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Hlengwa-Selepe, Bongeka BuhlebaMashasha

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UNIVERSITY OF THE WITWATERSRAND

A Critical Analysis of South Africa's Contemporary Language Policies with Specific Reference to the Use of Official Languages Act No. 12 of 2012 for Government Purposes

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Bongeka BuhlebaMashasha Hlengwa-Selepe

A thesis submitted in fulfilment of the requirements
for the degree of Doctor of Philosophy
School of Literature, Language and Media,
Faculty of Humanities

May 2020

Supervisor: Dr E.B. Zungu

ABSTRACT

Although South Africa is home to nine indigenous African languages, English remains the dominant official language in democratic South Africa. This continues despite the fact that the country's Constitution and the Use of Official Languages Act (UOLA) of 2012 oblige the government to safeguard that all official languages are equitably used and indigenous languages developed and promoted. This study aims to establish why English continues to dominate most of South Africa's public forums, given that the country's language policies aim to elevate the status and advance the use of the indigenous languages. The study investigates how South African language policies are conceived and how they compare with countries considered to have good language policy models and best practices. It explores the extent to which language policies are being implemented and the implications of ineffective implementation or non-implementation. The study looks for evident trends, in terms of the extent and nature of the government's compliance with South African language policies and how those trends inform strategies that would allow the government to achieve their legislated language goals. Ultimately, the study aims to offer solutions and devise strategies that can be applied to activate or support the implementation of language policies of various government departments in South Africa. The study presents some practical aids that can assist in addressing identified problems. The UOLA Compliance Tool for Language Policy Development is a simple device that can be used by government departments and their entities to assess whether their language policies comply with UOLA. The study proposes a series of steps that government departments, public entities and public enterprises can follow to develop and implement language policies efficiently. Finally, the study provides recommendations designed to assist the national government departments, national public entities and national public enterprises in order to act in accordance with Section 6 of the Constitutions of the Republic of South Africa (Act No. 108 of 1996) and the Use of Official Languages Act No. 12 of 2012.

KEYWORDS: official languages; indigenous languages; Language Policy; Language Policy Implementation; Act No.12 of 2012; Use of Official Languages Act; UOLA; national government departments; national public enterprises; national public entities; Language Unit

DECLARATION

I declare that this thesis is my own unaided work. It is being submitted for the degree of Doctor of Philosophy at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.



_____

Bongeka BuhlebaMashasha Hlengwa-Selepe

Date: 05 June 2020

DEDICATION

Msawakhe Almon Mashasha, *le*, *ngeyakho*. I know you would have been proud.

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ACRONYMS

CBO	Community-Based Organisation
CoGTA	Department of Co-operative Governance and Traditional Affairs
DAC	Department of Arts & Culture
DSAC	Department of Sports, Arts & Culture (Formerly Department of Arts & Culture)
DAFF	Department of Agriculture, Forestry and Fisheries
DEA	Department of Environmental Affairs
DHA	Department of Home Affairs
DHET	Department of Higher Education and Training
DHS	Department of Human Settlements
DoC	Department of Communications
DoD	Department of Defence and Military Veterans
DoE	Department of Energy
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DoL	Department of Labour
DoT	Department of Transport
DPE	Department of Public Enterprises
DPW	Department of Public Works
DRDLR	Department of Rural Development and Land Reform
DSBD	Department of Small Business Development
DSD	Department of Social Development
DST	Department of Science and Technology
DTA	Department of Traditional Affairs (within CoGTA)
dti	Department of Trade and Industry
DTPS	Department of Telecommunications and Postal Services
DTT	Digital Terrestrial Television
ECD	Early Childhood Development
EDD	Department of Economic Development
FBO	Faith-Based Organisation

GCIS	Government Communication and Information System
Indigenous Languages	Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu
Izimbizo	Community gathering, usually called by the community leaders.
KIRMU	Knowledge Information Resources Management Unit of the Department of Science and Technology
Marginalised Languages	Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu
MINMEC	The grouping of a Minister and related provincial MECs
NGO	Non-Governmental Organisation
NLB	National Language Body
NLS	National Language Service
NLU	National Language Unit
NSG	National School of Government
Official Languages	Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa, isiZulu, English and Afrikaans
PAIA	Promotion of Access to Information Act 2 of 2000
PanSALB	The Pan South African Language Board
P-SET	Public sector education and training
RAF	Road Accident Fund
Report	Pan South African Language Board Public Hearing Report
Republic	The Republic of South Africa
RSA	The Republic of South Africa
SANDF	South African National Defence Force
SAPS	South African Police Service
SARS	South African Revenue Service
SKA	Square Kilometre Array radio telescope project
SMME	Small, medium and micro enterprise
SONA	State of the Nation address
SRSA	Department of Sport and Recreation
SSA	State Security Agency
Stats SA	Statistics South Africa
The Constitution	The Constitution of the Republic of South Africa of 1996

The Final Constitution	The Constitution of the Republic of South Africa of 1996
The Interim Constitution	The Constitution of the Republic of South Africa before 1994
TRC	Truth and Reconciliation Commission
TVET	Technical and vocational education and training
UFS	The University of the Free State
UKZN	The University of KwaZulu-Natal
UNIZULU	The University of Zululand
UOLA	Use of Official Languages Act 12 of 2012
Wits	The University of KwaZulu-Natal

CHAPTER 1

INTRODUCTION

South Africa is a country of marked linguistic diversity, where no one's home language accounts for more than 16% of the population (Statistics South Africa, 2012: 23). In fact, seven distinct languages account for more than 5% of peoples' home languages. This list includes African indigenous languages such as IsiZulu, IsiXhosa, Sepedi, Setswana and Sesotho, with English and Afrikaans. IsiZulu is the language most commonly used as a home language. It is followed by isiXhosa, Afrikaans and English (ibid).

1.1 Background and Contextualisation

South Africa's history is well known and one characterised by unfair discrimination and oppression. Before the democratic era, the country's black majority suffered at the hands of a succession of various minority white authorities and governments. In reality, one of the tools used to oppress black South Africans was Language Policy. From the 19th century onwards, the British colonial powers sought to prevent non-white South Africans from learning English because they wished to keep them separated from their white counterparts. They feared that knowledge of English might unify and mobilise non-white South Africans. Later on, in the mid-twentieth century, a similar rationale informed elements of the apartheid state's language policies. For instance, the National Party's Bantu Education Act 47 of 1953 stated that teaching was to take place in students' home languages and not in English or Afrikaans (Brenzinger, 2017: 42). This was met with much resistance from South African liberation movements who viewed English as the language of emancipation (ibid). This unwittingly raised the profile and prestige of English at the expense of African languages (Balfour, 2003: 24).

In 1974, the apartheid government, believing that the use of Afrikaans was in a state of decline, decided to make that language, alongside English, the compulsory medium of instruction in non-white schools (Brenzinger, 2017: 42). This created intense unhappiness amongst black South Africans. In June 1976, a march organised to protest this policy ended in tragedy when many participating black students were massacred by the police. Although

this brutality led to widespread international support for the anti-Apartheid movements, the Bantu education system persisted for a further 24 years, albeit in a slightly amended form: African languages would be the media of instruction for the first five years of primary education followed thereafter by English (ibid).

In 1994, South Africa held its first democratic elections signalling the end of the apartheid era. South Africa's current Constitution was passed into law by Act 108 of 1996 (Government of South Africa, 1996). It is often referred to as the country's final Constitution, and this study adopts that nomenclature. Section 6 of Chapter 1 sets out the final Constitution's language provisions. It recognises 11 official languages and acknowledges that South Africa's peculiar history has diminished the use and status of the country's indigenous languages (Government of South Africa, 1996, s. 6, ss. 1-2). Section 6 states that the government must take practical and positive measures to elevate the status and advance the use of the indigenous languages (Government of South Africa, 1996, s. 6, ss. 2).

The final Constitution states that, without derogating from this duty, the government must ensure that all official languages enjoy parity of esteem and be treated equitably (Government of South Africa, 1996, s. 6, ss. 4). Subsection 5 mandates the establishment of a Pan South African Language Board (PanSALB), responsible for nurturing and directing the development and use of the nation's 11 official languages, together with the Khoi, Nama and San languages, South African Sign Language (SASL) and certain other heritage languages. Subsection 4 obligates the government to regulate and monitor its use of the official languages through legislative and other means (Government of South Africa, 1996, s. 6, ss. 4). More than 12 years after the final Constitution was promulgated, this last provision became the subject of civil litigation.

In 2010, at the North Gauteng High Court, Pretoria, Lourens *v President van die Republiek van Suid Afrika* 2013 (1) SA 499 (GNP), the applicant, a concerned Afrikaans-speaking citizen, applied to the North Gauteng high court for an order compelling South African government to fulfil its constitutionally rooted language obligations. More specifically, the applicant asked the court to order the government to enact the language legislation referred to in Section 6(4) of the final Constitution. The court was satisfied that no such legislation had ever been enacted and thus granted the requested relief, giving the government two years to comply with its ruling.

The national government obliged, and on 1 October 2012, the Use of Official Languages Act 12 of 2012 (UOLA) was passed into law. UOLA aims to regulate and monitor the use of official languages by the South African government (Government of South Africa, 2012, s. 2). It is designed to engender the equal treatment and esteem of the country's official languages and aims to facilitate South Africans' equitable access to national government services and information (ibid). There are several means by which UOLA seeks to attain these goals.

Firstly, it instructs the Minister responsible for language matters (the Minister) to establish a sufficiently resourced National Language Unit (NLU) (Government of South Africa, 2012, s. 5). UOLA states that the NLU must advise the Minister on the best policies and strategies for attaining a number of objectives (Government of South Africa, 2012, s. 6, ss. 1). These include promoting the equitable treatment of the country's official languages and facilitating equitable access to government services and information (ibid). UOLA compels all national departments, national public entities, and public enterprises to adopt language policies regarding their use of official languages (Government of South Africa, 2012, s. 4, ss. 2). In addition, it obliges these institutions to establish sufficiently resourced Language Units to fulfil certain functions, including providing advice on the development of language policies and compiling annual language reports for onward transmission to PanSALB and the responsible Minister (Government of South Africa, 2012, s. 8).

In 2016, a report was prepared for the International Institute for Democracy and Electoral Assistance by the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC), a Centre at the University of Johannesburg. The report investigated the performance of the South African Constitution over its first 20 years of existence. SAIFAC observed that despite the constitutional provisions designed to empower previously disadvantaged African languages, English continues to dominate in most public domains (Bilchitz *et al.,* 2016). Many other studies have shown that across a number of settings, there is a steady shift away from African languages towards English (De Klerk, 2000: 105; Kamwangamalu, 2007: 269-270; Prabhakaran, 1998: 302).

In 2017, in pursuance of the mandate it received under UOLA, PanSALB invited all national government departments to report on their observance of the language provisions of the final

Constitution and the prescripts of UOLA (Pan South African Language Board, 2019: 6). Departments were requested to submit their language policies to PanSALB in advance of appearing in front of a panel at a public hearing (ibid). At the enquiry, departments were asked to make presentations and to respond to comments and suggestions made by the panel or members of the public. Approximately 73% of the invited departments attended the hearing (Pan South African Language Board, 2019: 8). At the time of the enquiry, around 42% of departments had finalised their language policies, while 32% had policies in draft form. Only 29% of departments had established Language Units (ibid).

This study explores South Africa's contemporary linguistic landscape. An examination of the literature reveals that although the country is home to a host of indigenous African languages, English is the dominant official language; most notably in government forums. This state of affairs is curious because the country's Constitution calls on the government to ensure that the nation's indigenous languages are used and developed. Moreover, in 2012, South Africa enacted legislation aimed specifically at pursuing this very agenda. The study establishes whether English still dominates in South Africa, specifically in government activities, and it explores the causes. Could it be because of ineffective implementation or lack thereof? Data is analysed in an attempt to establish whether there are identifiable trends across government entities, in terms of the reasons for poor implementation. This is done to provide practical recommendations for the improved implementation of South African language policies. South Africa is a country with profound cultural and linguistic diversity. It is not unique in this, with many countries enjoying an array of linguistic influences and official languages. Significant examples include India, Singapore and Switzerland.

South Africa's tragic history disenfranchised the vast majority of the country. This legacy lives on in numerous ways, including the prevailing dominance enjoyed by English, and to a lesser extent Afrikaans, as the languages of choice of various national government departments. This is despite the normative and constitutional recognition of nine indigenous African languages as being official, and all 11 regarded as equal.

Intuitively, denying the majority of the population substantive linguistic equality of their own home languages denies substantive equality of identity too. This intuition is borne out in literature, especially social identity theory, which emphasises the importance of self-regard and attendant self-recognition within societal structures. People intrinsically desire positive

self-regard. People, likewise, automatically associate with certain groups and derive much of this desired self-regard from that group belonging. Since self-regard is at least in part predicated on identifying with a group, it becomes necessary for the individual that they are able to evaluate that group positively. Since speakers of previously marginalised indigenous languages, typically black people, have historically been evaluated negatively within South Africa, there is a need to redress the faulty stereotyping and negative connotations attached to these groups, and their associated languages. Any means by which a group unreliably deemed and perceived 'inferior' can be elevated to a more democratic state is likely to produce not only better self-regard for members of that group, but more harmonious social interactions between it and members of other groups. The widespread use of previously marginalised languages within society, therefore, is likely to foster not only more harmonious relationships between groups and increased social cohesion within the nation but a greater sense of self-esteem and intrinsic dignity.

Simply put, hearing one's own language universally, and at even the highest levels of government, is important in terms of valuing one's language group, and therefore oneself, as fully valued and substantively equal to other societal groupings. Such high self-regard is understandably an aim of many post-colonial and democratic societies, which are frequently preoccupied with rectifying the destructive legacies of the past. Research consistently shows that engagement in one's language, including learning in that language, is likely to increase a sense of self-esteem, and personal agency (Droogendyk and Wright, 2017), which is unsurprising given that people's identities are often profoundly situated within their sense of linguistic identity, as Rudwick (2008) found was markedly the case for Zulu people, for instance.

Consequently, the efforts put in place by the final Constitution of South Africa, and the South African government to encourage the use of all languages across government departments serves a valuable function in relation to social identity and personal self-regard. This, in turn, seems a worthwhile project in terms of redressing the lasting legacy of Apartheid as a crime against humanity which sought to undermine people's sense of self and personal worth, and which sought to sow divisions between groups in the interests of maintaining an inequitable status quo predicated on 'separate-ness' (the literal meaning of 'Apartheid'). It is somewhat unsurprising, then, that similar projects toward linguistic and social cohesion have occurred historically.

Similar efforts are evident in the other countries previously mentioned, with India perhaps the most comparable country of all, due to its vicious colonial past, and the sheer multiplicity of official languages. India is the only country in the world to recognise even more languages as official than South Africa does, i.e. 16 versus 11, as per the World Economic Forum. Consequently, India has instituted legislation aimed at promoting the use of indigenous languages, as have many other countries, including South Africa.

1.2 Primary Legislation

Two prominent pieces of legislation occur as being central to this study and in South Africa's dedication towards linguistic parity. Naturally, the final Constitution features prominently. Additionally, a key mechanism by which South Africa has attempted to achieve true multilingualism is the Use of Official Languages Act No. 12 of 2012, known as UOLA. This Act prioritises the use of official languages across national government departments, national public enterprises and national public entities, with the particular goal of elevating the nine previously marginalised indigenous, and now official, languages.

Understanding so broad a field, littered with extensive legislation, with global parallels, that impacts on literally dozens of governmental divisions and entities, and which impacts a cross-section of citizens' lived experience, is quite daunting. Many approaches could be taken in this pursuit, and indeed it is necessary to focus on specific approaches so as to discuss matters with precision and a clear epistemological direction.

Hence this study positions the data collected, and its discussions, within the language of recognised academic fields. The nature of governmental efforts can be well understood within the theoretical frameworks of 'Language Policy and Planning' and 'Language Management Theory'. These theories are concerned with the mechanisms by which language can shift or be 'managed' not only individually, called 'bottom-up' or 'micro-level' language management, but purposefully by interventions offered from authorities, such as government, a process referred to as 'top-down' or 'macro-level' language management.

