:265) benoNyembezi, (1966:117) ilobolo balichaza ngokuhambisana bethi:

Endulo ilobolo lalinganqunyiwe. Umuntu wayekhokha nje lokho anakho. Kuyothi lapho abasekhweni behluphekile bayozikhalela kumkhwenyana okwaze kwenza isaga esithi: 'Umkhwenyana isigodo sokuqhuzula.'

Ucwaningo olwenziwe luveza ukuthi ilobolo libukeka sengathi indlela yokuthengiselana ngenxa yezinto ezibizwayo uma kuzoganiselwana.

UMsimang, (1975:265) ubeka kanje:

Ilobolo liyindlela yokuthi izandla ziyagezana. Ngokuphuma kwentombazane ekhaya abazali bayo bayalahlekelwa. Balahlekelwa yisiqu sayo, baphinde balahlekelwe usizo ebiyilo phakathi kwekhaya.

Umonakalo ohambisana nesiko lelobolo ukuthi emveni kukukhokha zonke izimfanelo zelobolo, izindleko zomshado, kuthi lapho kuvela khona ingxabano emshadweni eholela kusehlukaniso, nokubulalana kubakhona. Lo mkhuba welobolo ohumusheka njengebhizinisi othathelwa esizweni samaJamane lapho umfana ubemthenga umkakhe kanti ngesiZulu ngisho amathanga atshalwe ensimini ebeba yilobolo.

Ucwaningo luveza ukuthi nesizwe samaLawu naso besikhipha ngisho inyamazane njengelobolo. Lokhu bekwenzelwa ukungacindezeli abantu abathandanayo baze baphelelwe isineke nothando kuzanywa ukuqongelela ilobolo okulukhuni ukulihlanganisa.

Omunye umonakalo ovezwa abantu abaganene ngokungaphelele, lapho kungekho lobolo elakhishwa, kuthi lapho kuvela khona ingxabano kubelula ukwehlukana ngoba kungekho nkokhelo yelobolo.

Ucwaningo olwenziwe luveza ukuthi izibalo zezahlukaniso ziphezulu uma kuqhathaniswa nalapho kukhokhwe khona ilobolo, imishado lapho kungakhokhwanga khona lobolo, ayihlali isikhathi eside.

Ucwaningo luveza omunye umonakalo lapho abesifazane beba nelukuluku lokugana bagcine bezilobola, lolo luhlobo lomshado ongahlali isikhathi eside ngoba nangokwesintu kungazange kunikezelwane ngendlela efanele. Phela ngokwesintu ilobolo kwakuyindlela yokwandisa ubuhlobo bemindeni ehlukene.

Omunye umonakalo obukeka udlondlobala owokuganana kobulili obufanayo, okungazeki ukuthi eminyakeni eyishumi ezayo, isibalo sabantu abaganene bobulili obufanayo siyobe siphindwe kangaki.

Ucwaningo luveza umonakalo wokuthi emvelweni yokudalwa komuntu uNkulunkulu wayedale owesilisa nowesifazane owathi abazalane bande.

UHartin, (1975:59) uthi:

Man and woman are seen as equal, as complementing each other. Woman is also especially created as man was, and she is made from man himself, which shows that she has the same nature as man. This idea of man and woman as having the same basic nature is seen from their names in Hebrew (man = IS and woman = ISSAH). Man and woman are seen as complementing each other: it is together that they find fulfillment and happiness.

Lokho okushiwo uHartin kuyiqiniso ngoba ukuganana kobulili obufanayo kuvele ngenxa yokubakhona kwamalungelo, okungaveli emlandwini wokudalwa

komuntu. Omunye umonakalo ohambisana naleli lungelo lokuganana kobulili obufanayo ukuthi ngisho Izingane ezingakhuliswa abashadikazi bobulili obufanayo nazo zizokhula zibe abantu abangaqondakali.

Ucwaningo luveza ukuthi indlela abaziphatha ngayo abantu abaganene bebulili bunye ayiphelele ukuba ingemukeleka imiphakathi eyakhele izwe lethu.

4.3.3 Imvunulo

Ucwaningo olwenziwe luveza izinhlobonhlobo zemvunulo, okuyimvunulo yesintu kanye neyesimanje.

UMsimang, (1975:172) uchaza ukubaluleka kwemvunulo yesintu:

Lezi zingubo zazinomsebenzi othile eziwugcinayo ngaphandle nje kokufihla umzimba. Yizona ezazikhombisa amazanga okukhula, ngoba phela ukwembatha kwengane akufani nokweshitshi noma okwebhungu kunomehluko, futhi okweqhikiza nokwensizwa, okwenkehli okomakoti, okwenkosikazi kanye nokwesalukazi.

Ucwaningo olwenziwa ngemvunulo njengesiko lesintu luveza ukuthi ukugqoka kwezintombi imvunulo yesintu, yilapho zazithola khona ithuba lokugabisa ngobuntombi bazo. Imigidi yesintu zivunula zigqamisa lokho okuyigugu esizweni okuwubuntombi obumsulwa.

Umonakalo ovezwa imvunulo yesimanje, lapho kubukelwa indlela izizwe zaseNtshonalanga ezigqoka ngayo, kuvela ukuthi imvunulo yesimanje ingeyezimfashini, esheshe idlule injalo nje imba eqolo. Umonakalo omkhulu odalwa yimvunulo yesimanje yakhelwa ukuba wuhlobo oluthile olubizwa ngosaziwayo, okubeka ingcindezi kubathengi baleyo mfashini yokuba bagcine sebezifanisa nalabo saziwayo.

Omunye umonakalo ovezwa yimvunulo yesimanje ukuthi ziba mfishane ngokweqile, zinamathele emzibeni, kugcine ngokuba abantu besilisa baloleke imizwa yabo, okwandisa izinga lokudlwengula. Imvelo yabanye abantu besilisa ibuthaka bayashesha ukuheheka uma izingxenye zomzimba zisobala. Imvunulo yesintu yayikhombisa ubuqhawe. Iyewakala imbongi ezibongweni zeNkosi uDinuzulu uma ithatha ithi:

Untamo kayidinwa nayiziqu njengabo bonke
zibadinile.

Ucwaningo olwenziwe ngomonakalo ovezwa yimvunulo yesimanje luveza ukuthi abantu bagcina sebezithathela umthetho ngezandla ukulwisana nemvunulo yesimanje emfishane ngokweqile, ngokuhlukumeza labo abasuke beyigqokile. Kunezehlakalo lapho kubikwa khona ukushaywa kwabantu abagqoka izingubo ezimfishane.

4.3.4 Ukuzila

UMsimang, (1975:365) uyakhuluma ngokuzila njengesiko elibalulekile esintwini uma ebeka ethi:

Kuzobulawa izimbuzi zokuzila, kusikwe kuzo amadwishi okuzongwazwa ngawo emakhanda abasebancane bona bawabophe ezintanyeni. KwaboMdlunkulu kuba yileyo naleyo nkosikazi ibe nembuzi yayo okuzothi isikhumba sayo izile ngaso phezu kwesidwaba. Lezi zikhumba azishukwa belu.

Ucwaningo olwenziwe luveza ukuthi indlela obekuzilwa ngayo kuqala yehlukile kule okuzilwa ngayo manje. Ucwaningo luveza ukuthi kwayona ingubo emnyama okuzilwa ngayo bekuyinqubo yaseNtshonalanga. Umonakalo ovezwa inzilo osekwazilwa ngayo, sekuya ngokuthi umuntu ufuna umbala onjani,

ithungwe ibe imfashini ethile sakukhangisa, okwenza nomnikazi agcine ehluleka ukuyiphatha ngendlela enesizotha.

Omunye umonakalo ovezwa yile ngubo kulapho abanye bezithathela izinqumo zokungazili, okuthi emveni kwesikhathi emveni kohlupho thizeni, ifuneke, igcine isigqokwa sekwedlula isikhathi.

UMade, (1992:81) uyakhuluma ngale ntimbothi yenzilo uma ebeka ethi:

Muningi udida ingqondo namhlanje umsangano owenziwa ngabantu bawubize ngokuthi ukuzila. Kukhona umsangano wenzilo ogqokwa umndeni ofelweyo. Lo msangano-ke wona wenziwa yibo bonke abantu ngokufanayo, abangamakholwa nabangeyiwo amakholwa.

Ucwaningo luveza umonakalo ohambisana nokuphela kwenhlonipho ngenkathi kuziliwe. Uma kuqhathaniswa indlela obekuqhutshwa ngayo uma kuziliwe, kugqama ukuthi kunezinto ebezilwa, abaganene bengavakashelani emalawini, isikhathi esithe ukweluleka kuziliwe, obekuba iminyaka emithathu owesifazane ezilile uma efelwe umyeni.

Ucwaningo luveza isikhathi esifishane kakhulu esingaphansi konyaka owesifazane asizilayo uma eshonelwe umyeni ngenxa yokuhluleka ukuphatha inzilo ngemfanelo. Umonakalo omkhulu ovelayo ukutholakala kowesifazane ozilile esezisuthele kubonakale ngengane ekhombisa ukuthi uyondliwa ezinkalweni nakuba engesenandoda. Lokhu kuyasehlisa isithunzi sokuzila ngoba ngokwesintu owesifazane ubenikezwa ilungelo lokuzikhombela umngani azohleka naye, akhombise umndeni ukuze nezingane ezitholakalayo zibe ingxenye yalowo mndeni zingabandlululeki.

4.4 Ukusoka

UNyembezi, (1966:109)

Kwakulisiko kwaZulu ukuba abafana basoke.
Kwakuyaye kuthi lapho abafana bebanga elithile
bahambe bayosoka entabeni. Babehlala khona
kuze kuphole.