Furthermore, this is represented in outline by concepts drawn from Social Identity Theory and its associated field of Intergroup Contact, with it being remembered that though these sweeping efforts are intended to influence society, society is constructed by individuals,

whose sense of self-worth and self-identity – which are linguistically rooted – is of paramount consideration.

1.3 Other Sources

This study situates its work within this theoretical framework. Other primary sources of data include case studies of the former Department of Arts & Culture, (the current Department of Sports, Arts & Culture) and the Department of Justice & Constitutional Development; an interview with a language activist who represented many language activists and a representative from PanSALB. PanSALB is a constitutional organisation that was established in 1995 to support and safeguard the language rights of all South Africans, in terms of Section 4 of the PanSALB Act, 1995 (Act 59 of 1995). Its board is an independent organ of state subject only to the Constitution and its founding legislation (Pan South African Language Board Act, 1995). Lastly, the PanSALB Public Hearing Report is an extensive review of findings from a Public Hearing conducted by the Pan South African Language Board (PanSALB). This latter data point contains a report with submissions from 37 government departments, which is 73% of the total government departments. In their submissions, the departments described the state of their language policies and efforts towards multilingualism, and PanSALB's responded critically to these efforts. As stated above, the study outlines obstacles to true linguistic parity within the South African context and suggests ways in which departments may overcome these hindrances and honour the guiding spirit of our Constitution.

1.4 Problem Statement

While South African language policies aim to elevate the status and advance the use of the indigenous languages, English continues to dominate in most public domains. It is unclear why this state of affairs is the case. Could it be a result of poorly conceived language policies or is the problem associated with the implementation of existing policy? PanSALB's report does not provide a detailed analysis of the data received from participating government departments and entities. In particular, the report fails to identify possible trends across departments and entities in terms of the scope and reasons for any non-compliance with UOLA. Such an analysis is necessary to inform potential strategies that the government can follow to achieve the normative language provisions of the final Constitution and UOLA.

1.5 Aim

This study aims to establish why English continues to dominate most public forums in South Africa, given that the country's language policies aim to elevate the status and advance the use of the indigenous languages. It aims to establish whether this prevailing state of affairs is a result of the policies being poorly conceived or because of problems associated with implementation. This study seeks to identify possible trends across government departments and entities in terms of the scope and causes of any non-compliance with the country's language policies. Based on such an analysis, this study aims to identify potential strategies that the government can follow to achieve the normative language provisions of the final Constitution and UOLA.

1.6 Research Questions

This study responds to the following questions:

(i) Why does English continue to dominate most South African public environments?
(ii) How are South African language policies conceived and how do they compare with those of other countries, particularly those that are held in high esteem?
(iii) How far along is the process of implementation of South African language policies?
(iv) What problems might flow from non-implementation?
(v) What are evident trends in terms of the extent and nature of governmental compliance with South African language policies?
(vi) How can such trends inform strategies that would allow the government to achieve their legislated language goals?

1.7 Delimitations of the Study

Some countries like Nigeria, Guinea and Zaire have an exoglossic language policy with more than one African language being promoted, and countries like Zambia, Zimbabwe and Sierra Leone also use exoglossic language policies combined with the selective use of indigenous languages (for example, first years of primary education as seen in Chimhundu, 1997: 10-11). These models are good in respect to their prioritisation of indigenous language, and could

therefore be imitated. Future research could consequently consider benchmarking against such countries, especially given that they are African. For the sake of expediency, it is all but necessary to concentrate on a selection of nations (and their attendant language policies) as benchmarks within any given study. This study does this with India, Switzerland and Singapore, all of whom have adopted strategies that are, to some extent, similar to those of the aforementioned nations, and that are likewise similar in ways that are germane for the current comparison to South Africa (e.g. India's large number of official languages and Singapore's history of being governed by multiple colonial powers before independence.

The next chapter, a literature review, looks at various studies that underpin and inform this study. It is followed by a chapter on a theoretical framework and research methodology respectively. After research methodology, findings and a discussion of findings follows. presented and the chapter after that presents and interpret findings. Data is analysed and recommendations are presented. Lastly, a concluding chapter summarises the study and discusses plans for further research.

CHAPTER 2

LITERATURE REVIEW

The purpose of this chapter is to provide an evaluative account of other studies found in the literature related to this area of study, i.e. language policy implementation in South Africa. The review describes, evaluates and summarises relevant literature. It provides a theoretical basis and context for my research. The first part of the review looks at how language policy in South Africa evolved from pre-Union South Africa up to the post-apartheid era in South Africa. It then looks at the functions of various language structures that existed since then up to the current Pan South African Language Board. This is followed by benchmarking of three countries whose language policies are regarded as the best multilingual country models in the world. Like South Africa, these three have more than two languages adopted as official languages. Lastly, this literature review looks at the South African legislation in retrospect up to the current linguistic landscape in South Africa.

2.1 Language Policy in pre-Union South Africa

In the 17th century, the Netherlands established a permanent settlement in the Cape (Bostock, 2018: 27). Unsurprisingly the authorities chose Dutch as the official language of the administration. This state of affairs lasted until 1814 when the British took control of the territory and made English an additional official language, alongside Dutch. By the time the British arrived in the Cape, however, a new form of Dutch had emerged in the colony. This change was precipitated by a number of factors, not least of which was the colony's physical isolation from the Netherlands. In addition, other languages in use in the Cape, including English, French, Portuguese, German and Malay influenced the local form of Dutch (ibid). This new language began to receive some formal recognition, and in 1875 a group of teachers and clerics in the Cape founded the Society of True Afrikaners (ibid). Amongst other things, they aimed to establish a platform for the protection of the new language. One of the ways in which this was achieved was their establishment of an Afrikaans newspaper (Worden, 1994: 88).

The British authorities were concerned with maintaining a social divide between Europeans

and Africans (Mazrui, 1998: 98). As a result, they were tolerant of African languages and discouraged the teaching of English to African people. They believed that knowledge of English would provide locals with a common medium of communication and that this would cause them to become politically mobilised (ibid).

In 1902, the Second Boer War ended when the British defeated the two Boer nations, the Zuid-Afrikaansche Republiek and Oranje-Vrijstaat (Brenzinger, 2017: 41). Following their victory, the British wished to unite the Cape Colony, the Colony of Natal and the two former republics. One of the steps taken in pursuit of this goal was the passing into law of the 1909 South African Act (ibid). Section 137 provided that both English and Dutch were to be the official languages of the Union and were to be treated equally and enjoy equal freedom, rights and privileges (Government of the United Kingdom, 1909). The South Africa Act stated that all records, journals, and proceedings of Parliament were to be kept in English and Dutch (ibid).

2.2 Language Policy in the Union of South Africa

At the inception of the Union, the languages of instruction for Afrikaans-speaking students were English or Dutch (Brenzinger, 2017: 41). This state of affairs subsisted until 1924 when the National Party defeated the South African Party in an election and formed a coalition government with the Labour Party. The new government moved quickly to formally recognise Afrikaans and the South Africa Act was amended so as to include Afrikaans as one of the Union's official languages (ibid).

The 1940s saw a significant increase in support for the National Party (Brenzinger, 2017: 41). This emboldened the movement and plans emerged to declare Afrikaans as the premier official language of the nation. The intent was that English would be retained as an official but supplementary language (Stultz, 1974: 82). Although these plans were never realised, under National Party rule, English was seen as subordinate to Afrikaans (ibid).

The National Party was intent on separating white South Africans and black South Africans and believed that Language Policy could play a vital role in achieving this aim (Mazrui, 1998: 90). The apartheid state used language as a means of dividing black South Africans, so they would not be able to mobilise as a collective (ibid). They did this by linking language to

ethnic identity. For instance, the Bantu Education Act 47 of 1953 stated that teaching was to take place in students' home languages, though the syllabus included classes in English and Afrikaans (Brenzinger, 2017: 42). This was met with much resistance from South African liberation movements who viewed English as the language of emancipation (ibid). This unwittingly raised the profile and prestige of English at the expense of African languages (Balfour, 2003: 24).

2.3 Post-Republic Language Policy in South Africa

In 1961, South Africa became a republic and withdrew from the Commonwealth of Nations. The South African Constitution Act 32 of 1961 identified Afrikaans, Dutch and English as the land's official languages (Government of South Africa 1961, s. 108). The Bantu Homelands Citizenship Act 26 of 1970 established ten distinct black states. Between 1976 and 1981, four of them were designated as independent states, namely the Transkei, Bophuthatswana, Venda and Ciskei (Giliomee, 1997: 123). The governments of each of these states nominated the presumed home languages of their citizens as the official languages, together with English (ibid).

In 1974, the apartheid government decided to make Afrikaans, alongside English, a compulsory medium of instruction in non-white schools (Brenzinger, 2017: 42). This created intense unhappiness amongst black South Africans. On 16 June 1976, a protest march of black students in Soweto ended in a massacre in which many scholars were shot by the police. Although this brutality led to widespread international support for the anti-Apartheid movements, the Bantu education system persisted for a further 24 years, albeit in a slightly amended form: African languages would be the media of instruction for the first five years of primary education followed thereafter by English (ibid).

The apartheid state believed that the future of Afrikaans was under threat and so it was decided that the definition of an Afrikaner would be altered to include anyone who spoke Afrikaans (Schiff, 1996: 219). This meant that many mixed-race people, after 36 years of exclusion, were given a higher degree of recognition (ibid). In 1983, the Republic of South Africa Constitution removed Dutch as an official language of the country (Government of South Africa 1983, s. 89). The Act nominated English and Afrikaans as the country's official languages and stated that they should be treated on an equal footing (ibid). Prior to examining

South Africa's post-apartheid era language policies, it is useful to examine the current linguistic landscape of the country.

2.4 Post-apartheid Era Language Policy and the Interim Constitution

The end of apartheid saw the institution of many new policies and interventions in most sectors of society. The country's new language outlook was set out in Section 3 of Chapter 1 of the South African Constitution Act 200 of 1993 (the interim Constitution). Subsection 1 listed Afrikaans, English, isiNdebele, Sepedi, Sesotho, siSwati, Xitsonga, Setswana, Tshivenda, isiXhosa and isiZulu as the official South African languages at the national level (Government of South Africa, 1993). It stated that conditions should be created to develop those languages and promote their equal use and enjoyment (Government of South Africa 1993, s. 3).

Furthermore, Subsections 3 and 6 stated that in their dealings with both national and provincial government, people have the right to use and to be addressed in their language of choice, provided that this is practicable (Government of South Africa, 1993). Subsection 7 made clear the rights of members of Parliament to address in the official South African language of their choice (ibid). The interim Constitution made it possible for Parliament and any provincial legislature to pass laws governing their use of official languages for the purposes of the functioning of government, taking into account questions of usage, practicality and expense (Government of South Africa 1993, s. 1, ss. 8). These included the promotion of multilingualism and the equal use and enjoyment of all official South African languages; and a commitment to avoid diminishing the status of languages existing at the commencement of the Constitution (Government of South Africa 1993, s. 1, ss. 9).

2.5 The Pan South African Language Board

The interim Constitution required the establishment of an independent Language Board, now known as PanSALB, to develop and promote respect for the official South African languages (Government of South Africa 1993, s. 10). The Pan South African Language Board Act No. 59 of 1995 created PanSALB. PanSALB is responsible for implementing and overseeing the Constitution's language policies (Government of South Africa, 1995, s. 3). It is thus responsible for nurturing and directing the development and use of the nation's 11 official

languages, as well as the Khoi, Nama and San languages, SASL and certain heritage languages. PanSALB subcommittees were set up in all provinces with a mandate to draft language policies for each province according to the National Language Framework. The Western Cape Language Committee, for example, was established in accordance with the Western Cape Provincial Language Act No. 13 of 1998. This committee drafted the Western Cape Language Policy, which was implemented in 2002. It declared "equal status and use of the three official provincial languages, Afrikaans, English and isiXhosa" with SASL and other marginalised languages as additional languages (Western Cape Provincial Legislature, 1998). The Language Policy details the implementation strategies, and it was made available in English, Afrikaans and isiXhosa (Western Cape Provincial Government, 2013: 1).

2.6 The Language Plan Task Group

Following the end of the apartheid state, the power of the executive arm of government in language matters was transferred to the Department of Arts, Culture, Science and Technology (DACST) (Beukes, 2008: 7). In 1995, the DACST established the Language Plan Task Group (LANGTAG) and tasked it with driving the development of a national language plan. The final report was presented to DACST on 8 August 1996. The report detailed a plan for equalising the status of South Africa's 11 official languages. It recommended that DACST encourage the use of the country's nine African languages in high-level realms such as parliamentary debates. The report suggested that businesses should be encouraged to make use of these languages in their domestic transactions. It stated that there was a need to develop guidelines for government employees' use languages other than English and Afrikaans across the different levels of the administration. LANGTAG suggested that language services should be established across the nation; staffed with adequate numbers of well-trained translators, interpreters and terminologists as well as specialists, dictionaries and glossaries. The plan highlighted the need to end illiteracy and encouraged the private sector to play an active role nurturing multilingualism at workplaces.

According to the guidelines suggested in the final report of the Language Plan Task Group (LANGTAG) – which was formulated in 1996 for development of a language plan for South Africa – the vision for language equity included that any South African would have access to his or her preferred language in all spheres of public life, including the administration of justice, the public service, labour relations, national institutions (such as the defence force,

the police service), education, local, provincial and national gatherings, health, parastatals (such as Telkom, Eskom, SABC), repositories of national heritage (such as libraries and museums) (Language Plan Task Group, 1996: 45-46). However, it is still not the case currently, but perhaps we are getting closer each day. All that is required is more commitment. Perhaps a similar task team is required, or the envisaged national Language Unit can constitute a team that can take some of the LANGTAG visions forward as there is no need to reinvent the wheel.

Other suggested strategies from the LANTAG included that the element of "reasonableness" in the notion of equity would not be used as a means of excluding people from linguistically accessible services and that the citizens would be fully informed about their language rights and the appropriate channels of complaint and redress. They would be encouraged to seek redress in cases where their rights have been transgressed. It suggests that regular review and reformulation of the language plan would take place at specified times, e.g. every five years and that there should be explicit involvement of all speech communities in South Africa (Language Plan Task Group, 1996: 45-46) during those processes of evaluation.

2.7 The Final Constitution

As alluded to earlier, South Africa's final Constitution was adopted in 1996, and Section 6 of Chapter 1 outlines the principles of policy concerning language usage and provides that 11 languages are recognised as official languages. It acknowledges that South Africa's uncharacteristic history reduced the use and status of the country's indigenous languages (Government of South Africa 1996, s. 6, ss. 1-2). Section 6 further states that the government needs to take practical and positive measures to elevate the status and advance the use of the indigenous languages (Government of South Africa, 1996, s. 6, ss. 2) and that without derogating from this duty, the government must ensure that all official languages enjoy parity of esteem and that they are treated equitably (Government of South Africa, 1996, s. 6, ss. 4). Further to that, Subsection 4 necessitates the government to regulate and monitor its use of the official languages through legislative and other means (Government of South Africa, 1996, s. 6, ss. 4).

2.8 The 1997 Language in Education Policy

In 1997, the Language in Education Policy was published by the Department of Education, in terms of Section 3(4)(M) of the National Education Policy Act 27 of 1996. The policy document stated that the department would aim to maintain scholars' home languages, while at the same time enabling the acquisition of additional languages (Department of Education, 1997). The policy stated that although only official languages could be used for instruction purposes, it was not the government's right to dictate individuals' language of learning and teaching. This right was vested instead in the individual. The document added, however, that this right could not be exercised without referencing the department's overarching obligation to promote multilingualism (ibid).

2.9 The 1997 Norms and Standards on Language Policy

In 1997, the Department of Education published its Norms and Standards Regarding Language Policy. This was done in terms of Section 6(1) of the South African Schools Act 84 of 1996. The policy states that students and their guardians have the right to choose the language of instruction (Department of Education, 1997). The document placed an obligation on individual governing bodies to demonstrate a commitment to multilingualism. This was to be done by providing instruction in more than one language and offering other languages as subjects. The responsibility for students who wished to be taught in a language not available at a given school was placed in the hands of the Provincial Departments of Education (ibid).

2.10 The National Language Service

The National Terminology Services (NTS) and State Language Services (SLS) of DACST merged on 1 April 1998 to form the new National Language Service (NLS) (Alberts, 2000: 235). The NLS is responsible for developing policy and legislation around language, providing translation services to other government departments, and promoting language development (ibid). This latter function is curated by the Terminology Division (TD) of the NLS. The TD is the national office that assists government by providing terminology information in all 11 official South African languages. It documents, develops, standardises and publishes lists of terms, covering a variety of fields and subjects. Its objective is to reduce ambiguity and misunderstanding and thereby improve the accuracy of the country's scientific and technical communication. The TD advises on the national policy concerning technical

language. It establishes and evaluates norms for terminographic purposes. In addition, the TD creates and implements standardised facilities and procedures to collect, document, systematise, standardise and disseminate terminological information for South Africa's various language groups. It provides an information service on technical languages and terminographic matters. Additionally, it coordinates, supports and facilitates projects for the development of technical languages, makes terminology facilities and products available to related information and communication systems and develops and manages the National Term Bank (ibid).

2.11 The Language Policy for Higher Education 2002

In 2002, the Ministry of Education published a Language Policy for higher education. The policy acknowledged the dominant position of English and Afrikaans at South African tertiary educational institutions (Ministry of Education, 2002: 2). It stated that until African languages were developed to a level where they could be used in all higher education functions, this status quo would have to persist (Ministry of Education, 2002: 10). The policy document stated that the Ministry would give urgent attention to the development of other South African languages as media of instruction at higher education institutes (ibid). The Ministry affirmed its support for the retention of Afrikaans as a medium of academic expression and communication in higher education (Ministry of Education, 2002: 11-13). The policy document called for the promotion of the study of foreign languages and the encouragement of multilingualism in institutional policies and practices (Ministry of Education 2002: 8).

2.12 Lourens v President van die Republiek van Suid Afrika

Referring to the *Lourens v President van die Republiek van Suid Afrika* 2013 (1) SA 499 (GNP) case which was alluded to earlier, in which a concerned Afrikaans speaking citizen applied to the North Gauteng high court for an order compelling the national government to fulfil its constitutionally rooted language obligations. The applicant requested the court to order the national government to give effect to Section 6(4) of the Constitution and enact language legislation. Amongst other things, the applicant called for the government to conduct a language audit of the use of official languages by the country's national government departments. The court refused to grant this latter request, stating that the Constitution does not oblige the government to undertake such an audit. Failing an express

provision of this nature, the court found that it lacked the authority to instruct government in this regard. However, the court did find that the government had failed to implement legislative or other measures to regulate and monitor the use of official languages. This meant that it was in breach of Section 6(4) of the Constitution. The court thus ordered the national government to within two years comply with its constitutional obligation. Within two years, UOLA was adopted to give effect to the decision in this case.

2.13 The Use of Official Languages Act

UOLA aims to regulate and monitor the use of official languages by South Africa's national government (Government of South Africa, 2012, s. 2). It is designed to engender the equal treatment and esteem of the country's official languages and aims to facilitate South Africans' equitable access to national government services and information (ibid). There are a number of means by which UOLA seeks to attain these goals.

Firstly, it instructs the Minister responsible for language matters (the Minister) to establish a sufficiently resourced National Language Unit (NLU) (Government of South Africa, 2012, s. 5). UOLA states that the NLU must advise the Minister on the best policies and strategies for attaining a number of objectives (Government of South Africa, 2012, s. 6, ss. 1). These include promoting the equitable treatment of the country's official languages and facilitating equitable access to government services and information (ibid). UOLA compels all national departments, national public entities, and public enterprises to adopt language policies regarding their use of official languages (Government of South Africa, 2012, s. 4, ss. 2). In addition, it obliges these institutions to establish sufficiently resourced Language Units to fulfil certain functions, including providing advice on the development of language policies and compiling annual language reports for onward transmission to PanSALB and the responsible Minister (Government of South Africa, 2012, s. 8).

2.14 Language Policy in Switzerland

The most widely spoken language in Switzerland is German, which is spoken by over 63% of the population followed by French, which is spoken by over 22% of Swiss people (Kużelewska, 2016: 129). Italian is spoken by over 8% of the populace, while Romansh speakers account for less than half of a per cent of Swiss people (ibid). Switzerland is divided

into three main linguistic zones: A German one at the border with Germany, a French one at the border with France and an Italian one at the border with Italy. Romansh is only spoken in one canton (Schmitt, 2017: 91). This means that multilingualism in Switzerland does not mean that people commonly communicate with one another in several languages. Instead, it is composed of four relatively homogenous linguistic communities, which communicate with each other with some difficulty (ibid).

Despite this, some writers consider the Swiss confederation as one of the most successful multilingual countries in modern history (McRae, 1983: 229). Switzerland has three principles that characterise the way it manages its diversity, namely, language territoriality, language freedom and subsidiarity (Grin, 1998: 4). Language territoriality is an unwritten constitutional principle that states that it is incumbent upon the cantons, which are the Swiss equivalents of provinces or states, to maintain the extent and homogeneity of language use within their borders (ibid). The language freedom principle is another unwritten constitutional principle that, amongst other things, bestows on residents the right to use any language of their choice in the private sphere, including in business and commerce. The significance of the principle of subsidiarity is that sovereignty rests with the cantons rather than the central confederate authority; cantons only delegate a limited number of powers to the central government (ibid).

Article 4 of the Constitution of the 1999 Confederation of Switzerland – the Swiss Constitution – recognises four national languages, namely German, French, Italian, and Romansh (Government of Switzerland, 1999). Article 18 guarantees citizens the right to use any language of their choice. Article 70(1) lists the confederation's official languages as German, French and Italian. Romansh is considered an official language, but only when the government is communicating with Romansh speakers. Article 70(2) states that cantons must choose their own official languages and must respect the traditional territorial distribution of languages while taking into account indigenous linguistic minorities. Article 70(3) states that the confederation has the duty to assist the cantons in complying with these language duties. Article 70(5) obliges the confederation to assist the Cantons of Graubünden and Ticino to preserve and promote the Romansh and the Italian languages (ibid). It is important to note that, despite these provisions, the jurisprudence of the Swiss Federal Court has always given priority to the principle of territoriality over that of freedom of language. This makes the principle of territoriality the cornerstone of Swiss Language Policy. For this reason, the four

linguistic zones remain almost exclusively monolingual.

In 2007 the Swiss enacted the Federal Act on National Languages and Mutual Understanding between Linguistic Communities (FANLMULC) to control the use of official languages by the government. Together with the Ordinance on the Language Services of the Federal Administration (OLSFA), FANLMULC establishes a comprehensive system of language services. This comprises the Central Language Services for the Federal Chancellery (CLSFC), departmental language services for each federal department and translation services in each individual federal office. In addition, the Swiss parliament has its team of translators. These language services are all separated into individual components, each representing the different official languages. Articles 8 and 10 of FANLMULC state that all federal legislation and documentation, draft legislation, legislative proposals, messages and reports must all be made available in German, French and Italian. Article 11 states that texts of particular importance to citizens who speak Romansh together with documentation about federal elections must be published in Romansh.

2.15 Language Policy in Singapore

Like Switzerland, Singapore's language policies have been lauded (Chua, 2010: 426; Fasanmi, 2010: 7). Fasanami states that Singaporeans' bilingual education policy does not only ensure the preservation of the nation's cultural heritage but helps the citizens to have access to modernisation through the English language (ibid). At the time that the British East India Company claimed Singapore as British trading post in 1819, it was already inhabited by Orang Laut, Chinese and Malay peoples (Bloom, 1986: 349). The passage of time saw an influx of immigrants from southern China, Malaysia, Indonesia and India. In 1957, a census revealed that a total of 33 languages were spoken on the island (ibid). These included Indic languages such as Hindi, Urdu, Punjabi and Sindhi; Dravidian languages such as Tamil, Tegulu, Malayalam and Kannada; and Austronesian languages such as Malay, Boyanese, Bugis and Javanese (Bokhorst-Heng, 1998: 288). Within the majority Chinese population, more than 13 Chinese languages were recorded (ibid). The British government in Singapore was not overly concerned with providing the local people with English medium education. Instead, the British encouraged local children to attend schools that offered an education presented in their vernacular (Gupta 1994: 34). The island's linguistic heterogeneity led to the widespread use of Bazaar Malay, a language of trade and the market (Tan, 2017: 93). Bazaar

Malay developed in the 16th and 17th centuries as a means of facilitating interethnic trade in South East Asia (Tan, 2017: 94).

In 1959, Singapore became an internally self-governed state (Tan, 2017: 95). In the same year, the People's Action Party (PAP), led by Lee Kuan Yew, came into power (ibid). At independence, Mandarin, Malay, Tamil and English were chosen as the nation's four official languages; with Malay designated as the national language (Government of Singapore, 1965, s. 153A). English was chosen as one of the official languages because it was the existing administrative language and the nation's ruling elite were familiar with the language (Tan, 2017: 96). The then Prime Minister, Lee Kuan Yew, had himself been educated at the University of Cambridge, and it is said that since English was the only language that Yew was familiar with, he deemed it necessary to make it one of the nation's official languages (ibid). The state believed that the only way to ensure Singapore's survival was to engage in trade and industry and this meant that Singaporeans would have to speak the language that drove the world economy: English. English was chosen because it was seen as a foreign, neutral language that could serve an interethnic community without seeming to privilege one group over others. In 1965, the state made the study of English as a second language compulsory for students being in taught other languages. Then, in the late 1970s, English was officially designated as the medium of instruction in all schools (ibid).

In Singapore, there is an inextricable link between peoples' home languages and their ethnic classifications of the Singaporean population (Tan, 2017: 97). The largest ethnic group in the country are the Chinese, who make up 76.8% of the population, followed by the Malays at 13.9% and the Indians at 7.9% (Singapore, 2010: viii). Each ethnic group is associated with a language: Chinese with Mandarin; Malay with Malays; and Tamil with Indians (Tan, 2017: 97). The assignment of home languages is not based on peoples' actual language repertoire, but solely on ethnicity (ibid). In 2010, only 47% of ethnic Chinese Singaporeans reported using Mandarin at home; while more than 32% of them used English as a home language (Singapore, 2010: ix). Despite this anomaly, all children in Singapore are required to master their assigned home languages, together with English (Tan, 2017: 97).

2.16 Language Policy in India

India has many divides revolving around ethnicity, language, religion, region, social identity, literacy, as well as rural/urban (Mallikarjun, 2004: 12). The majority of India's population lives in rural areas (ibid). The rate of literacy for the entire country in 2001 was 65.2 %, with the highest literacy in Kerala above 90%, lowest literacy in Bihar less than 50%, rural literacy at 59%, urban 80%, males 76%, and females at 54%. The 2011 census places the count of Indian languages at 121 (Mallikarjun, 2019: 148). Of those, 22 languages form part of the Eighth Schedule of the nation's Constitution. The remaining 99 languages constitute non-scheduled languages (ibid). The scheduled languages are spoken by 96.71% of the Indian populace (Mallikarjun, 2019: 148). In terms of the distribution, the only language with speakers present in every state and territory is Hindi. Urdu speakers are found in all the states except those in the North Eastern Region of the country (Mallikarjun, 2019: 149). India's languages belong to 5 different families. More than three-quarters of India's languages fall within the Indo-European family. Roughly one fifth speak languages belonging to the Dravidian family, and the remaining populace speaks languages belonging to the Austro-Asiatic, Tibeto-Burmese and Hamitic families (ibid).

After independence, India set about reorganising the geographical boundaries of its states, mainly along linguistic lines (Mallikarjun, 2018: 80). The principles that informed the process included: i) geographical contiguity; ii) linguistic and cultural homogeneity, and iii) the existence of a common language to promote regional awareness. Managing Indian multilingualism formally got underway with the country's acceptance of its Constitution (ibid).

The Constitution of India was adopted by that nation's Constituent Assembly on 26 November 1949 and came into force on 26 January 1950 (Government of India, 1949). Section 29(1) states that citizens with distinct languages, scripts and cultures are entitled to conserve that heritage. Subsection 2 states that no citizen can be denied admission to a school solely on the basis of, amongst other things, their language. Section 30 enshrines the right of religious and linguistic minorities to establish and manage their own schools (ibid).

Section 343(1) designates Hindi as the nation's official language. However, Subsection 2 states that for a period of 15 years, English would continue to be the language used in all

areas of the administration. Subsection 3 empowers the country's legislature to extend the length of time that English can be used by the government (ibid). English continues to serve as a neutral language for multiple language speakers of the country and may do so for many decades or centuries to come (Mallikarjun, 2019: 81).

The Constitution mandates the establishment of a language commission (Government of India 1949). The envisaged commission is meant to be representative of the languages listed in the Constitution's Eighth Schedule and provide the nation's president with recommendations around, for instance, i) the increased use of Hindi in the administration; ii) the possibilities for restricting the use of English for government business. These recommendations are then meant to be sent to a special committee drawn from India's two legislative tiers. Section 345 empowers state legislatures to adopt one or more official languages. This language can be Hindi or one or more of the languages used by a state's populace (Mallikarjun, 2019: 81).

A distinction is drawn between a state's official language and the language used in its administration. For instance, though the Official Language Act 1966 of Andhra Pradesh, one of the states in India, recognises Telugu as the official language for use in its territory, it permits the use of English, Urdu, Kannada, Tamil and Oriya in certain specified situations and regions for administrative activities (Mallikarjun, 2018: 80). Hence, these languages are used in administration in Andhra Pradesh though only Telugu is the official language. Another interesting case is that of the Sikkim state. This state has a unique distinction of listing 11 languages in its Official Languages Act. The Sikkim Official Languages Bill of 1977 specifies that Nepali, Bhutia and Lepcha shall be the languages used for the state's official purposes. In 1981, the Bill was amended to include the Limbu language. In 1995 it was amended again to include Newari, Rai, Gurung, Mangar, Sherpa and Tamang. It was further altered in 1996 to include Sunuwar (Mallikarjun, 2018: 81).

The Constitution specifies that in terms of inter-state communications, the nation's official language should be employed unless states mutually agreed on the use of Hindi. It empowers the country's president to force states to adopt any given language as official, where a substantial proportion of residents make such a demand. Section 348 states that the proceedings of the Supreme Court and the High Courts, parliamentary bills, Acts, orders, rules, regulations and bylaws should be in the English language. Subsection 2 allows states,

with the permission of the President, to permit court proceedings to be held in a language other than English, provided that any judgements, decrees or orders passed are made in English (Government of India, 1949).

Section 350 entitles Indian citizens to submit complaints to the government in any given language. Section 350A, inserted by a constitutional amendment in 1956, provides that states and local authorities should endeavour to provide primary school children belonging to minority linguistic communities with education presented in their home language. Section 350B caters for the appointment by the President of a Special Officer for linguistic minorities. The Special Officer is tasked with safeguarding India's linguistic minorities by investigating all matters related to their protection under the Constitution (Government of India 1956).

Section 351 imposes an obligation on the state to promote the spread of the Hindi language and to develop it so that it can act as a medium of expression for all Indians. This is to be achieved by assimilating India's other languages, including Hindustani and the other Eighth Schedule Languages, and expanding Hindi's vocabulary by making use of Sanskrit in particular (Government of India, 1949).

In 1968 the National Policy on Education (NPE) recommended the adoption of a Three Language Formula (TLF) (Mallikarjun, 2019: 81). According to the NPE, the TLF would mean that in the Hindi-speaking states secondary level students would study a modern Indian language, preferably one of the Southern languages, together with Hindi and English (Mallikarjun, 2018: 83). In the non-Hindi speaking states, students would be required to study Hindi along with a regional language and English. The TLF was again reiterated by India's 1986 Education Policy and was adopted by Parliament as a Programme of Action in 1992 (ibid). In 2000, a discussion document was published by the government called the National Curriculum Framework for School Education (NCFSE). It commented that at various levels of government and society, the spirit of the TLF was not being followed. In many instances, peoples' home languages were denied the status of a first language. Some states were employing two-language formulas, while others were legislating the learning of classical languages lie Sanskrit and Arabic in place of a modern Indian language. The NVFSE commented that some institutions were permitting European languages like French and German to take the place of Hindi (Mallikarjun, 2018: 83).