Ucwaningo luveza ukuthi nakuba esikhathini sanamuhla lingaselona igugu esizweni samaZulu ngoba laqedwa iNkosi uShaka ethi abafana bahlala isikhathi eside entabeni. AmaXhosa nabeSuthu wona asaligcina leli siko.

Ucwaningo luveza ukuthi leli siko lidlula nemiphefumulo ngokungenasidingo ngoba uma kusokwa entabeni, kusetshenziswa izindlela ezingaphephile. Uma kwenziwe ochwepheshe akufi muntu. Leli siko belenza umuntu aphelele ebudodeni bakhe.

Ucwaningo luveza ukuthi ngisho eBhayibhelini esizweni samaJuda umntwana wayesokwa enezinyanga eziyisishiyagalombili ezelwe. Ucwaningo luveza ukuthi leli siko lisiza nasekutheni izifo ezibhebhethekiswa ngocansi zingasabalali kalula kumuntu osokiwe.

4.5 Ilungelo Lokuzithuthukisa

Leli lungelo liveza ukuthi noma muphi umuntu unelungelo lokuzithuthukisa ngokwamakhono ehlukene.

Ucwaningo luveza ukuthi isimo semisebenzi engekho, kuvela ububha ebantwini, kudinga abantu abazozithuthukisa ngamakhono ukuze baxoshe ububha.

4.5.1 Kwezolimo

Ucwaningo luveza ukuthi inhlabathi yiyona ngqalasizinda sempilo ngoba cishe konke esikudingayo ukuze siphile kuvela enhlabathini, okumbiwayo, okutshalwayo kanye nokuzimilele.

Umonakalo omkhulu owokuthi nakuba angasetshenziwa amakhono ezolimo ukulwa nobubha, inkinga kuba imvula engani ukusimamisa okutshaliwe, uthando lokusebenzisa umhlabathi bese luyancipha kwabaningi abangenazo izindlela zezinkasa kumbe zokunisela.

ULangley, (1996:59) ubeka ubungozi besomiso uma echaza uthi:

Humans depend on water for survival. We need to drink it to stay alive and it supports the crops that give us food. Many parts of the world, however suffer from drought which occurs when there is insufficient rainfall.

Abantu bayawadinga amanzi ukuze baphile. Siyawadinga amanzi ukuba siwaphuze ukuze siphile nokulekelela izitshalo ezisinika ukudla. Izindawo eziningi ezinesomiso lapho kungafinyeleli khona amanzi ngokwanele ziyakhinyabezeka.

Ucwaningo olwenziwe luveza ukuthi izinhlangano ezizimele ezikwazi ukuxhasa abantu emikhakheni eyehlukene ukuthuthukisa amakhona, kuvela amathuba emisebenzi kunciphe nanobugebengu imbala. Izwe lethu lona lineshwa ngokuba nobugebengu obundlondlobele ngale ndlela okushabalalisa namathemba endebe yomhlaba yonyaka we-2010.

4.5.2 Ilungelo Lolimi

Ulimi isikhali esisemqoka esenza ukuba abantu bakwazi ukuxhumana kalula. Izilimi ezikhulunywayo ngokomthethosisekelo ziyalingana, alukho olungcono nokufanele lubukelwe phansi.

Ucwaningo olwenziwe luveza ukuthi ulimi kumele lubonakale lungoluthuthukile kusuka esizukulwaneni sokhokho kuze kube isizukulwane samanje, izinto eziwumgogodla wolimi zingafi. Le nzululwazi nale ngqondolwazi ngolimi ziveza ukuphelela kobumtoto bolimi.

UNtuli, (1998:7) uyakufakazela lokhu uma ebeka ngokubaluleka kolimi:

Noma yisiphi isizwe siyaziqhenya ngobuzwe baso. Lobu buzwe butholakala ikakhulu olimini esilukhulumayo isizwe leso. Bugqama kakhulu lapho sekubhekisiswa umlando namasiko aso. AmaZulu nawo njengesizwe esiphila kulo mhlaba wezizwe eziningi anomlando namasiko ajulile aselokhu abakhona kusukela emandulo. Wonke umlando namasiko amaZulu kwakudluliselwa esizukulwaneni ngomlomo wabadala. Le ndlela yayisebenza kahle ngoba nabafika kamuva ngosiba bakwazi ukuloba okuningi okuthintana nempilo jikelele kaZulu.

Umonakalo omkhulu ovelayo lapha olimini lwesiZulu, ukubukeleka kwalo phansi, ezikoleni kanye nasemiphakathini. Ucwaningo olwenziwe luveza ukuthi ulimi umuntu alukhulumayo lunguye uqobo, ngoba ngisho isizinda somcabango wakhe sakhiwe inhlanganisela yolwazimagama oluhambisana nolimi olukhulunywayo, okugcina kudluliselwe kwabanye abantu. Nakuba sibonakala lesi sihlava olimini kodwa imizamo yokwenza ulimi lwethu luphile ayinakushabalala.

4.6 Ukudla

Ucwaningo luveza ukuthi isizwe nesizwe sigqama ngezinto eziwumgogodla okumbandakanya ukudla. Ukudla esikudlayo kubalulekile ukuba kube ngokuhlanzekile ukuze kungandisi izifo. Ukudla esikudlayo uma kungaphethwe ngobunono kungagcina sekuyisidleke sokwakhela amagciwane aletha izifo.

UNtuli, (1982:48) uchaza uthi:

Umkhuba omubi kabi wempukane yilona wokuthi uma isifika kulokhu kudla esikudlayo igonyulukela kukho yenzela ukuphungula lokhu ekusuthiyo, yikhona kuzovela isikhala salokhu esikuficile okuzwakala ngonqambothi lwakho ukuthi kumnandi.

Umonakalo ovezwa ucwaningo ukuthi izifo eziningi zingadalwa ubudedengu bokuphatha ukuda njengoba kumthethosisekelo Isahluko 2:27(b) ugunyaza ukuthi umuntu unelungelo lokudla ukudla okunempilo. Ukudla esikudlayo esikhathini samanje kunomehluko omkhulu kobekudliwa endulo. Ukudla bekuqhamuka emhlabathini kulinywa umbila amadumbe, obhatata, ubhontshisi, izindlubu kanye nemifino. Izifo lezi esezande kangaka bezigekho.

Ucwaningo luveza umonakalo owenziwa ukudla esikudlayo okungeyona indlela enhle yempilo, okubalwa amafutha athelwa antante ekudleni ngoba kuthiwa kuyayoliswa, kuhlange nezinongo ezibhebhezela ukufa kuye phambili.

UDrury, (2006:5) uthi:

Pain, discomfort and unnatural changes in appearance are caused by eating wrong foods.

UDrury, 2006 benoUrsell bayafakazelana uma u-Ursell (2000:6) ethi:

Scientists all over the globe are constantly adding to our knowledge that could help us and future generations to heal both our bodies and our minds.

Ucwaningo luveza ukuthi ukudla okudliwa izizwe ezehlukene kumele kube yilokho okuzosivikela ezifweni. Isizwe samaShayina siyakholelwa ukudla okusamfino nokusamakhambi yingakho bengangenwa yizifo kalula.

4.7 Ukwelashwa

Umthethosisekelo Isahluko 2:27 (3) ukubeka ngembaba ukuthi akekho umuntu ongalelwa ukuba athole usizo lwezokwelashwa. Ucwaningo luveza umonakalo odalwa izifo ezinhlobonhlobo. Uma kucutshungulwa indlela yokunakekela abantu abaphethwe izifo ezithile, uyabonakala umonakalo wokungasheshi ukwelapheka kwalezo zifo ngenxa yokuthi abantu baququdwa ukufa ngenxa yokungafuni ukuphumela obala nezifo ezibaphethe. Bacasha ngezifo ezingahlangene nembangela yokugula kwabo. Abantu babelashwa basinde abaphethwe izifo zocansi, okungelula manje uma kungaphunyelwe obala.

Ucwaningo luveza ukuthi amakhambi abesetshenziswa kakhulu kunokwelapha kwaseNtshonalanga.

UReaders' Digest, (1992:182) uthi:

The medicinal use of herbs is said to be as old as mankind itself. Today the World Health Organisation estimates that worldwide herbalism is three to four times more commonly practiced than conventional medicine. And even conventional medicine rely heavily on plant based medicine. More than 400 species of

indigenous plants are sold commercially as traditional medicine in KwaZulu-Natal.

Ukusetshenziswa kwamakhambi kuyinto endala njengokudalwa komuntu. INhlangano Yomhlaba Yezempilo ihlawumbisela ukusebenza kwamakhambi umhlaba wonke jikelele ngokuphindwe kathathu kuya kokune ukwedlula ukwelapha ngokwesilungu. Ngokufanayo ukwelapha ngokwesilungu nakho kuncike ekusetshenzisweni kwamakhambi, adayiswa ngesikhulu isivinini KwaZulu-Natali

U-Elliot, (1993:70) uyavumelana nokushiwo imithombo ethembekile yakwaReaders' Digest, (1992) uma ithi:

The curing of ailments is an important part of a diviner's work, and the herbs are often surprisingly effective.

Ucwaningo luveza olunye uhlobo lokugula ngengqondo okuhambisana nezimo ezithile ezihlukomezayo kumbandakanya ukusetshenziswa kwezidakamizwa.

UManning, (2007:6) uthi:

It is important to remember that sometimes no matter how positive you are, no matter how good the medicine treatment you receive, no matter what else you do for yourself an illness can also be aggressive that nothing is going to stand in its way or slow it down.

Lokho okushiwo uManning kuyiqiniso ngoba isibalo sabantu abagulayo nangokwengqondo siyadlondlobala.

UManning, (2007:69) uqhubeka athi:

Researchers in the field of mind-body medicine believe that one of the major components in healthy self esteem is self efficacy.