In 2005, a National Curriculum Framework was published. It stated that children ought to be taught in their mother-tongue, where this language was acquired naturally from the students' home and social environment. The framework stated that where this was not possible at the higher levels of education, primary school teaching should still be provided in children's home languages. The framework stated that in non-Hindi speaking states, children should learn Hindi. In the case of Hindi states, children should learn a language not spoken in their area. The framework clarified that Sanskrit could be studied as a Modern Indian Language in addition to these languages. It stated that the study of classical and foreign languages could be done at the secondary stage of schooling (ibid).

Since the onset of democracy, Indian nationals have approached the courts for relief in various matters concerning the state's language policies (Mallikarjun, 2018: 84). These judgements have legally sanctioned amongst other things, i) the TLF; ii) the compulsory teaching of official regional languages in schools at the secondary stage; iii) states' rights to introduce the teaching of a second language to children before they reach the secondary stage; iv) the obligatory use of students' home languages as the language of instruction in primary schools irrespective of their status as a majority or minority language; v) states' rights to introduce the teaching of English at the primary school level; vi) the right of parents and guardians to designate children's home languages; and iv) the absolute right of parents and guardians to choose children's language of instruction (ibid).

2.17 Current Linguistic Landscape in South Africa

The current linguistic map tells us that linguistic distribution is quite diverse among the 11 official languages across the nine provinces (Mncwango, 2012: 58). The country's latest statistics show a steady general increase in the number of speakers of indigenous African languages, with only Sepedi and Setswana showing a slight decrease of 0.21% and 0.4%, respectively. IsiZulu, Sesotho, isiXhosa, isiNdebele, Tshivenda, Siswati and Xitsonga show an increase in speakers of 1.92%, 1.23%, 0.44%, 0.09%, 0.08%, 0.06%, and 0.01%, respectively (Statistics South Africa, 2012: 23).

In 2016, a report was prepared for International Institute for Democracy and Electoral Assistance by the South African Institute for Advanced Constitutional, Public, Human Rights

and International Law (SAIFAC), a Centre at the University of Johannesburg. The report investigates the performance of the constitution over the course of 20 years. The report observed that despite the constitutional provisions designed to empower previously disadvantaged African languages, English continues to dominate in most public domains (Bilchitz et al., 2016). Kamwangamalu concurs, arguing that, contrary to the constitutional principle of language equity, which stipulates that all official languages must enjoy parity of esteem and must be treated equitably, language practices in virtually all of the country's institutions point to a different reality (Kamwangamalu, 2000: 54-59). The languages are unofficially ranked hierarchically and constitute a three-tier, triglossic, system, one in which English is at the top, Afrikaans is in the middle, and the African languages are at the bottom (Kamwangamalu, 2002: 51). As indicated earlier, there is a steady shift away from African languages towards English in South Africa (De Klerk, 2000: 105; Kamwangamalu, 2007: 269-270; Prabhakaran, 1998: 302; Nel 2014: 11).

2.18 Rationale

A review of the literature makes it straightforward that, while South African language policies aim to elevate the status and advance the use of the indigenous languages, English continues to dominate in most public domains. It is not clear whether this state of affairs is a result of the policies being poorly conceived or because of problems associated with implementation. Equally, there are no studies that provide an overview of South African government departments' and entities' degrees of compliance with the final Constitution and UOLA.

This study seeks to provide such an overview and to look for trends across national departments and its entities, in terms of the scope and reasons for any non-compliance. Such an analysis assists in informing potential strategies to allow the government to achieve the normative language provisions of the final Constitution and UOLA.

CHAPTER 3

THEORETICAL FRAMEWORK

This study looks at three aspects which are to do with the handling of language by the language planners, practitioners and users; actions taken in terms of language use and language systems; as well as psychological processes and attitudes. The three aspects are termed Language Policy and Planning (LPP), Language Management Theory (LMT) and Social Identity Theory (SIT) respectively.

3.1 Language Policy and Planning

Language Policy and Planning (LPP) encompasses a number of varied research traditions, which are all concerned with the handling or treatment of language (Nekvapil, 2015: 1). Most often, this treatment is aimed at changing the structure and use of language or languages. Various actors are involved in such alterations, including language practitioners and experts drawn from the Academy and elected officials (ibid). This theory's subject matter lends itself well to this study. The end of the colonial era and the resulting political landscape saw many language commentators focus their interest on these institutional actors (Jernudd and Nekvapil, 2012). Later, however, thinkers began to examine the impact of average speakers in regular exchanges on language (Nekvapil, 2015: 1). This change in emphasis brought with it the introduction of two key LPP nomenclatures: the "top-down" and "bottom-up" (Kaplan and Baldauf, 1997: 196).

These terms are used in two ways. They can refer to the direction of any planned modification; and they can be used to situate the creators of the change (Nekvapil, 2015: 2). The top-down direction is associated with powerful actors like governments, while the bottom-up direction is associated with less influential actors such as small communities or individuals (ibid). Entities working from the top-down are often able to implement change more easily than those working from the bottom-up.

The terms "macro" and "micro" are often used in conjunction with the terminology described above. These expressions are used in LPP literature to describe the degree of complexity of any given social process (Nekvapil, 2015: 2). Macro impacts on the language are thought of

as more complex and associated with more influential actors. The term Micro is used to describe influences that are simpler; those associated with less powerful institutions and people. Both terms are able to explain behaviour in relation to language. For instance, developments at a micro-level, in terms of setting, can have an impact on macro-level LPP, in terms of impact (ibid).

Since the LPP's subject matter is the treatment of the language, it lends itself well to a study of this nature. Furthermore, LPP is concerned with many of the same actors that this study intends to focus on, including language practitioners, academics and government officials. Additionally, the terminology employed by LPP contributes to the aims of this study being achieved within a coherent theoretical framework.

3.2 Language Management Theory

Language Management Theory (LMT) was first introduced by Jernudd and Neustupný (Nekvapil, 2015: 4). In LMT, language management simply refers to any activity aimed at language use or language systems (Nekvapil, 2015: 6). These activities can be performed by two different kinds of actors, i.e. institutions such as government departments, which regulate language by passing laws, and individuals who regulate language during everyday use. For example, a person may speak more slowly when they believe their interlocutor is experiencing difficulty understanding them (ibid). LMT thus differs from classical language planning thinking as it acknowledges everyday linguistic behaviour as an agent for changes to languages (Nekvapil, 2015: 7). In LMT, this kind of grassroots language management is often referred to as simple management. At other times it is called discourse-based management, or even "online" management (ibid). On the other hand, management performed by institutions is labelled organised management, alternately institutional management, or "offline" management (Nekvapil, 2015: 7). In this study, the researcher uses the terms simple and institutional management.

LMT divides the process of simple management into several stages. The first stage is when an individual recognises something about his own or his interlocutor's manner of speaking. The second stage is when the speaker evaluates the observed phenomenon. When this leads to an unfavourable evaluation, LMT labels this as an "inadequacy". The third stage happens when the speaker considers the use of an adjustment. This might, for example, take the form

of replacing one word with another. The fourth stage happens if the speaker opts to implement the adjustment. At any given point the process might be interrupted. In other words, the speaker does not always progress through all of the steps. The overall process can follow a cyclical pattern. For instance, the first step might follow on quickly from the fourth, for example, where a speaker notices the implementation of an adjustment (Nekvapil, 2015: 7).

Organised management differs from simple management, primarily because it does not occur in a single interaction. Instead, it happens over time via numerous interactions. LMT, therefore, refers to organised management as "trans-interactional" (Nekvapil, 2012: 167). The actors involved in organised management are institutions and networks, rather than individuals. In addition to that, this form of management is not only concerned with simple discourse, but it is somewhat concerned with language as a system. LMT states that organised management differs from simple in that theorising and ideologies play a far greater and more explicit role. The last crucial distinguishing element of institutional management is that it involves communication about management. One of the strengths of LMT is that it takes cognisance of the interplay between simple and organised language management (Nekvapil, 2015: 6,7). LMT is concerned with the same subject matter as this study: language use and language systems. For this reason, it provides a suitable theoretical grounding for the current study. The terminology and processes described in the theory offer a lens through which this study's findings can be viewed and analysed.

3.3 Social Identity Theory

Following the Second World War, social psychologists became preoccupied with the study of intergroup relations. Thinkers wanted to answer the question: What psychological processes might have led to the atrocities of the war, particularly the Holocaust (Hornsey, 2008: 204)? Early writers theorised that prejudice was simply the result of irrational processing of internal forces like frustration (Dollard, Doob, Miller, Mowrer, & Sears, 1939) or unresolved conflicts with dictatorial parents (Adorno, Fenkel-Brunswik, Levinson, & Sanford, 1950). For many years, psychologists looking at intergroup dynamics were concerned primarily with the role intrapsychic and interpersonal processes played in engendering prejudice (Hornsey, 2008: 204). Groups were understood as mere agglomerations of individuals who were subjected to psychological forces both within the mind such as impulses, ideas or conflicts as

well as those attending interpersonal relations (ibid). Constructs such as language, history, ethnicity and culture were mostly ignored. At the time, their term "group" was understood as mere aggregations of people's internal processes (Hogg & Williams, 2000). This approach was the subject of much criticism in the 1970s, and this, in turn, resulted in the development of Social Identity Theory (SIT) (Hornsey, 2008: 204). In a sense, SIT was a response to the overly individualistic tendencies of the existing theories of intergroup relations (ibid).

Social Identity Theory was first proposed by Henri Tajfel and his research assistant Turner, who argued that human interaction ranges from the purely interpersonal to wholly intergroup (Hornsey, 2008: 205). For Tajfel, a wholly interpersonal interaction involves people relating entirely as individuals, with no awareness of social groupings. On the other hand, a purely intergroup interaction is one in which people relate exclusively as representatives of their groups. Tajfel argued that peoples' regard of themselves and one another is influenced by the nature of the interaction. Different perspectives flow, it is said, depending on the extent to which exchanges are intergroup or interpersonally oriented (ibid). In particular, Tajfel was convinced that an intergroup awareness, such as "us and them" changed the way people see one another. He argued that in such interactions, people's sense of belonging to a given group is enhanced; while at the same time, their sense of being different to other groups is heightened (ibid).

Social Identity Theory is concerned with answering the question: why do people favour their own group relative to outgroups? (Hornsey, 2008: 207) Tajfel and Turner argued that the answer lies in peoples' desire to possess a positive concept of self. A person's self-concept is sourced from both their personal identity and social identity. SIT focuses on the latter. The desire to have a positive self-concept motivates people to think of the groups to which they belong as good. People evaluate groups through a process of social comparison. In other words, people determine the value of their membership of a group by referencing other relevant outgroups (ibid).

One central area of interest for SIT theorists has been the study of relatively low-status groups. Writers have argued that it is possible for members of such groups to forge a positive social identity (Tajfel & Turner, 1986; Turner & Brown, 1978; Hogg & Abrams, 1988). Tajfel and Turner (1986) identified three ways in which members of lower status groups could nonetheless enhance their self-concept (Hornsey, 2008: 207). Firstly, people might be

able to exit a group. Secondly, they might be able to pass themselves off as members of another group. Lastly, people are able to engage in activities that seek to overturn the existing hierarchy. Tajfel and Turner (1986) referred to these tactics as “exit”, “pass” and “voice” (ibid). The number of factors determines which of these strategies a person might employ. One is the extent to which the boundaries between the groups are perceived to be permeable and another is whether existing status differences are seen as legitimate or stable. Groups are more likely to opt for the voice approach if they believe that the existing social echelons are illegitimate. At the same time, if groups perceive the existing hierarchy to be rigid, this might discourage them from making use of the voice tactic (ibid).

Another phenomenon that SIT has sought to explain is known as in-group bias. In-group bias occurs when a person supports one’s own group over other groups (Hornsey, 2008: 211). SIT posits that since people value their concept of self and groups contribute to this concept, people are motivated to work to enhance their group’s image (ibid). Tajfel and Turner (1986) believed that there are three mental processes involved in deciding whether someone else is a member of the in-group or out-group. In the first process, people categorise themselves and others. This process allows people to understand and navigate their social environment. Examples of categories include Mother, Indian, South African, Attorney, and others. In the second process, people adopt a given identity based on the categories they have applied to themselves. This then impacts peoples’ behaviour. For instance, if someone has characterised herself/himself as an attorney, they begin to adopt the habits and mannerisms they associate with the profession. In addition, their positive concept of self becomes enmeshed in one’s membership of the group. The final stage is social comparison, where people compare their group with others. Positive self-worth becomes dependent on the ability of a person’s group to compare favourably with others (ibid).

Social Identity Theory provides an additional means by which intergroup conflict can be understood. Whereas previous theories posited that competition for scarce resources precipitated the conflict, SIT correctly identifies conflicting identities as a source of intergroup struggles. Giles and Johnson (1981, 1987) were responsible for developing the ethnolinguistic identity theory. It is based on Tajfel and Turner’s work and focuses on language as a key marker of group membership and social identity. Like Tajfel and Turner, Giles and Johnson posit that where individuals compare their group to another, and the result is unfavourable, there are various strategies that can be employed to rectify matters. One

approach is to assimilate into the group that enjoys the more positive image. The authors point out that where a language is a defining characteristic of a group, individuals might make linguistic adaptations that have undesirable results. For instance, people might learn a given second language to the detriment of their first language. This is particularly the case where the first language is a minority language.

Gumperz (1970, 1982) and Heller (1982, 1987, 1988) argue that language plays a big role in establishing and maintaining peoples' social identity (Gumperz & Cook-Gumperz, 1982: 7). The authors examined various speech events to explore the relationship between the choices speakers made across various linguistic categories like syntax and the social situation. In addition, they looked for instances of code-switching, either between languages or between varieties of the same language. This was done to determine what social situations might precipitate code-switching or specific linguistic decisions. The authors found that peoples' linguistic selections were in service of the various social identities with which speakers identified (Blom & Gumperz, 1972, p. 421). A minority group's language is often labelled the in-group or "we code" language. On the other hand, the majority group's language is normally deemed the out-group or "they code" language (Gumperz, 1982: 66).

Heller (1982, 1987, 1988) suggests that language and social identity are connected in significant ways and that a person's ethnicity is constructed through shared behaviour, values, language, and lifestyles, and also that it may be a limiting factor in terms of their ability to participate in social situations and networks. The author argues that languages can become symbols of a group's identity, particularly where there is contact with other groups that are perceived to be different (Heller, 1982: 3). During interactions, speakers make various linguistic choices that evidence membership of shared or unshared group membership (Heller, 1982: 5). This then helps to construct social identity in specific contexts (ibid).

Today, we take for granted the notion that peoples' identities are informed by the groups to which they belong. Before the development of SIT, however, this was not the case. Groups were seen as mere sums of their parts, and the impact of group membership on the individual psyche was ignored. SIT recognises the significance of group membership for the individual and its acknowledgement that people are inclined towards a positive self-concept to permeate the theory with great explanatory power. SIT can cast light on the motivations behind language policies and the reasons that such policies are significant. This is the reason that the

researcher has chosen to use SIT as a theoretical framework for this study.

The theoretical framework is further discussed in the discussion chapter. It is deliberated on, in line with the findings of the study.

CHAPTER 4

RESEARCH METHODOLOGY

This study focuses on two pieces of legislation as primary sources of prior knowledge, and in terms of the study population, four experts in the field of language development, implementation and promotion of multilingualism, were selected as respondents.