4.8 Izindawo Zemilando

Umqulu wamalungelo esintu Isahluko 2:31 ugunyaza ukuthi abantu abangamalungu emiphakathi enamasiko kuhle bawathokozele amasiko abo. Ucwangingo luveza izindawo abantu abangamaqhawe ababezizabalazela ukuthi izinto ezingamagugu kubo bangephucwa zona.

UDu Plessis, (2004:6) uthi:

Heritage means the things a nation decides are worthy of being preserved. This may include historical buildings, monuments landmarks and parts of the countryside.

Ucwangingo luveza umonakalo lapho abantuabafika kulezi zindawo zemilando besuka emazweni angaphandle behlukunyezwa begetshengwa bephucwe imali kumbe babulawe.

UDu Plessis, (2004:6) uchaza ngokuthi lezi zindawo kumele zihlonishwe:

We want Robben Island Museum to be a museum reflecting the triumph of the human spirit against the forces of evil, the triumph of freedom and dignity over the repression and humiliation, the triumph of wisdom and largesse of spirit against small minds and peltiness, a triumph of courage and determination over human frailty and weakness, the triumph of non-racialism over bigotry and intolerance, a triumph of the new South Africa over the old.

UHuntley, (1992:96) uchaza ngokuthi ubuciko, nezindawo zokuqeqeshelwa ubuciko kwenza ukuthi siqonde kangcono izolo nabantu balo ukuthi babephila impilo enjani uma ethi:

Art tells us things about the world and about the society in which we leave. When we look at old

paintings, we can often learn something about the way people dressed, the cars they used drove, or if there were no cars how they traveled. We can see how their houses looked like, what their hairstyles were, or even what breeds of dogs were popular at that time and the paintings that were made.

Ucwaningo luwuveza kahle lo monakalo lapho abantu bengasazimisele ukwenza imisebenzi yobuciko ukuxosha indlala, bebheke ukuba bakhangeze kuHulumeni ngoba bethi imisebenzi ayikho. Imisebenzi eyenziwa ngobumba (izinkamba) ngemithi ethile (izingqoko) kanye notshani (amacansi) kungaheha izivakashi futhi kusibeke esithombeni esicacile njengesizwe esinamasiko namagugu.

Ucwaningo luveza omunye umonakalo ohambisana nokuqanjwa kwezindawo lapho kuke kwaba nomdonsiswana wokuqanjwa kabusha kwezindawo nemigwaqo. Umsindo omkhulu uke wavela ngenkathi kumele kushintshwe umgwaqo i-Mangosuthu High way ukuze ibizwe ngo'Mxenge.'

Lo monakalo ukhombise ukuhambisana ngokobuhlanga nangokobuqembu kanti amaqhawe ayezabalazela inkululeko kwakungabhekwa ukuthi ungowaluphi uhlanga.

4.9 Imigidi Yesintu

Nakuba isihloko sisabalele, kuzogxilwa kuleyo migidi yesintu esagcinwayo emphakathini.

4.9.1 Umemulo

Ngokwesintu, uma kuzelwe ingane yentombazane ikhuliswa ngendlela yokuthi izilonde ubuntombi bayo, ingavumeli amasela afohle ukuze ebe ubuntombi bayo. Umzali ube esenza umcimbi wokuyemulisa uma iziphathe kahle yaze yafika eminyakeni engama-21.

UNyembezi, (1996:108) uthi:

Lona ngumgidingo lapho uyise wentombazane ehlabela umntanakhe inkomo, ameme izihlobo nabangani kudliwe kusinwe kujatshulwe. Kufana nokuthi uyise wentombazane useyayitshela ukuthi isingagana uma isithanda useyayidedela.

Ucwaningo luveza ukuthi kuyisiko elihle elikhuthaza ukuba umuntu aziphathe kahle ukuze abongwe. Umonakalo ohambisana naleli lungelo lesiko ukuthi esikhathini samanje sekuke kwemuliswe nomuntu okade eqoma obekungenzeki ngenqubo yesintu.

UMsimang, (1975:247) uyachaza:

Nanamuhla zisemula izintombi kwelakwaZulu, kepha akusekhona okwakudala. Manje intombazane seyemuliswa noma sekukade kwasa iqoma. Manje isike yemule noma isiyingoduso.

4.9.2 Umgubho Womkhosi Womhlanga

Ucwaningo luveza ukuthi lo mgubho wenziwa iminyaka yonke yisizwe samaZulu. Inqikithi Yomkhosi Womhlanga ukukhuthaza intsha ukuba aziphathe kahle ifinyelele ebudaleni. Umhlanga uma uphathwa umuntu ongensulwa (oseke wahlangana nomuntu wesilisa) uyagoba ngoba bekuba nezintelezi okuchelwe ngazo.

Ucwaningo luveza ukuthi lo mgubho wesintu uheha amehlo omhlaba ngisho abantu baphesheya kwezilwandle bayawuthamela bathenge imikhiqizo yobuhlalu ukuze imindeni entulayo isizakale.

Umonakalo ohambisana nalo mkhosi ukuthi nakuba kungakaqhamseleki kahle ithumba ngoba kuyaye kube nokuhlolwa kwezintombi nto, kodwa kusekhona abangena bengasaphelele.

4.9.3 Umgubho Wamaqhawe (Heritage Day)

Ucwaningo luveza ukuthi lona ngumgido owenziwa minyaka yonke (esizweni samaZulu kuyiwe kwaDukuza) ngokugunyazwa ukuthi usuku mhla zingama-24 kuMandulo luqoshwe lwaba semthethweni ukuba kuhlonishwe ngalo amaqhawe ezwe lakithi.

Ucwaningo aluvezi umonakalo ngale migubho ngoba nezingxushungxushu sezaya ngokwehla izinga, okuthanda ukuphazamisa kuyaye kube yizo izingozi.

USwitzer, (1993:232) uyachaza ukubaluleka kwala maqhawe:

Let us bring to life our ancestors.... Let us
resurrect our ancestral fore bears who
bequeathed to us a rich heritage.

4.10 Ukuzithukisa Ngezemidlalo

Ucwaningo luveza indlela yokuzithukisa ngokungenela imidlalo enhlobonhlobo eqalwa ukukhuthazwa ezikoleni (extra curricular activities). Amakhono avelayo anhlobonhlobo alekelela intsha ekuzithukiseni uma kuwukuthi lokhu okuyizifundo (academic work) akungeni kahle.

Ucwaningo luveza imidlalo edlalwayo yama 'OLIMPIKI' okumbandakanya ngisho abantu abakhubazekile imbala, okuyindlela enhle yokuzithukisa. Ucwaningo luveze indlela imidlalo ekhuthaza ngayo amakhono okuhambisanayo nempilo.

USpink, (1986:3) uthi:

The pleasure in sport comes from the preparation, the challenge, the testing of one's abilities rather than from the winning itself.

Lokhu okushiwo uSpink kuyiqiniso ngoba umuntu oqeqesheke kahle emidlalweni enhlobonhlobo uyakwazi ukuzimisela nokubhekana nazo zonke izimo neziyingcindezi ahlangebuzana nazo.

Ucwaningo luveza umonakalo oyawubonakale ekusebenziseni leli lungelo lesiko (cultural right) lapho abaqeqeshi bethola khona ukugxekwa bangaxhaswa ngemibono ezothuthukisa amakhono.

Omunye umonakalo ohambisana naleli lungelo kulapho abadlali bemikhakha ehlukeni bezinikela ekusebenziseni izidakamizwa ngoba bethi bafuna amandla amasha.

USpink, (1986:4) uchaza ngokuthi:

When youngsters are given drugs, cajoled to cheat, and intimidated to excel, winning is out of perspective.

USpink, (1986:4) uqhubeka achaze athi:

When winning the game becomes more important than winning friends, self confidence, skill, health and most of all self-worth, then winning is out of perspective.

Okuvelayo ngalolu cwaningo ukuthi imidlalo ithuthukisa nendlela yokuphila, ukuzethemba nokuzakhela ugazi lwabangani.

Ucwaningo luveza olunye uhlobo lokuzithuthukisa ngemidlalo yesintu okumbandakanya nomculo wesintu. Ungqambothi nesigqi somculo wesintu ohambisana nengoma kuvusa amadlingozi nobumtoti bempilo yasendulo.

UHarpe, (KZN) uyagcizelela uthi:

Traditional dances are the legacy of generations past, and the songs tell of great events both past and present, lovesongs, interwoven with a message of hope and despair and sometimes quaint stories of the lessons earned from birds or animals.

Umonakalo ohambisana naleli lungelo lesiko lokuzithuthukisa ukuthi umculo wesintu okumbandakanya nomdanso kuvame ukubukelwa phansi, nakuba iminingi imizamo yokuzama ukuthuthukisa amasiko nobuciko ezikoleni.

4.11 Ukuzithuthukisa Ngokuziqalela Amabhizinisi Amancane

Ucwaningo luvezile esahlukweni sesithathu isimo esintengantengayo somnotho. Indlela eyiyo yokuziphilisa ukuba abantu baziqalele amabhizinisi abo amancane.

Umonakalo ovelayo kulolu cwano ulwazi olungenele lokuqhubq lawo mabhizinisi amancane, kanye nokuntula okokuqala ibhizinisi lelo.

ULouw, (1991:435) uchaza uthi:

There is however, limited employment opportunities for semi-skilled and unskilled workers, and unemployment is generally increasing in modern western societies.

Mancane amathuba okuqashwa kwabantu abanamakhono angaphelele kumbe abangenawo nhlobo. Ukunqashelwa kuyadlondlobala

emiphakathini edinga ukuqeqesheka
ngokwaseNtshonalanga.

Lokhu okushiwo uLouw kukhuthaza ukuthi abantu babenayo indlela yokuzithuthukisa okuhambisana nawo umsebenzi wobuciko.