4.1 Study Population and Sampling

It was important to ensure that the group is balanced by selecting respondents who would represent the implementers and the monitors of implementation. It was also important to ensure that from the implementers' side represent both the custodians of the Act, i.e. the Use of Official Languages Act No. 12 of 2012 (UOLA) and one department whose services demand equitable use of all languages as it equally serves South Africans from all walk of lives in terms of race, ethnicity, gender, age, level of education, class, religious orientation, sexual orientation and so forth and which the researcher considers critical alongside health as any misunderstanding, miscommunication or distortion of information can result in detrimental repercussions. From the monitoring side, one respondent is on working on the ground and she is involved in many activities that encourage multilingualism and an advocate for language rights. She works together with many other activists with the same language objectives across the country. The following are the profiles of the respondents of this study. They are not furnished in detail for ethical considerations.

The first interviewee is a Director: Language Planning and Development and she spoke on behalf of the Department of Arts and Culture. The second interviewee is an official in the Office of the Deputy Director-General: Court Services and he spoke on behalf of the Department of Justice and Constitutional Development.

For the purposes of this study, language activists represent members of the public who are concerned and actively involved in matters of language equity. The third interviewee has been involved with language rights matters for many years, and she has held several relevant portfolios in the language fraternity. These include, among others, being a key member of

PanSALB; a Chairperson of the KZN Southern African Translators' Institute (SATI) and Head of the Languages Department at the Durban University of Technology (DUT). The interview was conducted in isiZulu, and responses were later transcribed and translated into English as this study is presented in the latter. The participant represented a group of language activists across the country.

Lastly, the fourth interviewee is a project manager for language policy compliance by the government departments' in terms of the Use of Official Languages Act No. 12 of 2012 and a Head of PanSALB: Gauteng Province and she spoke on behalf of PanSALB. Transcripts of these interviews can be found in ***Appendix 4*** and the findings are analysed in detail in the next chapter.

4.2 Data Collection Methods and Tools

Myers (2013: 25) defines a research method as a strategy of inquiry – a way of finding empirical data about the world. This study makes use of a number of methodologies to achieve its aims: these are primarily qualitative in nature. This kind of study is employed to describe the quality of any given subject matter; in a manner that is informative and illuminating (Williams & Chesterman, 2002: 64). The first aim of this study is to identify the reasons that English dominates most public forums in contemporary South Africa. This is a curious state of affairs, given the fact that the country's language policies aim to elevate the status and advance the use of the indigenous languages. The first step that this study takes in an attempt to examine this anomaly is to establish whether this prevailing state of affairs is a result of the policies being poorly conceived or because of inadequate implementation. This is achieved by comparing South African language policies with those of other countries, particularly those whose policies are held in high esteem. The methodology employed for this task is benchmarking.

4.2.1 The Benchmarking Method

Benchmarking is a process that involves improving performance by continuously identifying, understanding, and adapting outstanding practices and processes (Kelessidis, 2000: 2). It involves comparing a set of one body's elements with the corresponding elements of another, known for its excellence in performance (ibid). In this study, South Africa's contemporary language policies, in the form of the final Constitution and UOLA, are compared to those of

other countries, namely Singapore, Switzerland and India.

There are five phases of benchmarking that are identified by Kelessidis (2000), and they are:

- Planning: to determine elements that need benchmarking in the recipient organisation and the corresponding elements in the source organisation;
- Analysing: to analyse the specified elements of the two organisations to determine the performance gap;
- Integration: to prepare the recipient organisation for implementing the exported best practices;
- Action: to implement the best practice;
- Maturity: to monitor the implementation to enable continual learning (Kelessidis, 2000: 3).

This study has already tackled the first phase of this process, i.e. language policies have been identified as the elements that require a comparison or benchmarking. The second phase of the process is tackled in this study's data analysis. Although the last three stages of the process necessarily fall outside the scope of this work, the study's recommendations are geared towards assisting the relevant authorities in carrying out these tasks. In addition to benchmarking, this study employs the action research method.

4.2.2 The Action Research Method

Myers (2013) defines action research as a qualitative research method that aims to provide solutions for concrete problems while contributing to research in a particular field (Myers, 2013: 251). The researcher's central hypothesis is that the reasons behind the ongoing dominance of English in public departments and entities are related to implementation, rather than design. In this case, the action research method provides the researcher with a process whereby these practical problems can be tackled. Hatim (2013: 202) lists eight steps for an action research design:

- Identify the problem
- Investigate the problem
- Evaluate data

- List possible actions
- Predict the outcome,
- Select the best action
- Implement action
- Evaluate action

This study follows this model in an attempt to address any practical implementation problems that are uncovered. Steps one and two are undertaken in the study's data collection stage, while step three is part of data analysis, steps four, five and six form part of the study's conclusions and recommendations, while steps seven and eight are outside the scope of this work. The final methodology that is used in this study is the case study method.

4.2.3 The Case Study Method

The case study method is used to test the veracity of the findings flowing from this study's action research. Myers (2013: 251) defines the case study method as a "qualitative research method that aims to explore or explain contemporary real-life situations." He says the purpose of case study research is to use empirical evidence from real people in real organisations to make an original contribution to knowledge" (Myers, 2013: 76). This study employs this method by interviewing representatives from the DAC, DoJ&CD and PanSALB as well as a language activist as mentioned above. The questions posed to these individuals were designed to enable the researcher to test the conclusions reached regarding the reasons behind the failure to implement South African language policies effectively.

4.3 Ethical Considerations

In terms of ethical considerations, various principles of ethics were taken into consideration by the researcher. These include respect for the interviewee's views and not altering any information that the interviewees presented. Before each interview took place, all interviewees were issued with a participant information sheet and an informed consent form to sign. These served to inform them as participants in the study about what the study entails and making it known to them that their participation is voluntary; and that they are free to indicate should, at any point, they no longer wish to participate in the study. Both the participant information sheet and the informed consent form included information about the aim of the study, the type of interviews that would be conducted and the amount of time

required for the interviews. They were informed that there are no major risks or benefits that are associated with participating in the study. The only inconsequential risk that may be involved is that participants may be identifiable to some readers because of their role in the institutions they represent. However, sensitive information would be kept confidential. The participants were made aware that they could choose to remain anonymous, hence the names of participants are not shared in this report. They were informed that the researcher would take notes during the interviews and that the information shared may be used by other researchers following this study. Participants were advised that the study is a PhD research project; and that they have the right to review their responses before they go into the study report, a process which was well executed. All participants were aware that the data gathered in this study would be published.

By signing the informed consent form, the participants were advised that they were granting the researcher permission to use furnished information for the purposes of this study, as explained above. It was explained to the participants that the data would be safely kept in the researcher's password-protected computer and that it would be available on the web through wired space. All participants were non-vulnerable adults, therefore there were no requirements for additional consents.

The above undertakings were the researcher's endeavours to ensure that all ethical considerations for this study were observed. The findings from the interviews are incorporated into the chapter that discusses findings and the transcripts of the interviews can be found in ***Appendix 4***.

CHAPTER 5

DATA COLLECTION AND FINDINGS

One of the aims of this study is to identify the causes of any non-compliance with the country's language policies. This investigation then informs another aim, which is to look for possible trends across government departments and entities in terms of the scope and causes of any non-compliance. The Department of Arts & Culture has been identified as one of the sources as it is the developer and the custodian of UOLA. The Department of Justice and Constitutional Development has been identified as a case study department as it is one of the critical sectors where language has to be accurate as inaccuracies can cost and impact on justice adversely. The language policies of these two departments are critically analysed. The Pan South African Language Board also participates as a respondent in this study as it plays an important role in overseeing the fulfilment of the obligations of the Constitution concerning language matters in South Africa. Much of the data containing the status quo of the above, and other departments, can be found in the PanSALB's Report, based on the public hearing held in 2017, the purpose of which was to investigate the use of official languages by national government departments in relation to UOLA (Pan South African Language Board, 2019).

5.1 The PanSALB Public Hearing Report

In 2017, PanSALB invited all national government departments to a series of hearings, where they would be required to present their language policies and provide information regarding the extent to which they were compliant with UOLA (Pan South African Language Board, 2019: 6). The departments, which are listed below, responded to the call and presented on the status of the process of the development of their language policies and the implementation thereof. The hearings took place from the 13th to the 24th February 2017 and the report was signed and approved by the Acting Executive Head of Languages and the Chief Executive Officer of PanSALB. The recommendations made by PanSALB in the report would be binding upon the departments and upon being sanctioned by Parliament.

Department of Agriculture; Forestry and Fisheries; Department of Arts & Culture; Department of Basic Education; the Communications Department; Department of Correctional Services; Department of Defence and Military Veterans; Department of

Economic Development; Department of Energy; Department of Environmental Affairs; Department of Health; Department of Higher Education and Training; Department of Home Affairs; Department of Human Settlements; Independent Police Investigative Directorate; Department of International Relations and Cooperation; Department of Justice and Constitutional Development; Department of Labour; Department of Mineral Resources; National School of Government; National Treasury; Department of Planning, Monitoring and Evaluation; Department of Public Enterprises; Department of Public Service and Administration; Department of Public Works; Department of Rural Development and Land Reform; Department of Science and Technology; Department of Small Business Development; Department of Social Development; South African Police Service; South African Revenue Service; Department of Sport and Recreation; State Security Agency; Statistics South Africa; Department of Telecommunications and Postal Services; The Presidency; Department of Tourism; Department of Trade and Industry; Department of Cooperative Governance and Traditional Affairs; Department of Transport; Department of Water and Sanitation; Department of Women (Ministry in the Presidency) and the Government Communication and Information Systems (Pan South African Language Board, 2019: 5,6).

The above departments were requested to submit their respective language policies to PanSALB prior to the commencement of proceedings. At the hearings, departments were required to respond to comments and questions posed by PanSALB's panel and members of the public. Based on this, recommendations were made by PanSALB. According to the report, and as mentioned earlier, about 73% (31 of 42) of invited departments made presentations on the day (Pan South African Language Board, 2019: 8). At the time of the hearings, 41.9% of the departments had finalised their language policies; 32.3% had language policies in draft form; 29% had established Language Units as required by UOLA, and 19.4% had implementation plans in place (Pan South African Language Board, 2019: 6).

The panel for the hearing consisted of seasoned language experts, including i) the Chief Executive Officer of PanSALB; ii) a retired University of Limpopo sociologist who worked in the research department at that institution's School of Social Sciences and is a specialist in policy formulation iii) an activist and leader of the national Khoisan movement who previously served on the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CPLR) and represented indigenous people

at the United Nations; and iv) a retired College of Education and University of South Africa (UNISA) senior lecturer, who formerly chaired the CPLR, the Sepedi National Language Body and the Gauteng Province Geographical Names Committee, was a member of the South African Geographical Names Council and who is now an independent researcher and language consultant (Pan South African Language Board, 2019: 11). For the purposes of this study, the above panel is referred to as PanSALB, the panel and the board, interchangeably.

Below is a summary of the various departments' presentations, based on the abovementioned report:

5.1.1 Department of Arts and Culture

The Department of Arts and Culture (DAC) has a Language Unit, as required by UOLA. It developed UOLA and since 2013, it played a pivotal role in ensuring that other departments and relevant entities comply with the provisions of the Act (Pan South African Language Board, 2019: 14). This had been done by assisting the departments in drafting their language policies. The National Language Service, which is the Chief Directorate of the Department of Arts and Culture is made up of four directorates, namely:

- The Language Planning and Development Section, which is primarily responsible for policy and legislation;
- The Translation and Editing Service Section, which is responsible for translation services and editing services;
- The Terminology Section, which is responsible for developing terminology for the country's official languages and usage in specialised fields; as well as
- The Human Language Technologies Section, which is responsible for machine translation-assisted systems and spellcheckers (Pan South African Language Board, 2019: 14).

The DAC's Language Policy, which was submitted to the panel in advance of the hearings, had been adopted and translated into 11 official languages. Copies were made available in Braille, according to the department's official that was interviewed.

The DAC's Language Policy and that of most other departments look like a replica of UOLA,

in terms of content and structure. This happened because the DAC provided the departments with a template as a guideline.

In the researcher's view, the DAC did not establish the National Language Unit as per the requirements of the Act. It looks like it simply wants to convert the existing National Language Service to play that role. However, according to the report, the NLS does not monitor the use of official indigenous languages as contemplated in Section 4(3) and 6(1) of UOLA. In 2017, the NLS had not compiled any report or advised the Minister regarding this function, as prescribed by Section 6(1) of UOLA (Pan South African Language Board, 2019: 14).

Section 10.1 of the DAC Language Policy requires public members to communicate with the department in any language other than those designated by DAC as official if they wish to do so and to request this in writing. The policy undertakes to provide such services within 20 working days of receiving such a request.

The DAC does not have an implementation plan in place.

5.1.2 Department of Justice and Constitutional Development

At the time of the hearing, the Department of Justice and Constitutional Development (DoJ&CD) did not have a final Language Policy (Pan South African Language Board, 2019: 59). However, it is the largest employer of interpreters in South Africa and has an additional obligation of providing language services for languages other than those deemed to be official by the final Constitution as it sometimes caters for foreign nationals.

The DoJ&CD's Language Policy had been drafted but had not yet received the final sign-off at the time of the hearings. It had gone through a slew of internal processes including seeking buy-in from magistrates, judges, the Department of Public Service and Administration and other role players. The DoJ&CD received feedback from these entities, which then had to be incorporated into the document. The draft policy was then presented to the department's Policy Coordinating Committee, which had provided feedback regarding its content.

The use of South African indigenous languages in courts was its primary focus. The DoJ&CD was investigating the possibility of holding court proceedings in official languages

other than English or Afrikaans in areas dominated by any particular ethnic group. It had identified thirty-two project sites based on these areas to facilitate the use of indigenous languages in circumstances where all of the parties to any given proceeding were proficient in that language. In circumstances where for instance, the magistrate, prosecutor, complainant and investigating officer all speak Setswana, it should be possible for proceedings to be held in Setswana even though there are obstacles to implementing such a system, including the need to develop legal terminology in the various indigenous languages. Where cases are taken on appeal or review there would be a need for the court records to be translated into English as Higher courts would not necessarily be based within the same area, and so the language of record might not be comprehensible to the appellant judicial officers (Pan South African Language Board, 2019: 59).

Before democracy in South Africa, English and Afrikaans were imbued with superior status and this created a need to elevate the other nine official languages to an equal level.

The DoJ&CD recognises all 11 official South African languages plus the Khoi, San and SASL. When the department works in areas where these languages are used, it makes use of interpreters who interpret into applicable languages. The objectives of the department's draft Language Policy include i) compliance with the Constitution; ii) the promotion of multilingualism and respect for all African indigenous languages used in courts, especially at points servicing members of the public; iii) addressing the linguistic inequalities and imbalances of the past, and iv) embracing South Africa's linguistic diversity. The guiding principles and values of its Language Policy include i) a commitment to Constitutional values; ii) elevating historically disadvantaged languages; iii) equity and non-discrimination based on languages; iv) transparency; v) inclusivity; and vi) *Batho Pele* or people first principles (ibid). The draft policy adopted all 11 official languages as official languages of the department and it was guided by census data and a survey of the department on the predominant languages of the various provinces, which was conducted in 2016 (Pan South African Language Board, 2019: 59). Provincially, language according to the department's draft policy would be as follows:

Limpopo: Sepedi, Xitsonga, Tshivenda, English and Afrikaans
Gauteng: isiZulu, Sesotho, Sepedi, Setswana, English and Afrikaans
Eastern Cape: isiXhosa, Sesotho, English and Afrikaans

Western Cape: isiXhosa, English and Afrikaans
Northern Cape: Setswana, English and Afrikaans, Khoi and San
North West: Setswana, Sesotho, Sepedi, English and Afrikaans
Mpumalanga: siSwati, isiNdebele, isiZulu, Xitsonga, English and Afrikaans
Free State: Sesotho, isiXhosa, English and Afrikaans
KwaZulu-Natal: isiXhosa, isiZulu, English and Afrikaans

The South African Sign Language would be used on a provincial level when required by the users. In court cases, Braille services are provided for participants or role players who are blind or partially sighted. The legislation is translated from English into other languages by the department's Legislative Development Branch and its Justice College is responsible for training court interpreters and other language practitioners. Publications for public education campaigns are made available in three different languages per province in an attempt to promote multilingualism (Pan South African Language Board, 2019: 59).