ULouw, (1991) uyavumelana nokushiwo uHuntley, (1992:96) uma ethi:

Several arts training centres developed in South Africa to assist black artists who had historically been denied the right to study art at Universities and technikons in South Africa. The most important and fruitful of these were the Polly Street Centre in Johannesburg which became operational in 1952 and the Rocke's Drift Art and Craft Centre in Natal.

Omunye umonakalo obonakala kubantu abasebenzisa ilungelo lokuzithuthukisa ngamabhizinisi amancane, ukuntula izingqalasizinda.

UKritzinger, (1996:68) uthi:

If the enterprise for an example does not have enough stock to sell, the activities come to a standstill and the enterprise runs the risk of making a loss. Equally in the case of an enterprise with manufacturing activities without sufficient stock of raw materials, the process of production cannot proceed.

Omunye umonakalo oholela ukuba ibhizinisi elifufusayo lingasimami ukuvumela ukuthatha ngesikweletu. Isincomo esenziwa ucwaningo ukuthi abanikazi bamabhizinisi bangakhuthazwa ukunikeza abathengi impahla ngesikweletu ngoba imali yokuthenga esinye isitokwe izobe ingenele

4.12 Isiphetho

Ekuphetheni lesi sahluko nakuba ubonakala umonakalo odalwa yilungelo lezemvelo, iyancomeka imizamo yokongiwa kwezemvelo obhekana nokusetshenziswa kabi kwemvelo. Uma kucutshungulwa ilungelo lesiko, lokho okubonakala kwehlisa isithunzi sesiko, kuhle kukhuzwe ukuze isiko liphelele ubusiko balo. Ulimi lona okuyisitsha esisemqoka esedlulisela ngaso ukucabanga kwethu kwabanye abantu, kuhle lugcinwe luhlangezile lungenazo izibhidi ukuze nezizukulwane ezizayo ziyoziqhenya ngolimi lwazo, zincinde nazo zishiyele abezayo. Imizamo eminingi yezingwazi ezilwela ukubukelwa phansi kolimi lwethu, ngeyokubekwa umgqiki ngoba lungashabalala kuhle kwamazolo ulimi lwethu kanti ngisho inkalipho yabezizwe abanayo bayithekele olimini lwethu.

ISIAHLUKO SESIHLANU

5.0 ISIHLAZIYO, IZINCOMO NESIPHETHO

5.1 Isingeniso

Ekufinyeleleni esihlaziyweni salolu cwaningo, kuzobukwa lokho okubizwe ngomonakalo ovezwe ukusebenzisa kabi amalungelo. Izincomo zizoveza lokho okuzosiza kumbe kulekelele ekutheni Ilungelo liphelele ubulungelo balo, ngaphandle kokuhlukumeza omunye umuntu eceleni kanye nesiphetho esiphetha konke okuthiwe kuzokwenziwa ngenkathi kwenziwa ucwaningo.

Ucwaningo esethulweni luvezile ukuthi yini inhloso nentshisekelo yocwaningo. Ilungelo libhekwa njengelungelo eligunyaziwe emthethweni nalokho okuvela kuchazwe kuthiwe kuwumonakalo ukuthi kungalungiseka kanjani.

5.2 Isihlaziyo Socwaningo

Ekuhlaziyeni inhloso yalolu cwaningo, kuveziwe ukuthi ucwaningo luhlose ukubuyisela isithunzi somuntu. Inhlosongqangi yona kuwukuveza imibono ngamalungelo adinga ukubuyekezwa ukuze asebenze ngendlela engashayisani nenqubo ejwayelekile.

Ucwaningo luveza ukuthi kunezinto ebezenziwa ukwehlisa isithunzi somuntu kodwa ngokubakhona kwamalungelo agunyazwe ngokusemthethweni, isithunzi somuntu savikeleka ngokusemthethweni. Ilungelo elenza abantu baphathwe ngendlela efanayo lenza ukuba lezo zinto ezihlukumeze zehlise isithunzi somuntu emphakathini zingakhuthazwa umthetho ubuka wonke umuntu ngeso elifanayo nelilinganayo.

Ucwaningo luveza ukuthi abantu ababoshiwe kumbe abethweswe amacala athile, indlela umthetho obavikela ngayo, kugcina kungumcibisholo ogwaza abanye abantu, kwenye inkathi basuke bephazamise nelungelo lokuphila kwabanye abantu. Umthetho ngenkathi beboshiwe ubaphatha ntofontofo.

UMc Quid-Mason, (1991:55) uthi:

All human rights documents state that people in prison should not be subjected to torture, or to cruel inhuman or degrading treatment.

Imibhalo yobufakazi ngamalungelo esintu liyakucacisa ukuthi abantu ababoshiwe bangahlukunyezwa noma kumbe kungenziwa izenzo ezehlisa isithunzi kumbe ezingenabo ubuntu.

Lokho okushiwo uMc Quid-Mason, (1991:55) kuyahambisana nokushiwo uRobertson, (1963:328):

The most fundamental of all human rights is the individual's right to life and when an administrative decision under challenge is said to be one which may put the applicant's life at risk, the basis of the decision must call for the most anxious scrutiny.

Ilungelo elibalulekile kunawo wonke, ilungelo lokuphila komuntu. Uma umthetho ophethe izintambo unquma ukubeka impilo yomuntu obhekene namacala engcupheni, kungafanele ukuthi umthetho ucwaningisise kahle ngaphambi kokuthatha izinqumo lezo.

Ucwaningo luveza kahle inhlekelele eyenzeka ngokusebenzisa amalungelo kabi, kuze kuphazamise namalungelo abanye abantu.

Ucwaningo olwenziwe luvezile intshisekelo enkulu yalolu cwano okuwukuvusa isizwe ngenhlekelele engenziwa ukusebenzisa kabi amalungelo

kanye nokuxwayisa isizukulwane esizokhula siphethe imbenge yamalungelo egcwele isandundundu, sigcine siyisizukulwane esinganqandeki noma sesibheke eweni. Izingane njengoba zinamalungelo aqondene nazo, okubalwa ilungelo lokuba ezikoleni zingashaywa ngoba umthetho uthi ukuyihlukumeza ingane lokho. Lihle leli lungelo ngasohlangothini lokuyivikela ingane ekuhlukumezekeni, ngakolunye uhlangothi leli lungelo lenza izingane zibe amahlongandlebe futhi zingaphatheki.

UMc Quid-Mason, (1991:70) uyakufakazela lokhu kuvikeleka kwezingane uthi:

The state must protect children from all forms of abuse, neglect and exploitation by parents or others and undertake preventive treatment programmes in this regard.

UHulumeni kumele azivikele izingane kulo lonke uhlobo lokuhlukumeza, ukunganakwa nokuxhashazwa ngabazali nabanye azivikele nangezinhlelo ezithile zokuvikela.

Ucwaningo luveza ukuthi lokho okushiwo uMc Quid-Mason, (1991:70) kuyavumelana nombono kaTrajanowicz, (1978:198) uma echaza ethi:

In its early stages child abuse legislation encouraged the reporting of cases of child abuse to law enforcement authorities. Present trends, however encourage that reports of child abuse and neglect be made to social service agencies so that corrective steps can be taken to help the parents as well as the child and to salvage the family which is still the best milieu in which to raise and nurture a child.

Ukuhlukumezeka kwengane kumele kusheshe kubikwe ukuze umthetho ukwazi ukusebenza ngendlela. Ukuhlukunyezwa kwezingane kungabikwa kwezeNhlalakahle ukuze kuthathwe izinyathelo ezifanele ukusiza abazali nengane nemindeni enokulimala ekubeni iyizizinda ezifanele ukukhulisa umntwana.

Enye intshisekelo yocwaningo bewukubuka ukuthi ilungelo lisebenze ngokuphelela kwalo lingashayisani nelinye okugcina kunganambitheki kulabo abathintekayo.

UMc Quid-Mason, (1991:79) uyayichaza le nkinga yokushayisana kwamalungelo uthi:

In a democracy sometimes human rights clash because of conflicting interest. For an example: a) cultural rights might conflict with the right to equality; b) the right to privacy might clash with the right to be informed; c) developmental rights might clash with environmental rights; and d) the right to security may clash with the right to liberty and due process of law.

Amalungelo avamise ukushayisana ngoba kunokushayisana kwemicabango. Isibonelo: a) amalungelo ezamasiko ashayisana nelungelo elenza ukuba abantu balingane; b) ilungelo lomuntu lokuba ngayedwa ngasese lishayisana nelungelo lokuthola ulwazi; c) amalungelo okuzithukisa; d) nelungelo lokuvikeleka lingashayisana nelungelo lokuphila ngenkululeko nelungelo lokuphathwa ngendlela eyiyo enobufakazi yinkantolo yamacala.

Okushiwo uMc Quid-Mason, (1991:79) kuliqiniso elifakazelwa uBerger, (1988:72) uma ethi:

The recognition and maintenance of human rights depend on healthy group relations. Human rights cannot be maintained where contention and friction between groups are the order of the day. Human rights are maintained more easily in a stable society than in one where a struggle for survival of power is progress.

Ukuhlonishwa kwamalungelo esintu kuvamise ukuba semiphakathini enobudlelwano obuhle. Amalungelo esintu angeke ahlonipheke lapho

kunokungqubuzana khona phakathi
kwamaqembu alwela amandla okuphatha.

Ucwaningo luveza kahle ukuthi lokho okushiwo uMc Quid-Mason, (1991:79) kuliqiniso ngoba ilungelo lokuba ngawedwa empilweni yangasese liyashayisana nelungelo lokuthola ulwazi uma kubhekwa isenzo sezintatheli ezilandela osaziwayo noma bengasekho emehlweni omphakathi beziphilela impilo yangasese, bayabalandela babanekele izwe.

Ilungelo lokuzithukisa elishayisana nelungelo lezemvelo uma kubalwa ukugencwa kwamahlathi, ashiswe nangomlilo kudaleke umonakalo.

Ilungelo lokuvikeleka elishayisana nelungelo lokuphathwa ngendlela elinganayo elenza iziboshwa zivikeleke ezenzweni zazo zenkohlakalo.

Ucwaningo luveza ukuthi ilungelo eliqondene nesiko ikakhulu uma kubhekwa umkhakha wezenkolo liyashayisana nelungelo elenza abantu balingane ngoba kunamabandla angakabavumeli ukuba abantu besifazane baphathe izikhundla eziphezulu amaMoslem ayisibonelo salolu hlobo lwenkolo.

Izindlela zokuqhuba ucwaningo ziveziwe okuyimithombo yemitapo yezincwadi, ulwazi olungabhaliwe phansi oluthekelwe kulabo abamkantsha ubomvu emikhakheni eyehlukene, imibuzwana ehambisana nokuthola imibono nenzika ngamalungelo esintu, ulwazi lwamaphephandaba kanye nomabonakude.

Imidiyo iveziwe izindlela ongoti abehlukene abahlukanisa ngayo amalungelo ngokuvumelana. Isizinda somthombo wamalungelo esisetshenziswe okungumthethosisekelo Isahluko 2: nakuba isihloko sivulekile ngokomthethosisekelo wamalungelo esintu, ucwaningo lugxile kuphela kulawo malungelo okubonakala kuwo umonakalo.

Imibono yongoti iveziwe kulolu cwaningo ukuthi uma bebuka ilungelo balibuka ngeso elinjani igalelo lezingwazi ezenza ukuba emveni komzabalazo kuze kufinyelelwe enkululekweni nezwe elikhululekile elinamalungelo.

USachs, (1990:vii) uchaza uthi:

We are not used to the idea of rights, certainly not of constitutional rights. Our debates are about power rather than rights. We speak about human rights only in terms of how they are violated and not in terms of how they can affirm and legitimize a new society. If we can agree upon the basic rights, freedoms, and relations we want in a new South Africa, then the question of formulating precise governmental structures and electoral procedures will not be difficult.

Asiwujwayele umqondo wamalungelo womthethosisekelo. Izinkulumompikiswano zethu zigxile emalungelweni esintu kuphela nokungahlonishwa kwawo kungabhekwa ukuqinisekiswa komphakathi owenganyelwe umthetho. Uma singavumelana ngamalungelo, inkululeko kanye nobudlelwano esibudingayo eNingizimu Afrika entsha, indlela yokubumba izikhungo ezengamele umbuso zikaHulumeni nendlela yokhetho ngeke kube inkinga kumbe kube nzima.

Ucwaningo luveza ukuthi umbono kaSachs, (1990:vii) uyahambisana nabanye ongoti abaphumelela ekukhululeni iNingizimu Afrika emaketangweni obandlululo.

Ucwaningo beluhlose ukuhlomulisa isizwe siqonde kahle amalungelo, kungabibikho ukuhlukumezeka; bonke abantu ngemikhakha yabo bawazi amalungelo abo kusuka enganeni engakazalwa, ezelwe, abesifazane, imindeni kanye nesizwe uqobo.

UMc Quid-Mason, (1991:40) uyakucacisa lokhu kuvikeleka:

Some human rights documents consider that there are times when the rights of people must be protected.

Eminyane imiqulu yamalungelo iyacacisa ukuthi kunezikhathi lapho amalungelo abantu kudinga avikeleke.

Ucwaningo luvezile uhla lwezahluko ezehlukene ezisetshenzisiwe kusetshenziswa izindlela zongoti abehlukene (Togni, 1994:139) kanye nendlela kaMc Quid-Mason, (1991:16-17).

Ucwaningo luvezile uhla lwezahluko ngokuhlukana kwamalungelo ngokwemikhakha yawo, kanje:

- Isethulo socwaningo
- Amalungelo aphantselane nezakhamuzi kanye nezombangazwe
- Amalungelo aphantselane nenhlalakahle nezomnotho
- Amalungelo aphantselane nezemvelo, isiko kanye nezokuzithuthukisa
- Isihlaziyo, izincomo kanye nesiphetho.

Ucwaningo lugxile lubuka ngeso elinzulu umonakalo obonakala ekusetshenzisweni kabi kwamalungelo. Ucwaningo lucubungule lwathola lo monakalo.

Ilungelo lokuthola imfundo eyisisekelo Isahluko 2:26. Ucwaningo luveze izikole njengezidleke zobugebengu, izidakamizwa kanye nenkundla yokubulalana. Ucwaningo luveza izingane ezibulalana zodwa, ezibulala othisha, zisebenzise nezidakamizwa, zigcine zingaqedanga esikoleni.

ULemmer, (2000:89) ubeka ngodlame oluqhubeka ezikoleni uthi:

Schools violence, in a real sense, mirrors the violence of the society which shapes the schools. Some students growing up in a violent society tend to perceive violence as a legitimate vehicle for conflict resolution. Because of the prevalence of crime and violence in and around many schools across the world, an atmosphere of anxiety and apprehension of being criminally victimized often exists. This may result in bringing weapons to schools joining gangs for protection, truancy and dropping out.

Udlame oluqhubeka ezikoleni luhumusheka njengodlame olusuke lwenzeka emiphakathini. Izingane ezikhulele emiphakathini enodlame ziyaye zilubone njengesixazululo esikhulu sezinkinga, ngenxa yokuhlukunyezwa zigcina seziphatha izikhali ezikoleni zithi ziyazivikela, zibalekelane nesikole zigcine ngokusiyeka isikole.

Ucwaningo luveza olunye uhlobo lokubulala oluhambisana nokucwasana lapho kufunda khona izinhlanga ezehlukene ezehluleka ukubekezelelana.

ULynch, (1986:65) uyichaza kahle inhloso yesikole ezixube izinhlanga:

Indeed all schools, whether they include children from ethnic minorities or not, should prepare children for life in a multicultural society and help representatives of each culture to appreciate what others can bring to the community.

Empeleni zonke izikole noma ngabe zinedlanzana lezingane zohlanga oluthile, kumele zilolonge izingane zizilolongele ukuphila emphakathini oxube izinhlanga ezehlukene usize lelo dlanzana ukuncoma lokho okungalethwa abanye abantu emphakathini.

Lokho okushiwo uLynch, (1986: 65) uyavumelana nacho uLemmer, (2000:234):

Multicultural education is probably the most common form of education for diversity.

Omunye umonakalo obonakala elungelweni elenza abantu balingane okwakhloswe ngalo ukuba abantu ababencishwe amathuba babe namalungelo afanayo nabanye abantu.

Ucwaningo luveze abantu besifazane ababengenawo amalungelo agunyaziwe ngokusemthethweni, indawo yomuntu wesifazane isexhibeni nje kuphela.

Ucwaningo luveza amathuba anikezwa abantu besifazane ukuba namalungelo okuvota, nasemishadweni bangathathwa njengabantu abancane ngokufanayo nasemisebenzini eyhlukene balingane nabesilisa.

UBradford, (1987:4) uthi:

That the time has come to admit women in the workers' union as full members and that they should be allowed to receive all the same rights as male members, and there should be female representatives in our conference. Furthermore, that women workers receive equal pay, men and women for the same work alone, and that all members of the conference should do all they can to get women to join workers' union of the different towns.

Isikhathi sesifikile lapho kumele sivumele abesifazane enhlanganweni yabasebenzi njengamalungu agcwele, bavunyelwe ukuba namalungelo njengabantu besilisa. Abantu besifazane bathole iholo elifanayo njengabantu besilisa ngomsebenzi ofanayo nokuthi kwenziwe konke okusemandleni ukuze abesifazane bangenele inhlango yabasebenzi yamadolobha ahlukene.

Ucwaningo luveze umonakalo oba semindenini kubantu abashadile lapho ngenxa yaleli lungelo ungabibikho umehluko phakathi kowesilisa nowesifazane, kanti ngokweBhayibheli ukhona umehluko, indoda iyinhloko yekhaya. Izehlukano zemishado eminingi zivela ngenxa yaleli lungelo ngenxa yokwehluleka ukubekezelelana phakathi kowesilisa nowesifazane abashadile.

UHalonen, (1996:353) uthi:

The changing norm of male - female equality in marriage has produced relationships that are more fragile and intense than they were earlier in the twentieth century.

UHalonen, (1996:353) uqhubeka athi:

The stress of separation and divorce places men and women at risk for psychological and physical difficulties.

Omunye umonakalo ovezwa ucwaningo umayelana nelungelo lokukhuluma (Isahluko 2:16). Ucwaningo luveza abacosheli bezindaba behlukumeza ilungelo lokuphila impilo yangasese yosaziwayo, okugcina ngokuba ulwazi abalucoshayo balunekele izwe.

URobertson, (1963:254) uthi:

Free speech does not mean free speech, it means speech hedged in by all the laws against defamation, blasphemy sedition and so forth. It means freedom governed by law.

Ucwaningo luveze umonakalo odalwa ilungelo lokukhuluma emikhakheni eyehlukene.

UTogni, (1994:238) uthi:

All men and women shall have the right to assemble peacefully and without arms, and to submit petitions for the redress of grievances and injustices.

Umonakalo ovezwe ukusebenzisa leli lungelo ubonakale ezitelekeni ezedlule nemiphefumulo eminingi. Ucwangingo luveza ukuthi nakuba iziteleka zazihlelelwe ukuba kuzwakaliswe ukukhononda ngamaholo, izindimbane zabantu ababebulawa abangangenelanga isiteleka abanye befa ezikhungweni zempilo ngenxa yokungatholi usizo oluphuthumayo emtholampilo.