The department conducted a study concerning the use of indigenous languages as languages of record in the courts. In this study, it examined legislation including Sections 6(2) and 6(4) of the final Constitution (around language rights), Section 35(3)(k) of the final Constitution (which deals with language usage in criminal court proceedings) and Section 6(2) of the Magistrates' Courts Act 32 of 1944, as well as pertinent language-oriented court judgements. The aim was to examine the use of official languages and to determine the most appropriate policies to satisfy speakers of all language groups in the justice setting. The most appropriate policies would be those that i) safeguard the rights of people appearing in courts; ii) promote the smooth and effective administration of justice; and iii) protect and promote the country's indigenous languages (Pan South African Language Board, 2019: 60).

In a court setting, "official language" refers to the case's actual language of record, whereas "non-official language" pertains to any languages spoken during oral testimony. These latter languages then are translated into the official language of record. Section 25(3)(k) of the final Constitution gives an accused person the right to be heard in the language that he or she understands, or if that is not practicable, to have the proceedings interpreted into his or her language. Where evidence is presented in a language with which an accused is not sufficiently familiar, then interpretation services are rendered. The study revealed previous

judgments where convictions and sentences had been overturned because of language-related issues. One such case involved an Afrikaans-speaking accused person who had been denied the right to legal representation after his English-speaking attorney had withdrawn from the case and his conviction and sentencing was overturned. The department's study had uncovered a further case where an isiZulu-speaking accused person's application to have his trial heard in isiZulu was refused. The department has to consider whether or not the presiding officers and prosecutors are sufficiently conversant in any given language before declaring it to be the language of record. Problems might occur when individuals are heard by a various number of presiding officers, not all of whom are conversant in the same languages and in that case, interpreting is required, even though it delays proceedings, and state actors end up swapping to English to expedite matters (Pan South African Language Board, 2019: 60).

The DoJ&CD had established a Language Unit, however, it was not yet operational in 2017. Posts had been created for a director, three deputy directors, three assistant directors, a secretary, and eight language practitioners, however, owing to budget cuts, the department had not been able to proceed with shortlisting candidates (Pan South African Language Board, 2019: 62), and therefore, this means that it did not have a Language Unit.

5.1.3 Department of Agriculture, Forestry and Fisheries

The department of Agriculture, Forestry and Fisheries (DAFF) conducts regular *izimbizo* across all provinces. When it visits a province, it uses the official languages of that province. All communication, from its Minister, Deputy Minister and Director-General, is prepared in English and in the official languages of the provinces where services are to be delivered. DAFF was in the process of moving away from the exclusive use of English. When it attends community events, it encourages usage of regional languages by its officials. It is assisted by interpreters to communicate with the public. The department adopted four official languages namely English, Afrikaans, isiZulu and Sepedi, which were chosen in 2013 and 2014 following an open survey of its more than 6 000 employees. IsiZulu represents the Nguni language group and Sepedi represents the Sotho grouping. All of its documentation is made available to the public in these four languages.

The majority of the correspondence the department receives is in Afrikaans and this is a challenge as most Ministers in this portfolio were not Afrikaans speaking. The department

had a unit of five people responsible for editing and to a lesser degree, translation services. Communication with the public is mainly in English. However, the department makes use of specialised translation services where required. Official publications which are intended for the public are in published in regional languages. English is used for internal communications, and meetings with both internal and external stakeholders are conducted in both English and regional languages. International communication involves interpreting according to the countries where attachés are placed. When it comes to communicating with hearing and sight-impaired persons, DAFF uses sign language services and is gradually converting text into Braille. SASL interpreting is provided at all events hosted by DAFF. The Minister adopted a school for the blind in the Groblersdal area of Limpopo. The department's complaints submission and handling processes are contained in its Language Policy. Its Language Policy was approved in 2016 and it would be revised every three years. The department intends to implement its Language Policy, however, because of budget constraints, it was unable to run a fully operational Language Unit.

According to the report, members of the community were unhappy that English was being used at the expense of Afrikaans, and according to the board, "the prevalence of Afrikaans speaking community in the food production sector, particularly in the Western and Northern Cape, obliges that Afrikaans be a key consideration for a multilingual drive". During the time of the hearings, the department did not have a properly constituted Language Unit, but an editorial service unit. It did not have a compliant Language Policy.

5.1.4 Department of Communications

At the time of the hearings in 2017, the Department of Communications (DoC) was a newly established national government department, which had begun operations in April 2015 (Pan South African Language Board, 2019: 22). Several state-owned entities report to it, including the South African Broadcasting Corporation (SABC), the Media Development and Diversity Agency (MDDA), Brand South Africa, the Film and Publication Board and the Independent Communications Authority of South Africa (ICASA).

The department had budgetary constraints which prevented it from establishing a Language Unit, as called for by UOLA. Since its inception, its funding had not grown and as a result, it did not have much capacity for growth. The department did not have Language Policy in place.

5.1.5 Department of Defence and Military Veterans

The Department of Defence and Military Veterans (DoD) has communication policies that are supportive of multilingualism. They are based on the prescripts of the final Constitution, the Defence Act 42 of 2002, the Defence Review of 2015 and UOLA (Pan South African Language Board, 2019: 25). Its aims of ensuring efficient administration, command and control are supported through the promotion of the use of relevant languages for effective internal and external communication. Elements of its Language Policy include the following:

- Although English is the operational language of the South African National Defence Force (SANDF), all 11 official languages are respected and accorded equal status, in compliance with Section 6(3)(a) of the final Constitution;
- Decisions regarding the use of other official languages are based on factors such as practicality, budget, available technical resources, regional language patterns, and the needs and predilections of the population in question;
- Language practices are non-discriminatory;
- Language diversity is seen as an asset when dealing with officials and citizens;
- Aiming for proficient communication in all 11 official languages;
- A shared responsibility between senders and receivers to ensure that messages are understood correctly;
- Language intervention processes such as translation, editing, proofreading and interpreting, aimed at supporting effective and efficient communication;
- All language intervention measures are undertaken in the spirit of respect for the equality of cultural and linguistic groups to enhance nation-building and social cohesion;
- Language interventions are to be implemented based on the context or situation and the need to perform DoD tasks and conduct military operations successfully (Pan South African Language Board, 2019: 25).

The goals of its Language Policy include i) enhancing effective and efficient communication among all DoD officials by recognising that communicating in one's home language is a fundamental human right, and ii) addressing communication needs for military operations and defence related diplomacy. The department strives to ensure that all South African official languages are recognised in the military context to ensure effective communication.

The DoD provides translation, editing, proofreading, interpreting and training services.

During the hearings, the Language Policy was in the process of being translated into all the other official languages. The department's linguistic diversity and multilingualism processes include the translation of relevant English medium documents into the ten other official languages in line with provincial linguistic preferences and the department's needs. Within the department, interpreting services were offered during matters such as disciplinary hearings and medical examinations. Its language training services are conducted in English and the other official languages as required and in as far as its budget would allow. In support of overseas operations, schooling in foreign languages such as French, Portuguese, Swahili and Arabic is also provided.

According to the report, the department maintains a database of outsourced sign language service providers and in instances where interpreters are necessary, these are used, provided that the budget is able to accommodate the expense. Elementary sign language training is offered to the department's employees through an external service provider. This facilitates engagement with people with special needs at DoD events. The department complied with UOLA in terms of establishing a Language Unit in the form of its language services unit. There are language support systems in all of the department's arms, namely the South African Army, the Navy, Air Force and Medical Health Service (Pan South African Language Board, 2019: 25).

The roles played by the department's language services unit include providing advice regarding the department's Language Policy. In addition to that, the unit directs, advises and monitors the department's provision of editing, interpreting, translation and proofreading services, all of which are outsourced to external parties. The DoD is involved in directing, advising and monitoring the development of Education, Training and Development (ETD) curricula and study materials. Moreover, the unit facilitates the accreditation of the department's ETD training and it is responsible for managing the DoD's service writing standards and conventions (Pan South African Language Board, 2019: 26).

At the time of the hearings, the Language Policy of the department was going to be translated into all official languages. In terms of public participation programmes, deployed members engage with communities using various official indigenous language. They are provided with

survival kits prepared in various languages and these enable employees to teach one another various official languages. Employees are also able to access the department's intranet during their lunchtime to learn new languages. The department's language needs and achievements are communicated in the DoD's internal newsletter, "The Soldier" (Pan South African Language Board, 2019: 27). In terms of its Language Policy, role players are assigned specific tasks to ensure that multilingualism is entrenched. This helped to ensure that adequate funding and resources are made available, where the defence force is concerned, lives are often at stake and the primary objective in this context would always be that instructions are understood (Pan South African Language Board, 2019: 27).

Despite all its good linguistic initiatives, the Language Policy of the Department of Defence was found to be improperly constituted and non-compliant to UOLA.

5.1.6 Department of Economic Development

The Department of Economic Development (EDD) did not have a Language Unit. Language functions were embedded within the department's Communications Unit. This was due to a severe shortage of qualified staff. Its Language Policy was developed in terms of the final Constitution, UOLA, UOLA's regulations, the National Language Policy Framework of 2003 (which has since been superseded by UOLA), and the National Communication Strategy Framework for 2014 – 2019 (Pan South African Language Board, 2019: 27).

The Corporate Management Chief Directorate is the custodian of the department's Language Policy. The EDD adopted all 11 official languages in its Language Policy. However, within the department and in its business dealings with other departments and institutions, it used English as the sole language of communication. The department's oral and written communication with members of the public would be in South Africa's official languages and this encompassed all of its official publications. English would remain the medium of its internal and external government communications, international communication and the website (Pan South African Language Board, 2019: 27).

During the EDD's dealings with the public, depending on the geographical area, two alternative official languages are used. The department only provides these where feasible and when requested. The department's public hearings are in English, however, requests for interpreting services into any other official language are honoured. The department

committed to providing SASL interpreting services and converting text into Braille and audio for hearing or visually impaired citizens. In terms of staff communication, employees are permitted to communicate in any given language, provided that these were comprehensible to other members of staff (Pan South African Language Board, 2019: 27).

Stakeholders can request that written communication be provided in any given official language; but that this is to be done in writing, at least 60 days before the material is needed. Should public members wish to make contact with the department using non-official languages, this is to be done in writing, and the department would consider the request. Around the time of the hearings, the department's Language Policy was to be translated into all official languages and it was going to be published on its website. The policy would be available in Braille and audio formats. The English version of the draft policy had already been approved and it was going to be published in the Government Gazette for public comment. A complaints mechanism meant that any complaints regarding the department's Language Policy could be directed to the Office of the Director-General. The policy required the Director-General to respond to the complaint within two months, or the matter could be escalated to the Minister (Pan South African Language Board, 2019: 27).

The development of the Language Policy started in 2016, following workshops presented by DAC. The policy was then workshopped by employees in consultation with organised labour. It was then adopted by the EDD's management committee and sanctioned by the Director-General (ibid). The department advised PanSALB that its policy would be published in the government gazette by the end of February 2017. The EDD did not have a corresponding implementation plan (Pan South African Language Board, 2019: 30).

5.1.7 Department of Energy

The Department of Energy (DOE) had a draft Language Policy during the time of the hearings in 2017 and it was in the process of having it published. According to the department's submission, its brochures were available in various indigenous languages, namely Tshivenda, isiZulu, isiXhosa, Sepedi and Setswana. These brochures cover a variety of subjects ranging from basic fuel prices to nuclear energy and careers in the sector. The DOE selected English, isiZulu and Sesotho as its official operational languages. The department operates in all nine provinces and interacts with a variety of communities. It uses provincial languages, such as isiZulu in KwaZulu-Natal or Tshivenda and Xitsonga in

Limpopo (Pan South African Language Board, 2019: 33).

The DOE employs a full-time sign language interpreter. which is utilised in all nine provinces to ensure access to its services by the Deaf Community. At the time of the hearings, the department did not have an operational Language Unit. According to the report, the draft Language Policy of the department was a reproduction of the DAC template and did not constitute the kind of Language Policy envisaged by UOLA. All of the department's private communication was conducted in English. The department encouraged young people to present their renewable energy ideas to it in their home languages. On its programme, which aims to educate people on how fuel prices are calculated, the DoE it interacts with communities exclusively in the nine indigenous languages to ensure that people understand why the price changes monthly. English is not used at all during this initiative (Pan South African Language Board, 2019: 34).

5.1.8 Department of Environmental Affairs

The Department of Environmental Affairs (DEA) developed a Language Policy following a survey conducted on its staff members. It adopted isiZulu, Setswana and English as its official languages. The department's Language Policy was also available in Setswana and isiZulu according to the report. It was published for public comment in 2016. The public and DEA employees commented on the department's Language Policy. Their comments were considered and the draft policy was amended accordingly. The DEA's implementation plan was pending approval by senior management and was due for consideration on 20 February 2017 (Pan South African Language Board, 2019: 37).

The department has a Language Unit which was composed of three language practitioners around the time of the hearings. These practitioners were responsible for translating documents such as brochures, letters and notices into various languages when requests were received from the department's branches. The DEA was in the process of recruiting two interns – one isiZulu-speaking and one Setswana-speaking. These interns would assist the department with its translation requirements. Although isiZulu, Setswana and English were the department's official languages, members of the public were allowed to communicate with it in the other official languages. The branches of the department sometimes received correspondence in other South African official languages, which are not isiZulu, Setswana or English in these instances, its Language Unit was able to facilitate the sending of responses in

the enquirers' language of choice. (Pan South African Language Board, 2019: 37).

During *izimbizo* in various regions, the department provides interpreting services into the languages of various communities. It makes use of all South African official languages in servicing the communities. The department uses isiZulu and other provincial languages in KwaZulu-Natal, whilst in Limpopo, languages such as Tshivenda and Xitsonga are used. Its Language Unit works with its Communications Unit to ensure that when it engages with the public, people are able to converse with it in the language of their choice. In terms of environmental education and awareness, the DEA Language Unit is responsible for translating messages drafted by the department's other units into various languages. Its implementation plan calls for these kinds of documents to be translated into regional languages. During the hearings, the department was in the process of developing environmental terminology in isiXhosa, Tshivenda and isiZulu. These languages were chosen only because they were specialities of the language practitioners employed by the department. However, these had not been submitted to the relevant language bodies for. The department for verification and approval.

The DEA had budgetary constraints and that meant that its ability to comply with UOLA was limited. The department had difficulty establishing a fully-fledged Language Unit. It had however developed a planned structure for such a unit.

5.1.9 Department of Health

The Department of Health (DoH) committed itself to multilingualism through its Language Policy. This had been published for public comment, approved by the Minister and distributed to the public in August 2015. The Principles informing the DoH's Language Policy included i) the promotion of the nation's official languages to fulfil its constitutional obligations regarding language equity and rights; ii) facilitation of the equitable treatment of the official languages to ensure equitable access to services; iii) promotion of language management; and iv) avoiding the use of languages for purposes of exploitation, supremacy and discrimination (Pan South African Language Board, 2019: 39).

The Department of Health's Language Policy is informed by the department's general functions as set out in Section 21 of the National Health Act 61 of 2003. These functions include i) the implementation of the national health policy; ii) the issuing of guidelines for the

implementation of health policy; and iii) the issuing and promotion of adherence to norms and standards regarding health matters. Its functions did not encompass the provision of direct services to the public and the department is not involved in the running of hospitals and clinics, it is mainly concerning itself with policy formulation (Pan South African Language Board, 2019: 39).

The DoH adopted isiZulu, Sepedi and English as its three official languages, i.e. one Nguni language and one Sotho language. However, the department does not limit itself to these three languages. It uses English for international, external and internal communications. For corporate publications and official written communications with members of the public, the department uses isiZulu, Sepedi and English. It is a struggle for the department, from a budget perspective, to provide corporate publications such as annual reports and performance plans in all three of its official languages (Pan South African Language Board, 2019: 39).

The department uses all 11 official languages in its interactions with communities during public hearings, *izimbizo*, roadshows, health campaigns, outreach programmes and for all educational materials. Regional language preferences are always taken into account concerning community meetings. In the case of requests received from the members of the public, to engage in languages other than the official languages, such as SASL, the department responded to these based on practicality and the availability of funds. This includes producing information in Braille. The department only develops policy guidelines for those hospitals and clinics, however, these are run by Provincial Departments of Health. Although it can engage with these provincial authorities on their language policies for hospitals and clinics, the department does not dictate each province's policies. At the time of the hearing, the DoH did not have a Language Unit. It was working towards the establishment of its Language Unit. However, due to budget cuts, there was no funding available for this. The Language Unit functions were therefore performed by its Internal Communication Directorate and this entity did not employ any language practitioners (Pan South African Language Board, 2019: 40).

The focus of the DoH, in terms of the country's health policies, is the prevention of illness through the promotion of basic health. This is where language plays a vital role as health promotion takes place in people's homes through the work of community health workers. Various provincial health authorities all have specific language policies designed to ensure

that people can be assisted in their languages of choice. The national department's role was primarily limited to monitoring the provincial authorities and providing a translation of various documents into South African official languages (Pan South African Language Board, 2019: 40).

5.1.10 Department of Higher Education and Training

The Department of Higher Education and Training (DHET) drafted its Language Policy as per the UOLA guidelines. All its branches had been consulted and the policy had been approved by the Minister and Director-General. It was published for public comment and the comments were incorporated into the final policy. It was yet to be approved and once approved it was going be translated into the various official languages and placed on the department's website. According to the report, once finalised, the department's Language Policy was going to be placed at other places of contact with the public such as offices, reception areas as well as in other documents such as the Promotion of Access to Information Manual together with other policies. The DHET adopted English, Sepedi and isiZulu as its official languages. Factors such as national and provincial language needs, cultural dynamics, practicability and cost had all been taken into account during the drafting process. Three or more official languages per province had been selected as official languages (Pan South African Language Board, 2019: 40).

The DHET did not have a Language Unit and a properly formulated Language Policy at the time of the hearings but it did have a Language Policy Implementation Plan, which had been approved by the Minister. The department's Language Unit would be incorporated into a proposed DHET organisational structure that was yet to be approved. The unit would not be established as a fully-fledged unit but would be expanded in accordance with budget allowances. The proposed language practice services unit would have three sub-directorates, i.e. i) translation and editing; ii) policy implementation, research and monitoring; and iii) quality control. The DHET promotes multilingualism through its internal programmes like 'Learn the Language and Culture of Your Colleague @ Your Library Programme', a platform designed to enable the department's employees to learn each other's home languages. However, this was not a formal programme and employees were asked to use their lunchtime for this purpose (Pan South African Language Board, 2019: 40).

According to the department, universities are often ahead of other institutions of higher

learning regarding Language Policy. The University of KwaZulu-Natal (UKZN) and the University of Zululand (UNIZULU) has been awarding PhD theses written in isiZulu for many years. The technical and vocational education and training (TVET) sector, as well as the community education and training sector (CETS), have not been under pressure to implement language policies, unlike other sectors in the higher learning arena. The local campuses of these kinds of institutions generally reflect the makeup of the populations where they are situated; and for this reason, language has not been a concern, except for those students with disabilities like deafness or blindness. Medical students at the University of KwaZulu-Natal and the University of Cape Town are obliged to learn IsiZulu and isiXhosa respectively because their community placement programmes take place in areas where those languages are spoken almost exclusively (Pan South African Language Board, 2019: 40).

5.1.11 Department of Home Affairs

The Department of Home Affairs (DHA) adopted all 11 official languages as its departmental languages. When making language choices, the department considers several factors including usage, practicality, expense, local circumstances, needs and citizens' preferences. When a citizen wishes to communicate in a non-official language, that person has to notify the DHA in writing. Likewise, members of the public wishing to communicate with the DHA in SASL have to notify the department in writing. The department would then arrange for translation or interpreting at its Refugee Reception Offices. All inter-governmental and intra-governmental communication was in English. Written and verbal communication with the public, publications of official nature, and stakeholder engagements took place in all official languages. All communication with international bodies was conducted in English or the preferred languages of the entities involved (Pan South African Language Board, 2019: 47).

DHA's Language Policy was published in March 2016. According to the department's submission, while it did not have an official Language Policy between 2012 and 2016, the department's activities had nonetheless been in line with the prescripts of UOLA as it has not discriminated against people based on language. Communication with the public has been in all 11 official languages. *Izimbizo* and other official proceedings have been held in all 11 languages, using the dominant language of the particular area concerned. Those areas with more than one dominant language were similarly accommodated. Regarding the hearing-and-sight impaired, the DHA was in the process of training front office staff in basic SASL, however, it did not have dedicated SASL interpreters. In terms of a complaints procedure,

members of the public can submit concerns in the language of their choice. According to its submission, the department would review its Language Policy every ten years or more regularly if necessary. However, according to the report, the DHA's Language Policy was not in line with UOLA and it did not have a Language Unit during the time of the hearings (Pan South African Language Board, 2019: 47).

There is a general complaint from citizens whose languages use diacritic alphabets as names on their identity documents (IDs) are misspelt because the department's computer keyboards are not able to compose diacritic marks. These are common in South African languages like Sepedi and Tshivenda. The resulting errors sometimes brought about changes in the meaning of people's names and that could be offensive, and it violates the citizens' rights to identity and dignity. Additionally, the South African Deaf Community had to notify the department in writing before they could access its services via SASL. The department had budgetary constraints and it was unable to establish a Language Unit, more so because of a directive that was issued by Treasury not to create new posts. It did not have a Language Policy Implementation Plan either (Pan South African Language Board, 2019: 47).

5.1.12 Department of Human Settlements

The Department of Human Settlement (DHS)'s language function had initially been managed by its Library Services Directorate but that it had subsequently been handed over to the Communication Directorate. A draft policy was developed and published on the department's website for public comment. To promote multilingualism and cultural diversity, its national call centre employed 18 personnel and they each spoke two or more of the South African official languages. The DHS has stationed officials at the call centre to investigate how the department could best respond to complaints received from members of the public. These officials interacted directly with the public in preferred languages. The DHS investigated the possibility of translating its publications into the various official languages. It attempted to translate the system that it employs to allow members of the public to ascertain the status of their housing applications in their respective languages. The department arranged for a consumer education booklet that informs citizens about all of its programmes to be translated into several official languages. In addition, the department had facilitated the translation of a booklet on economic opportunities. Braille publications designed to assist its blind and partially-sighted officials were produced. The department's short message system (SMS) is used to communicate with communities in various official languages. It produced a

multilingual educational TV programme and viewership of the programme was significant across all language groups, according to the department's submission. The DHS sometimes made use of industrial theatre to explain its policies to communities. Its consumer education was provided in various official languages. When it conducted *izimbizo* in the various provinces, the department purposefully made use of each region's dominant languages (Pan South African Language Board, 2019: 51).

Regarding the promotion of linguistic diversity, the DHS used English in addition to isiZulu and Sepedi as its operational languages. Its visually impaired staff members are provided with a computerised Braille reading system. The department held quarterly cultural diversity information sessions. Its Library Services Directorate is responsible for translating the department's various publications into various official languages and the public has access to its library. The department's publications are available to the public in various languages. The DHS's Language Policy was still in draft form during the presentations and there were still a number of processes that were to be followed before it could be finalised, including drafting the implementation plan. The DHS did not have a Language Unit (Pan South African Language Board, 2019: 51).

5.1.13 Department of Labour

The Department of Labour (DoL) published its Language Policy in February 2016. The department was undergoing an organisational review and part of that process included planning for the establishment of a Language Unit which was not yet been approved. It proposed a Language Unit consisting of one deputy director and three assistant directors. The unit would in the main be responsible for editing and translating the department's various official documents (Pan South African Language Board, 2019: 55). During the time of the hearings, the DoL made use of DAC's language services as well as external service providers to fulfil language functions. As a result, editing and translating was never done within acceptable time frames. Turnaround time for these tasks was two to three months and this had serious implications for the department and its clients (Pan South African Language Board, 2019: 56).

The department offers a number of different services to an array of clients. Regional and provincial contexts of those clients and the linguistic consequences of such contexts are always taken into account when the department provides services. For example, in the

Western Cape, English, Afrikaans and isiXhosa are widely spoken languages and because of this, its client service officers in that province are expected to be proficient in those languages. The department produces its official leaflets and flyers in the languages that its clients understand. During engagements with its clients, and when a chairperson was not conversant in some languages, the department ensured that interpreters were provided, including SASL interpreters (Pan South African Language Board, 2019: 56).

5.1.14 National School of Government

The National School of Government (NSG) is a national department that falls under the Ministry of Public Service and Administration. Its mandate is to improve South Africa's capacity for service delivery and its ability to build a proficient development state, as described by the National Development Plan (NDP). The NSG's Language Policy was developed in March 2015. The policy applies to all of its employees, clients and members of the public, with its clients being mostly the civil servants. In terms of UOLA, its Language Policy adopts three official languages, namely English, Setswana and isiZulu. According to the report, this decision is based on the 2011 Census, which indicates that these are the languages most spoken in South Africa. English is the department's primary language in terms of operational communications. When it has to communicate with citizens and clients, communication is in English unless the initiator of the communication opts to use Setswana or isiZulu. The NSG provides SASL and Braille services. All forms of teaching and learning, including curriculum material, course programme facilitation and certificates together with documents such as quotations, invoices and public notices are drafted and presented in English. Signage at the school's premises is in all three official languages. All of its public engagements and other official proceedings are conducted in English unless the presiding officers deemed the use of other official languages necessary (Pan South African Language Board, 2019: 64).

In 2015, the NSG's Language Policy was published in the Government Gazette for public comment. It had not received any comments from the public or its staff. The school continually educated its employees about the policy both in training workshops and through its newsletters. At the time of the hearings, its Language Policy was going through various endorsement processes required by its internal human resources guidelines, after which it would be approved and implemented. According to the report, the NSG's Language Policy was not in line with UOLA. It did not have a Language Unit at the time and one of the

reasons for this was that it was a small government department, consisting of only 200 employees. To be able to provide training in all 11 official languages, the school would need more funding and greater capacity (Pan South African Language Board, 2019: 65).

5.1.15 Department of Public Works

The Department of Public Works (DPW) drafted and published its Language Policy for public comment in 2015. The DPW the comments received were considered and incorporated into its final policy, which was subsequently approved. At the time of the hearings, the department's Language Policy was awaiting approval by the office of the Director-General and once this was received it was going to be published in the Government Gazette. The department had conducted a technical workshop on UOLA as well as a language awareness seminar. Both of these had been designed to assist the four entities that report to the Minister of Public Works in developing their language policies. The department's Language Policy intended to adopt Sepedi, isiZulu and English as its official languages. This decision had been based on the language usage statistics cited in South Africa's 2011 Census report. The department's Language Policy made provision for the country's remaining official languages, together with SASL and Braille. Its goal is to promote multilingualism among its staff as well as its external stakeholders. The department advised its four constituent entities to adopt at least three official languages. The department encourages the use and development of SASL and Braille. It created a database of qualified professional translators as it preferred to work with individual language practitioners rather than organisations (Pan South African Language Board, 2019: 68).

The DPW established a Language Policy Implementation Unit as a subdirectorate in 2011, which fell under the Communications and Marketing Chief Directorate. Staff reported to the Director of Internal Communication and Mobilisation. The unit's functions include translating, interpreting, terminology development, Braille services, SASL services, Language Policy Development and it provides the department with advice regarding language training and awareness. However, it had not yet fully implemented all of these services and it was not yet able to provide Braille or SASL assistance for the public. The department translates its internal newsletters and communication received from other directorates and regions but it cannot translate the annual report (Pan South African Language Board, 2019: 68-69) because it is costly.

The department was not in a position to offer interpreting services or develop terminology. It had however begun to compile a list of terms so that as soon as it has the necessary capacity, such work could begin. The Minister made use of Braille business cards and SASL was a service that it could offer when required. The DPW trained its front desk officer in SASL. Multilingualism articles are published in its monthly newsletters. This newsletter regularly featured articles written in Sepedi, isiZulu, as well as other South African official languages. The DPW intends to do more in terms of pursuing a multilingual environment but budgetary constraints prevented this from happening. A shortage of funds resulted in personnel shortages, with its Language Unit having a staff complement of only two (Pan South African Language Board, 2019: 69).

5.1.16 Department of Public Enterprises

The Department of Public Enterprises (DPE)'s draft Language Policy was approved by its Director-General and subsequently published for public comment. The policy applies to the department's main stakeholders, comprising its staff, the public as well as the state-owned enterprises within its portfolio. Its choice of official languages was informed by the languages most commonly used in Tshwane and the surrounding townships of Mamelodi, Atteridgeville, Soshanguve, Mabopane and Ga-Rankuwa. These languages are English, Sepedi, Sesotho and Setswana, Afrikaans, isiZulu, isiNdebele, Xitsonga and Tshivenda. The DPE did not have a Language Unit at the time of the hearings. Its language-related activities were handled by its Communications Unit as well as its Legal and Governance Unit. The two departments had to assist each other due to a lack of resources. Budgetary constraints impeded the development of a Language Unit (Pan South African Language Board, 2019:73).

The DPE's Language Policy was approved in 2016 and it was published for public comment. All official South African languages were used in its marketing materials, based on the target audience. Its Language Policy was published on the department's website. Communities are addressed in their home languages during public participation programmes. The department made use of the services of interpreters, including SASL interpreters during the gatherings. Personnel is permitted to use previously disadvantaged indigenous languages in the office as official languages (Pan South African Language Board, 2019:73).

5.1.17 Department of Rural Development and Land Reform

The Department of Rural Development and Land Reform (DRDLR) had not established a

Language Unit during the hearings. It was, however, in the plan – having been incorporated into their organogram. The department intended to house this within the subdirectorate of Communication Services Directorate and to provide for both the deputy director and two assistant directors. The DRDLP planned for this unit to have responsibility for both regulating and monitoring departmental use of official languages (and associated use by departmental entities), as well as the adoption of a Language Policy, the establishment of (and oversight over the functioning of) Language Units within provincial offices. Additional responsibilities would include working on language technology, translation, interpreting, as well as the development of terminology. During the hearings, all of these duties had been outsourced (Pan South African Language Board, 2019: 76).

The department conducted two internal surveys, at senior management level and all other levels below it and it drafted a Language Policy based on that. The department intended to publish it in the Gazette. Identified languages were English, isiZulu and Afrikaans, although English would remain the official business language within the department and all official publications were going to be translated into isiZulu and Afrikaans routinely, and into other languages in rotation. Inter-departmental and intra-departmental oral communication would be conducted in all three languages, as per consensus reached by senior management, provided that no individual would be prohibited from using their language of choice. This would necessitate the use of interpreting services into English, an activity that would be outsourced since the department did not have a Language Unit. According to the department's submission, external oral communication would take place in the language of the target audience, with the assistance of interpreters and translators and technical means such as simulcast and subtitling. The DRDLR would establish Language Units both provincially and nationally, to address concerns emergent from their Language Policy and to liaise with other departments concerning language matters (Pan South African Language Board, 2019: 75).

The department had budgetary constraints and they were a hindrance to the establishment of a Language Unit. Although the post of Deputy Director: Language Services had been advertised in 2015, the post remained unfilled as a moratorium had been placed on appointments.

5.1.18 Department of Science and Technology

According to the department's submission, a Language Policy has existed within the Department of Science and Technology (DST) since 2004. It is administered by its Knowledge Information Resources Management Unit (KIRMU). KIRMU developed and monitored the Language Policy for the DST. Their responsibilities, in terms of the department's Language Policy, included developing, reviewing and coordinating its implementation, monitoring and assessing compliance with UOLA, promotion of indigenous language usage, and reporting to authorities. The department adopted isiZulu, Sepedi and English as official languages and this was based on the 2011 Census data. The following are projects, communities, and languages used to communicate with respective members of the public and with officials within the department:

- Astronomy project: Setswana with the public, and English for professionals within the department
- Calls for nominations for the Board of Science: English
- Indigenous Knowledge Systems at DST Conferences and Workshops: English, and any language of choice for the primary address
- Khoi/San group: Afrikaans
- National Science Week (radio broadcast and promotional materials): All official languages
- Official reports and publications: English, with summaries in both isiZulu and Sepedi
- PAIA Manual: All DST official languages

SASL and Braille services are made available for all of the above projects (Pan South African Language Board, 2019: 78).