Ucwangingo luveze omunye umonakalo ohambisana nelungelo lokuphepha (Isahluko 2:12). Ucwangingo luveza ukuthi umthetho uphatha wonke umuntu ngokulinganayo (Locus standi in audicio) okugcina kuvikeleka nezigilamkhuba, zithole ithuba lokuphunyula emacaleni eziwenzile ngoba umthetho uthi awunabo ubufakazi izigilamkhuba zinikwe ithuba lokuzishwelezela (audi et alteram partem). Ucwangingo luveza okukhulu ukushayisana kwamalungelo uma kucutshungulwa amacala okubulala ekubeni umthetho unikeza igunya nelungelo lokuphila kwawo wonke umuntu. Izenzo zokuhlukumeza zinengcindezi empilweni yabanye abantu.

UHerman, (1992:56) uthi:

Traumatized people suffer damage to the basic structures of the self. They lose their trust in themselves, in other people and in God. Their self-esteem is assaulted by experiences of humiliation, guilt and helplessness.

Lokho okushiwo uHerman, (1992:56) kuliqiniso ngoba ngenxa yelungelo elenza abantu baphephe kodwa abanye abantu libe libabeka engcindezini kungaholela ekutheni umuntu ohlukumezekile azibulale.

Ucwaningo luveza omunye umonakalo ohambisana nelungelo lokwenza izinqumo mayelana nokuzala. Leli lungelo liyaphikisana nenqubo yesintu ngoba ngokwesintu kuyihlazo ukuthola ingane ungashadile. Ucwaningo luveza ukuthi siyandlondlobala isibalo sabantu abathola izingane bengashadile. Kulabo abasuke bengakakulungeli ukuba nengane, ngokugunyazwa yilo mthetho baphoqeke ukukhipha izisu.

UHalonen, (1996:571) uthi:

Modern life is stressful and leaves its psychological scars on too many people, who are unable to cope effectively, never to reach their human potential.

Ucwaningo luveza lo monakalo wokuhushula izisu ngoba umthetho ugunyaza ukukhishwa kwezisu okushiya izilonda ezingapholiyo kulabo abahambisana nalo mthetho. Ucwaningo luveza izibalo eziphezulu zokuhushulwa kwezisu.

Ucwaningo luvezile omunye umonakalo ohambisana nelungelo lezombangazwe, lapho kungekho ukubekezelelana phakathi kwamaqembu ezombangazwe, kuyancofwana, kubukwane ngeziqo zamehlo kubulawane, okwenza abanye abantu bangabi nalo ithemba lempilo ukuthi kanti kubhekwe kuphi nala malungelo.

UJeffrey, (1997:75) embikweni wakhe othi:

Various instances of violence and intimidation were reported in the run-up to the local government election in KwaZulu-Natal.

Ucwaningo luveza ukuthi izwe lethu nakuba lingelikhululekile alikapheleli enkululekweni uma kusenokwsabisana kwamaqembu ezombangazwe okubonakala ngokubulawa kwamalungu aqavile, ukudatshulwa kwezingqembe ezibekiwe okukhankaselwa ngazo ukuvotelwa kweqembu.

Ucwaningo luveza omunye umonakalo ohambisana nelungelo lokuthola indawo yokuhlala, okuyizindlu zemixhaso kaHulumeni ukuxhasa labo abantula indawo yokuhlala. Ucwaningo luveza ukuthi lezo zindlu zigcina zitholwa ngabantu abangantulile kangako abagcina bezidayisa ngemali eshisiwe leyo mixhaso eyakhiwe ngemali yabakhokhi bentela.

UMc Quid-Mason, (1991:76) uyachaza uthi:

Many people have noted that one cannot be in good health without having adequate food and housing.

Abantu abaningi baphawula ukuthi umuntu ngeke aze aphile impilo emnandi uma engenakho ukudla okwanele nendawo yokuhlala.

Lokho okushiwo uMc Quid-Mason (1991:76) kuliqiniso kodwa uyabonakala omunye umonakalo ohambisana nelungelo lokuxhasa ngesondlo labo abangenawo amandla okuzondla, ukudla okulethwa iziNhlango ezizimele (NGO's) kugcina kudliwa imilomo engaswele okuya ngasethunjini.

Umonakalo ohambisana nelungelo lokuhweba ukwehla kwezinga lomnotho ngenxa yokuthi imikhiqizo evela kwamanye amazwe edayiswa kuleli iyimifanekisomkhiqizo engahlali isikhathi eside kubathengi baleyo mikhiqizo. Omunye umonakalo ukuthi izimali ezitholakala kuthengwe le mikhiqizo isimamisa umnotho wamazwe angaphandle. Omunye umonakalo ovezwa ucwaningo ohambisana nokwehla kwezinga lomnotho, ukuthengwa kwemishanguzo elapha ubhubhane lwesifo sengculazi ebonakala idlondlobala usuku nosuku.

U-Escandon, (2005:152) uthi:

Everyday about fifteen thousand new infections occur throughout the world, and more than 50%

are young people aged 15 to 24. Aids has orphaned more than 13 million children. By the year 2010, there might be 25 million orphans because of this disease.

Okushiwo u-Escandon kuyiqiniso elingenakuphikwa ngoba isibalo sezintandane zigcina zondliwa uHulumeni ukuze kungagcini sekuyizingane ezihlala emgwaqeni zandise ubugebengu okwehlisa izinga Imnotho waleli zwe. Ucwangingo liwuvezile lo monakalo esahlukweni sesithathu.

Ucwangingo luveza omunye umonakalo ohambisana nelungelo lezemvelo. Imililo eshisa izihlahla ebezizokhuphula izinga lomnotho zisetshenziswe nasekwenzeni imithi yokwelapha. Ngenkathi kwenziwa ucwangingo umonakalo owenzeke esifundazweni sakwaZulu-Natal ulinganiselwa ezigidini ezingama-236 wamarandi. Imfuyo kanye nabantu ababulawe umlilo enye yezinhlakelele ezehlisa nomnotho ngoba uHulumeni ubuye axhase.

UTogni, (1994:268) uthi:

The state shall recognize the rights of the present and future generations of citizens to live in and enjoy a pleasant and clean environment. The law shall determine the cases and the limits in which citizens may bring legal actions on behalf of the community against those who cause environmental damages.

Omunye umonakalo ohambisana nelungelo lezemvelo yilowo odalwa umoya ongahlanzekile obangwa amafemu nemikhiqizo yawo.

UViljoen nabanye, (1987:4) bachaza kahle lo monakalo uma bethi:

Air pollution may cause the destruction of half the world's ozone layer.

UViljoen, (1987:257) uqhubeka achaze ngokuthi:

Despite the number of people involved in organizations which promote preservation of the environment, a great deal of harm is still being done by littering and pollution.

Umonakalo wokungcolisa izindawo zokuhlala ubeka ingcindezi enkulu kuHulumeni ngoba kuqashwa abantu abakhuculula ukungcola, kuphume izimali ezishisiwe ukukhokhela labo bantu nezinto zokuthutha ukungcola ezisetshenziswayo.

Umonakalo ohambisana nelungelo eliqondene nesiko okungabalwa isiko lokulobola. Ucwangingo luvezile ukuthi leli siko lithanda ukuya ngokuphela kweminye imindeneni enenkolelo yokuthi ilobolo indlela yokuthengiselana, kanti ngokwesintu akusikho ukuthengiselana uma kulotsholwa.

UNyembezi, (1966:117) benoMsimang, (1975:265) bachaza ngendlela efanayo uma bebeka kanje ngelobolo:

Endulo ilobolo lalinganqunyiwe. Umuntu wayekhokha nje lokho anakho.

UMsimang, (1975:265) ubuye ahluke ngokuthi yena mkhulu umonakalo obonakala uma sekubizwa inkithinkithi yezinto okugcina kwenze izinsizwa ezisaphokophelele ukuganwa zigcine ngokuzithathela abafazi ngaphandle kokukhipha ngisho isenti elimnyama.

UHalonen, (1996:665) uthi:

In our culture romantic love is the main reason we get married.

Lokho okushiwo uHalonon kuyafakazela ukuthi umshado yisona sizathu esikhulu esikhuselisa abantu abanayanayo ngothando.

5.3 Izincomo Zocwaningo

Ucwaningo luhlose ukubuka okubonakala kuwumonakalo ngokusetshenziswa kabi kwamalungelo, akuhlatshwa bukhoma ilungelo.

Izincomo ezenziwe ukuveza izindlela ezingenza ngcono ukusetshenziswa kwamalungelo. Uma kucutshungulwa ilungelo lemfundo eyisisekelo, kuncomeka ukuba umthetho uqine nasezinganeni zesikole. Izingane ezibonakala zisebenzisa izidakamizwa, zenze namacala obulelesi okuhambisana nokubulala, zakhelwe izikhungo zazo zodwa lapho zizofunda khona zodwa ukuze zingacini sezifundisa ezinye izingane ezingazi lutho ngempilo yezidakamizwa.

UTrajanowicz, (1978:266) uyachaza:

If delinquency is to be cured and the asocial youth made fit again for life in society the training school must provide him with new ties and induce him to attach himself to persons of his environment.

Lokho okushiwo uTrajanowicz, (1978:266) kuyaveza ukuthi izingane ezenza ubuhlongandlebe ziyingxenye yemiphakathi yethu okumele sizemukele ngokuba sizilungise ukuze zifunde ngamaphutha eziwenzile zingabe zisabuyela kuwo.

Esinye isincomo esihambisana naleli lungelo ukuba ezikoleni kusungulwe amakomidi okuqondisa izigwegwe azoqeqeshwa ukuqula amacala amancane okuziphatha, okudlula lapho abafundi asebehluphe ngokwedlulele badluliselwe esikoleni sabafundi abanezimilo ezigwegwile. Ucwaningo lugcizelele lo monakalo esahlukweni sokuqala.

Isincomo esihambisana nelungelo elenza ukuba abantu ukuba balingane ukuthi abantu besilisa kumele banikezwe indawo yabo yokuba izinhloko zemindeni. Ucwangingo luveza ukuthi abantu besifazane sebenamathuba alinganayo nabesilisa, kodwa uma kucutshungulwa uhlangothi lwelungelo lezenkolo ezithile, kusekhona abesifazane abangakanikezwa amandla okuphatha izikhundla eziphezulu. Kuyancomeka ukuthi nabo banikezwe ithuba lokwengamela izikhundla eziphezulu emabandleni.

Esinye isincomo esihambisana nelungelo elenza ukuba abantu baphephe, ngoba umthetho ubabuka ngeso elifanayo, umayelana neziboshwa ezenze amacala okubulala. Kuyancomeka ukuthi umthetho uyalivikela ilungelo lomuntu, kodwa akuqhubeke kuvikeleke ukuphepha kwezakhamuzi ezweni laseNingizimu Afrika ngokuba uma sekuphenywe kwatholakala ubufakazi obenele ngamacala okubulala kube nesigwebo esingaguquki esingudilika jele. Lokhu kuxegisa umthetho kubabulali kwenza kube nezibalo ezethusayo zobelesi. Ucwangingo luzivezile lezi zibalo. Isincomo ebesiyonqanda lesi sikhava ukubuya kwesigwebo sentambo okungelula ukubuya kwaso.

UHerman, (1992:33) uchaza uthi:

Traumatic events are extraordinary, not because they occur rarely, but rather because they overwhelm the ordinary human adaptation to life. Unlike commonplace misfortunes, traumatic events generally involve threats to life or bodily integrity, or a close personal encounter with violence and death.

Omunye umonakalo ovelayo ohambisana nelungelo lokuhlala kulapho abantu abangabokufika bahlukunyezwa, bebulawa kuthiwe abaphindele ezindaweni zabo kumbe emazweni akubo. Kunconywa ukuba bangaxoshwa laba bantu bokufika ngoba banamakhono angengeza ulwazi lwabantu abehluleka endleleni bangaqhubeka nesikole, futhi bawusizo nasekuhlengeni izimpilo zabantu njengoba isibalo sodokotela ezweni lethu bengebaningi. Izingane zezwe lethu

zizodinga ukuyothekela ulwazi emazweni angaphandle. Uma kunalokhu kuqhubukushana impilo ayinakuqhubekela phambili. Izwe lethu lisafufusa kwezomnotho, abantu bezwe lethu bawela izilwandle bayosebenza ukuxosha ikati eziko, lezi zimpi ziyokwenza ukuthi kungabibikho ukuxhumana neminye imihlaba.

UTogni, (1994:251) uyachaza:

Every citizen shall have the right of freedom of movement and residence in the Republic; to work, to establish and operate any undertaking, to exercise any profession or trade and to carry on any other lawful activity in any part of the Republic.

Ucwaningo olwenziwe luwuvezile lo monakalo esahlukweni sesithathu, ngakho okushiwo uTogni kuyagcizelela ukuthi wonke umuntu unelungelo lokuhlala noma kuphi.

Ucwaningo luvezile umonakalo ohambisana nelungelo lokuhweba esahlukweni sesithathu. Kuvelile ukushushumbiswa kwezidakamizwa ezigcina zidayiselwa intsha. Isincomo esihambisana nalo monakalo ukuthi uma uHulumeni angandisa amathuba emisebenzi kuqeqeshwe intsha eningi kumakhono emisebenzi. Esinye isincomo kube nendlela yokuxhasa labo abafuna ukuziqalela amabhizinisi amancane, lingehla izinga lokudayiswa kwezidakamizwa kanye nemizimba ngoba nomuntu ongazange alubhade esikoleni kumbe owafunda ngokudembesela uyokwazi ukuba nendlela yokuziphilisa.

Ucwaningo luvezile umonakalo ohambisana nelungelo lokuhweba esahlukweni sesithathu lapho ucwaningo luveze khona izinkampani ezithile ezigcina zihoqecele abasebenzi ukuba benze ukuhlolwa kwegazi. Kuncomeka ukuthi abantu abangabasebenzi abasuke sebezazi ukuthi baphila negciwane lengculazi

banakekelwe ngoba banikezwe imishanguzo futhi bathole nokuqeqesheka ukuze bangazitholi bezenyeza.

Isincomo esihambisana nomonakalo wokuganana kwabantu bobulili obufanayo osekugunyaziwe ngokusemthethweni, ukuthi labo abaganene kungabakuhle bangabinazo izingane ngoba nazo zizokhula zibuka lo mhlola womshado zize zigcine seziganana zodwa. Ucwangingo esahlukweni sesithathu lukuvezile lokhu ukuthi ngenye yezindlela yezaphulamthetho ukuthandana kwabantu bobulili obufanayo njengoba u-Isaacs, (1992:139) chazile.

UTogni, (1994:237) yena uchaze ngendlela ehlukile:

People shall have the right to establish families,
live together with partners of their choice and to
marry.

Ukuganana kobulili obufanayo ngendlela ka-Isaacs akuhambisani nokuganana okwakumiswe uNkulunkulu ngenkathi edala umuntu kungakho kuncomeka ukuthi kungashunyayelwa leli vangeli lokuganana kobulili obufanayo.

Isincomo ngalolu cwangingo esahlukweni sesine mayelana nelungelo lezemvelo lapho kuvelile umonakalo ovezwa imililo yequbula eshiswa abantu kufe abantu, izilwane kanye nemvelo. Kuncomeka ukuthi abantu bafundiseke ngokubaluleka kwemvelo, kungaba okumilayo, okutshaliwe kanye nezilwane. Ucwangingo luvezile umonakalo lapho kugcina kuphuma izigidi zezimali ukusiza labo abasala bengenamizi ngenxa yemililo. Izinga elidlondlobalayo lokunganakekelwa kwemvelo kungancomeka ukuba ingalo yomthetho iqine kulabo abatholakala benza lo mkhuba.

UTogni, (1994:244) ebeka ethi:

The law shall provide for appropriate penalties
and reparation in the case of any direct and

serious damage caused to the environment, and permit the interdiction by an interested person or by any agency established for the purpose of protecting the environment, of any public or private activity or undertaking which manifestly and unreasonably causes or threatens to cause irreparable damage to the environment.

Isincomo esihambisana nokushiwo uTogni, (1994) ukuthi umthetho osebenza ukubhekela iziqiwu owenza ukuba zingabi kwamachanca, wenze okufanayo kulabo abashisa imililo. Ucwangingo luvezile kulesi sahluko sesine ukuthi kunomunye umonakalo owenziwa ukulahla ukungcola okubalwe amaphepha, amakopi kanye namabhodlela.

Isincomo esihambisana nalo mkhuba omubi kangaka wokulahla udoti ukuthi kwandiswe izindawo lapho kwenziwa khona imikhiqizo kabusha. Kungancipha ukulahlwa kukadoti abantu bangakukhuthalela ukucosha amaphepha namakopi ngoba kungabangenisela imali. Imali ekhokhela abantu abahlanza izindawo ezingamadolobha ingasetshenziselwa ezinye izidingongqangi ngoba inani labantu abaqashwayo ukucosha udoti lingehla.

Ucwangingo luvezile omunye umonakalo ohambisana nolimi olukhulunywayo uhlanga oluthile oluba nenkinga ekuxhumaneni nabanye abantu. Isincomo esihambisana nalo monakalo ukuthi izilimi ezikhulunywa eNingizimu Afrika ziyishumi nanye futhi ziyalingana zonke akungabibikho ulimi olubukelwa phansi ngoba nje lungasebenzi ekuxhumaneni nezinhlanga ezahlukeni bese kucatshangwa ukuthi lolu limi alunamsebenzi walutho noma lungakhulunywa lujivazwe luphoqozwe.

Esinye isincomo esokuthi esikoleni esixube izinhlanga, lezo zinhlanga ezehlukeni kuhle zinikezwe ithuba lokwenza imigidi yesintu ngolimi lwasekhaya ukugqamisa ukubaluleka kwalolo nalolu limi. Esinye isincomo esokuthi abantu abavamise ukukhuluma besakaza bukhoma belalelwa izinhlobonhlobo zabantu, kuhle

basebenzise ulimi ngendlela bangazakheli olwabo futhi bangakhombisi ukuthi ulimi oluthile alubalulekile.

Ucwaningo luvezile umonakalo owenziwa ukusoka okungaphephile. Isincomo esihambisana naleli siko ukuthi ukusoka kuhle kwenziwe ngendlela ephephile ezibhedlela ngoba uma kwenziwa entabeni kunezinkinga ngoba kufa imiphefumulo yezingane.

Esinye isincomo esihambisana nelungelo lokuzithuthukisa kwezomculo ukuthi uma kushicilelwa amaculo abantu acutshungulwe kuzwakale ukuthi yimuphi umlayezo osemqoka okumele ufinyelele ebantwini. Umculo ongenamlayezo ongahlumelelisi nezimilo ungakhuthazwa ukuthi uqoshwe njengoba kuveziwe esahlukweni sesibili.

Isincomo esihambisana nokwenza izinqumo mayelana nokuzala okuvezwe ucwaningo esahlukweni sesithathu, ukuthi esikoleni izingane zikhonjiswe amavidiyo okuhushulwa kwezisu ukuvuselela onembeza bezingane ezingakakulungeli ukuba nezingane. Lawo mavidiyo asiveza kahle isihluku sokuhlukumeza umphefumulo ongenacala okungenza izingane ezisakhulayo kusukela eminyakeni eyi-12 zingakucabangi ukusebenzisa lo mthetho ogunyaza intsha ukuya ocansini isebenzisa ijazi lomkhwenyana ngoba ayilisebenzisi intsha. Ukuhushula izisu intsha igcina ikwenza ngendlela engaphephile ife nayo ubuthaphuthaphu.

Ucwaningo luvezile umonakalo owenziwa izintatheli ngokunekela izwe amaphutha enziwa osaziwayo. Kunconywa ukuthi izintatheli azingabalandeli abantu abadumile uma bengasekho emehlweni abantu sebeziphilela impilo yabo yangasese intsha iyakulingisa.

Esinye isincomo ukuthi labo osaziwayo kuhle bakhuthazwe ukuba benze okuhle ngaso sonke isikhathi ngoba izwe libabhekile bangasithwa ukuba nemali eningi bese benza isinomakanjani abanye babo bagcina befa bengophuya waseMshwathi.

Isincomo esihambisana nomonakalo ovezwe ucwaningo wokungabekezelelani kwezombangazwe kwamaqembu ahlukene, ukuba makuphele izenzo eziphehla udlame emaqenjini ehlukene ezombangazwe.

Ucwaningo lukuvezile ukuthi lokhu kuvamise ukubonakala uma sekuyiwa okhethweni. Amaqembu ahlukene ezombusazwe ngeke angamela izintambo zombuso kanye kanye kodwa kufanele amaqembu ahlukene ayivumele inselelo yeqembu elisuke liphumelele, kubanjiswane ngoba ngisho ephalamende asuke emelelwe la maqembu ehlukene.

Esinye isincomo ukuthi lawo maqembu aphehla udlame uma sekusondele ukhetho, angavunyelwa ukuba abe yingxenywe yokhetho. Lezi zixakaxaka ezibakhona uma sekuzoba nokhetho zinciphisa ithemba lokuthi kazi kuyobe kunjani ezweni lethu eminyakeni eyishumi ezayo uma singamaqembu abusayo angafuni ukubhekana nenselelo yokwehlulwa.

Isincomo esihambisana nokuntuleka kwemisebenzi njengoba ucwaningo lukuvezile esahlukweni sesine ukuthi abantu kumele bafunde ukuzithuthukisa ngokwamakhono abanawo, futhi bathole ukuqeqesheka ukuthi ibhizinisi lisingathwa kanjani futhi bethamele izifundo ze-BMF (Black Management Forum) ezisiza ukuba ibhizinisi lingawi ngenxa yolwazi olufushane lwebhizinisi.

Ucwaningo luvezile esahlukweni sesine ukuthi abantu kuhle baqeqeshelwe amakhono emisebenzi. Isincomo esihambisana nalo mbono ukuthi baphinde basekwe yimindeni abaphuma kuyo ibhekele ukuthi izikole kumbe izikhungo abaqeqeshwa kuzo kungabe zisemthethweni yini, ngoba eziningi zikhiqiza abantu

abangaqasheki ngenxayenkinga yokuthi azibhalisiwe zaziwa ngokusemthethweni ziyizikhungo ‘ezingoqhibukhowe.’

Esinye isincomo esihambisana nokubaluleka ukuzazi imvelaphi nengqikithi yobuntu bomuntu, ukukhuthaza intsha ukungenela imigidi yesintu, lokho kunganqanda ukubhebhethaka kwegciwane lesandulela ngculazi nengculazi uqobo.

Ucwaningo luvezile esahlukweni sesine ukuthi ukudla esikudlayo kungasenzela inhlekelele yokuba kube inkundla yokuchamisela amagciwane abanga izifo. Isincomo esihambisana nalo monakalo ukuthi ukudla kumele kuphathwe ngenhlanzeko enkulu, kungadliwa amafutha abanga izifo futhi imizimba ihlala ivocavocwa.

UDrury, (2006:7) uyachaza indlela eyiyo okumele siyilandele uma sidla:

We are not all created equal, we, each have our own dietary needs for our unique bodies.

Isincomo esivela kumonakalo ovezwe yilolu cwaningo esahlukweni sesithathu lapho abantu besilisa bephuza ngokweqile, ukuthi kumele bakhuthazwe bazithibe ophuzweni olungamandla ngoba ludala izinkinga eziningi, ngaphandle kwephakethe elibhobokayo kuthengwa uphuzo olunamandla, amandla obudoda ayehla.

U-Ursell uyabeka uthi:

Alcohol is particularly toxic to the male reproductive tract and may be responsible for up to 40% male fertility problem seemingly through its ability to decrease levels of testosterone, lower the sperm count and reduces sex drive.

Lokho okushiwo u-Ursell kuyiqiniso ngoba uyabonakala umonakalo kubantu abashadile abahlukanisa imishado kumbe owesifazane agcine esekhothisa emadlweni okungewona lapho endeke kumbe egane khona ngoba ebona kubhoke indlala yocansi, okuholela nasekutholeni Izingane okungesizo ezasemshadweni.

Esinye isincomo eesihambisana nomonakalo oveziwe esahlukweni sesine lapho kuba nokungqubuzana kwemibono mayelana nokuqanjwa kabusha kwezindawo ezibizwa ngamaqhawe athile, ukuthi kuhle kubhekwe kungasetshenziswa ubuqembu nobuhlanga, amaqhawe ameleleke ngokulinganayo.

UJeppe, (2004:130) uthi:

History does not refer merely or even principally to the past. On the contrary, the great force of history comes from the fact that we carry it within us, are consciously controlled by it in many ways and history is literally in all that we do.

Isincomo esihambisana nemigidi yesintu ukuthi kuhle ikhuthazwe ukuze intsha iyithande ngoba uma ingangeni emizweni yentsha emva kwesikhathi iyobukeka ingenamsebenzi walutho, kanti ibalulekile ngokwesintu nesiko lethu.

UDer Walt, (1990:20) uthi:

Menslike kultuur is dus iets total anders as 'n web spin, 'n voël wat 'n nes bou of 'n dier wat instinktief sy kleintjies voed en beskerm. Insekte, voëls en diere doen geslag na geslag die dinge op dieselfde wyse.

Okushiwo u-Der Walt kuyiqiniso ukuthi isiko kumele lifundiswe entsheni ukuze ikhule ngendlela eyiyo.

Isincomo esihambisana nomonakalo ovezwe yilolu cwaningo esahlukweni sesine lapho umemulo usuke wenzelwe ngisho umuntu ongasaphelele ebuntombini, (Msimang, 1975) ukuthi abazali kuhle bangadidanisi izinto, uma enesifiso sokwenzela umntwana wakhe umcimbi angakubizi ngomcimbi wesintu ngoba uyathunazeka, angasebenzisa noma yiliphi igama ukubiza lowo mcimbi.

Ucwaningo luvezile omunye umonakalo esahlukweni sesine lapho Izingane eziingenela umkhosi woMhlanga zintshontsha ilungelo lobutshitshi. Nakuba ukuhlolwa kwezinsizwa, kuncomeka ukuthi kube odokotela abahlola izintombi ezizophatha umhlanga ngoba nakuba kungeke kumiswe liqonde ngqo, ezinye zinayo indlela yokuzenza amatshitshi okungematshitshi.

Ucwaningo luveze omunye umonakalo ohambisana nokuhlukunyezwa kwabantu abavela kwamanye amazwe angaphandle. Isincomo esihambisana nalo monakalo ukuthi abantu bafundiswe izindlela zokuphatha kahle abantu. Izwe lethu iNingizimu Afrika belizosimama kumnotho ngonyaka we-2010 uma lisingatha indebe yomhlaba. Isincomo ngalolu cwaningo ukuthi ingalo yomthetho iqine ukuze kwehle izinga lobugebengu ukuze kuthi kushaya unyaka we-2010 ingebhe ibisiphele nya kubantu bamazwe angaphandle.

Ucwaningo luvezile esahlukweni sesine indlela yokuzithuthukisa kwezemidlalo. Kuyancomeka ukungabandlululwa kwabantu abakhubazekile abakwaziyo ukungenela ngisho imidlalo yama-Olimpiki, okuveza amathuba amadlelo aluhlaza.

5.4 Isiphetho

Ekuphetheni lesi sahluko, kuveziwe lokho okubonakale njengesihlaziyo socwaningo, umonakalo kanye nezincomo ezenziwe ngocwaningo. Intshisekelo enkulu yalolu cwaningo bekuwukuveza umonakalo ovezwa ukusebenzisa amalungelo agunyaziwe ngokusemthethweni. Izincomo ezenziwe yindlela

ucwaningo obeluhlose ngayo ukwenza ngcono isimo esingemukeleki esishayisana nenqubo ejwayelekile ngenxa yokuthi abantu bagabe ngamalungelo.

Ucwaningo alujivazi amalungelo agunyaziwe ngokusemthethweni kodwa lwengeza ukuthi ubuhle bamalungelo abuhambisane nemikhawulo. Ekugcizeleleni inhlosongqangi yalolu cwano kuvelile ukuthi luhlose ukunqanda isintu esinokusebenzisa kabi amalungelo bese sizilahlekisa ngalokho okungamagugu kuso. Intshisekelo yokuvusa isizwe ngenhlekelele engenzeka uma sethekela singasabhekile embengeni yamalungelo okungacina sekugcwele isandundundu. Okuveziwe ucwaningo njengezincomo yikho okumele kucuthsungulwe kwenziwe nezichibiyelo emalungelweni athile. Uhlevane olukhona oluvuswa ukusebenzisa kabi amalungelo athile lungalotha. Izinhlelo, 'YILUNGELO LAKHO IKOMISHANE YAMALUNGELO ESINTU' kungokokubekwa umgqiki ngoba kususa inkungu nolwembu bokungazi ngamalungelo.

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