The South African Agency for Science and Technology Advancement (SAASTA) utilises all 11 official languages. The department sometimes uses the DAC's National Language Service when there is no capacity to offer services in all the languages. The DST did not have a Language Unit at the time of the hearings. English was emphasised above previously marginalised indigenous official languages, despite the department's written Language Policy. Though it states that "through UOLA, the DST intends to create a prosperous society that derives enduring and equitable benefits from science and technology, through the elevation and usage of previously marginalised languages to the status of other official

languages, the reality remained that English was, de facto, the only fully recognised language within the department (Pan South African Language Board, 2019: 78).

Notably, it would be important for DST's language unit to avoid using scientifically terms borrowed from English in their lexicon, specifically when dealing with the public. Instead, amongst other things, the Language Unit should assume responsibility to develop new terminology for and from African languages. There are no untranslatable terms in any field and there are language bodies whose responsibility is to assist in this regard. The claim that the department made, suggesting that isiZulu could not be used 'as a language of science' (Pan South African Language Board, 2019: 78) is unfounded. It has to elevate isiZulu or any other previously disadvantaged language to form part of science. Section 5.6 of the DST's Language Policy states that its Annual Reports would be published in English, "to avoid excessive translation costs" (Pan South African Language Board, 2019: 79) as it had budgetary constraints.

Language intellectualisation in South Africa "is more likely to succeed than in most developing countries. The research that was conducted on strategies towards language intellectualisation provided a strong sense of optimism that this process of language intellectualisation would achieve increasing degrees of momentum, support and success" (Finlayson & Madiba, 2002: 40). Indigenous languages must be 'intellectualised' to provide more abundant space within academia.

5.1.19 Department of Small Business Development

The Language Policy of the Department of Small Business Development (DSBD) was approved by its Director-General in February 2016 after the establishment of the department in July 2014. The DSBD adopted all 11 official languages to be used internally. It committed to using all official languages where 'feasible', and as and when requested by the members of the public. Local circumstances, practicality and target audience preference, were cited as factors to be considered when deciding which languages are to be utilised (Pan South African Language Board, 2019: 82).

As per the report, both inter-governmental and intra-governmental communication would be in English. Official written communication intended for the public would be in all 11 official languages – dependant on budget and other factors. Other documents that would be

distributed to the public would be in English and two other official languages would be added when requested and where feasible. Outreach engagements would be conducted in English and two alternative official languages, which are region-dependent, when requested or feasible. Official proceedings, including public hearings, would be conducted in English. Requests for interpreting services into any other official language would be granted. SASL interpreting and conversion of text into Braille would be provided for the hearing-impaired and visually-impaired, upon request. The department's website is in English and all international communication is in English (Pan South African Language Board, 2019: 82).

The department did not have a Language Unit at the time of the hearings, in 2017. Nevertheless, the Communication and Marketing Chief Directorate was responsible for the development of its Language Policy – despite consisting of only six staff members namely, a chief director, an administrative assistant, an assistant director, a communications officer and two call centre agents. Officials within the department, including the Minister, regularly participated in radio interviews, in which they would speak to people in their languages of choice. Staff is encouraged to use their languages of choice during unit meetings. During job interviews, candidates are permitted to speak in the language of their choice. Be that as it may, the department's Language Policy was found to be non-compliant with UOLA (Pan South African Language Board, 2019: 82).

5.1.20 Department of Social Development

The Department of Social Development (DSD) coordinates population development across government. This is of particular importance as at the time of the hearing, the Cabinet had recently approved a national disability policy which addressed access, including language access. South African citizens have the right to access information in the languages they prefer. This includes the visually-impaired and the Deaf Community. The department had achieved a little in terms of implementation and adherence to UOLA precepts. Subsequent to a question issued in Parliament in 2015, concerning its Language Policy, the DSD drafted its Language Policy, which was published between December 2016 and January 2017 but it was not approved as there were concerns that some communities involved with the department, e.g. the Khoi and San, were discriminated in terms of language (Pan South African Language Board, 2019: 86).

At the time of PanSALB's hearing, the department was awaiting approval of its draft

Language Policy by the Director-General of the department, after it was revised to include communities that were initially left out. While it was waiting for approval of its Language Policy, the department conducted *izimbizo* and there, local languages were used. If the speaker was not fluent in local languages, interpreting services were provided. In the case of Deaf Communities, South African Sign Language interpreting was offered. Long before the current Language Policy processes, the Promotion of Access to Information Act (No. 2 of 2000) acted as a guide for the department. It stipulated that official documents were to be provided in at least three languages. The DSD did not have a Language Unit at the time of the hearings. All language-related functions fell under the Strategy and Organisational Transformation Unit. The draft policy was unacceptable as it stated that English would be used in all instances (Pan South African Language Board, 2019: 86-87).

5.1.21 The South African Police Service

The purpose of the South African Police Service (SAPS)'s policy is outlined in the report and the aims thereof include:

- Providing guidelines on the use of official languages when administering service to members of the public
- Ensuring the use of all 11 official languages, in particular domains of use within the SAPS
- Ensuring effective communication in the police service and amongst various SAPS substructures
- Affording access to resources, services, programmes, information and knowledge by all employees, clients and members of the public
- Supporting the progressive elimination of language barriers to enhance the participation of employees in cultural, social and economic activities
- Giving effect to the concept of co-operative governance in Language Policy development and implementation
- Encouraging sub-structures and other security services to share and build capacity to perform language functions
- Responding to the need for minimum standards in the use of official languages by SAPS employees
- Encouraging the use of plain language when communicating within the organisation (Pan South African Language Board, 2019: 89).

Various pieces of legislation provided a framework which the SAPS cited as underpinning their Language Policy. These include the PanSALB Act (No. 59 of 1995), the South African Police Service Act (No. 68 of 1995), the Constitution of the Republic of South Africa (1996), the Statistics Act (No. 6 of 1999), the Public Finance Management Act (No. 1 of 1999), the PAIA Act (No. 2 of 2000), and of course UOLA (No. 12 of 2012) itself.

Guiding ethics underlying SAPS efforts include "functional multilingualism; language preferences; use and proficiency of target audiences; a broad acceptance of linguistic diversity and recognition of linguistic human rights (language rights); social justice: treating all persons equally and without prejudice – irrespective of ethnic origin, gender, race or religion; and the *Batho Pele* principles, which included consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money" (Pan South African Language Board, 2019: 89).

In 2017, the SAPS already had a Language Management Unit comprising a Head of Communication – a position which was vacant at the time of the hearings; Head of Organisation Communication; Commander of Language Management – which was vacant as well; Head of the English and Afrikaans Subsection, Head of the African Languages Subsection; Support Subsection; and Language Planner – which was also vacant. Three English and Afrikaans language practitioners were employed, and the African Languages Subsection consisted of language practitioners for Tshivenda, isiZulu, isiXhosa, Xitsonga and Sepedi respectively. There was a vacant post for a Setswana language practitioner. The unit had four interns, and their internships were to end in April 2017. A replacement intake process for the 2017/2018 financial year had taken place, and five interns had been interviewed. The SAPS is multilingual and multicultural as South Africa is, broadly. Its internal Language Management function is aimed at providing effective service delivery through open and effective communication with the public, and its internal and external clients (Pan South African Language Board, 2019: 89).

The SAPS Language Unit has to render effective language service in all SA Official Languages. Such services include "translation, editing, proofreading, interpreting, transcription, conducting and facilitating language training, providing language advisory services, answering questions and complaints around the SAPS Language Policy, and

developing terminology". To allow the Language Unit to focus on core functions, all administrative duties are handled by a Support Subunit which catered for English, Afrikaans, Tshivenda, isiZulu, isiXhosa, Xitsonga and Sepedi. All these language services are internally managed, i.e. they do not require outsourcing, except foreign language services when required (Pan South African Language Board, 2019: 89).

Other SAPS Language Unit's responsibilities include marketing the SAPS Language Policy and building capacity at head office; facilitating and coordinating the implementation of the SAPS Language Policy by offering translation, editing, interpreting, transcription, terminology and language training services; establishing Language Units in provinces and advising them on Language Policy matters and capacity building; monitoring and evaluating the implementation of the Language Policy; promoting multilingualism in the workplace; referring requests for language services to the relevant service providers; and arranging training programmes and co-ordinating in-service training on language skills along with the SAPS Human Resources Development Division (Pan South African Language Board, 2019: 89-90).

English remains the main working language within the department, according to the report. To promote indigenous languages, the SAPS employs a rotational principle within the head office. Non-official South African languages, which are not catered for by SAPS, are serviced through outsourcing. Documents are produced in other languages after initially being provided in English. The provision of documents in additional official languages occurs within six months of the production of English documents. Verbal communication, which includes both meetings and instructions happens in English and applicable indigenous languages. Radio communication follows similar guidelines. Clients and employees of SAPS who are either sight-impaired or hearing-impaired are catered for through SASL and Braille respectively. This is done in collaboration with the Employee Health and Wellness Services Section of SAPS and the department's disability management component (Pan South African Language Board, 2019: 90).

Responsibility for monitoring, implementing and evaluating the SAPS Language Policy lies with the Language Management Section, in collaboration with all clusters and divisions across the police service. At the time of the PanSALB Hearings, both a policy implementation plan and a market awareness plan were being drafted and relevant provincial

offices were being established. The following plans were in the pipeline:

- 2016/17 financial year: The SAPS Language Policy would be marketed and capacity built at the Language Management head office.
- 2018/19 financial year: Language Units would be established in all provinces and provinces would be advised on policy matters and capacity building.
- 2019/20 financial year: Monitoring of the implementation of the Language Policy.
- 2020/21 financial year: The policy would be reviewed, and this would be done every three years after that (Pan South African Language Board, 2019: 90).

On the contrary, however, and through own experience as a researcher, requesting to write an affidavit or a statement in indigenous languages is frowned upon at many South African police stations. Likewise, crime reports can only be written in Afrikaans or English. Even today, and this is something that needs to be looked at and corrected as a matter of urgency.

5.1.22 State Security Agency

The SSA had drafted its Language Policy at the time of the hearings and the policy had been sent for approval, pending various departmental processes. The agency did not have a Language Unit at the time. The SSA already has a foreign Language Unit and this could make it easier for it to cater for South African languages using the same resources, specifically the previously marginalised languages. Other than English, the SSA routinely uses other languages in its operations provincially, based on the linguistic makeup of the respective provinces, from which information is gathered (Pan South African Language Board, 2019: 95). The SSA neither had an existing Language Policy nor a Language Unit at the time of the hearings in 2017.

5.1.23 Department of Sport and Recreation

The Department of Sport and Recreation (SRSA) had an approved Language Policy and a Language Unit at the time of the hearings. The use of varied African Languages was an integral part of its function and it is primarily concerned with social cohesion. In its submission, the department held that mother-tongue communication was vital in ECD (Early Childhood Development), in which song and play naturally occurs in the children's mother-tongue. The department's Language Policy had a good grasp of UOLA's mandate, i.e. the

promotion of multilingualism and the elevation of indigenous languages. It adopted five languages as its official languages, i.e. English, isiZulu, Sepedi, Xitsonga and Afrikaans. The department committed to promoting all these languages depending on the availability of budget and other cost factors. Their policy stipulated specifics of how a language would be used, including in official notices, publications, as well as marketing and communication (Pan South African Language Board, 2019: 98).

The department employed a full-time language practitioner within its Language Unit. The unit provided SASL interpreting at official events and it was in the process of completing a rule book titled "The Indigenous Games Manual" in all official languages, for games such as *dibeke, kgati, kho-kho, lintonga, diketo, morabaraba* and *jukskei.* The manual included rhymes in several African languages and it was being translated from English into the other four official languages of the department, in 2017 (Pan South African Language Board, 2019: 98).

Using indigenous language is compulsory during youth games, according to the department. This has been done since 2016. African languages were used for all official team call signs utilised at the Africa Youth Game in Team Sport. At the time of the hearings, these were still only officially done in isiZulu. Rugby had traditionally employed Afrikaans call signs to confuse opposing teams. However, at the time of the hearings, it was universal amongst national teams to use isiZulu call signs. This applied to the rugby national team (the Springboks) as well. Other languages would be incorporated and similarly used gradually. Occasionally, teams entered the field led by a Zulu *impi,* with Johnny Clegg's song *"Impi"* playing in the background, and sometimes in response to the All Blacks' "*Haka"* war cry (Pan South African Language Board, 2019: 98).

SASL interpreting was provided during official events. Its policy had been translated into all 11 official languages. Documents, brochures and facts sheets were being translated from English into indigenous languages. The department had already developed an implementation plan concerning its Language Policy. According to the department's submission, its job advertisements are published in English and Sepedi. Braille printing is provided when required. The department has a sporting ambassador programme, which uses indigenous languages actively. During the hearings period, the department had a *Womandla* Campaign, which featured Caster Semenya speaking exclusively in Sepedi. It is the department's

strategy to include sporting heroes, as role models, speaking in indigenous languages to influence the youth to honour their identity and heritage, which is often linguistically rooted. At the time of the hearings, SRSA planned to host language-related days internally. Previously, such events had been exclusively focused on sport-related activities (Pan South African Language Board, 2019: 98-99). The department was advised to rework its Language Policy and Implementation to be in line with UOLA and to speak to each other.

5.1.24 Statistics South Africa

Statistics South Africa (Stats SA) had a Language Policy, which according to them, took into account the precepts of UOLA as well as those of the Constitution. The department's obligation to allow access to statistics for all derives from legislation binding to the department, including the Statistics Act (No. 6 of 1999) and the PAIA Act (No. 2 of 2000). By implication, this suggests that the value of multilingualism is not only important in the means by which data is collected, but by which data is presented. The department's Language Policy was already in place in 2011, and it was revised in 2013 based on UOLA requirements, which demanded that Government entities publish their language policies for public comment and to incorporate those comments before final approval. The revision was finalised in and published in 2016. During the time of the hearings, it was awaiting approval by the Stats SA executive committee. The policy advocated for multilingualism. Written materials were translated from English into all official languages. Braille and SASL were made available for the sight-impaired and the hearing-impaired (Pan South African Language Board, 2019: 102).

Stats SA's terminology department had existed for a long time and it developed a multilingual guide in 2009, a version that was updated in 2013 as a second edition. The Methodology and Standards Unit was tasked with identifying concepts and drafting definitions, after which equivalents would be formulated for each of the official languages, together with stakeholders. These ranged from provincial legislatures to universities. The department held this to be of paramount importance, considering that it informed the translation of publicity material, questionnaires and surveys, to obtain accurate data from respondents, in their preferred languages. Translation services were outsourced as Stats SA's Language Unit could only handle translation from English into Afrikaans and isiXhosa, due to understaffing and limited resources. At the time of the hearings, the Language Unit only had three employees. The 2011 Census results were published in all 11 official languages of

the Republic. The Department offers SASL interpreting during meetings to accommodate its hearing-impaired employees (Pan South African Language Board, 2019: 102).

The 1996 Census provided for all official South African Languages and foreign languages. During the 2001 Census, the focus was on all spoken official languages. In 2011, SASL was included in the questionnaire. The 2016 household survey went further to include Khoisan. The department generated statistics concerning household language usage down to the municipal level because of an expectation that even municipalities should develop appropriate evidence-based policies concerning language use. Stats SA's challenges included a lack of Afrikaans-speaking SASL interpreters; a lack of Braille resources and no demand for translated materials (Pan South African Language Board, 2019: 103).

The terminology list that Stats SA referred to is not readily accessible to the public. Its Language Policy required some revision to be in line with UOLA and the department needed to establish a properly formulated and dedicated Language Unit to take care of its linguistic function needs.

5.1.25 Department of Telecommunications and Postal Services

At the time of the hearing, the Department of Telecommunications and Postal Services (DTPS) was a new government department, however, it had published its Language Policy in the Gazette. The department had not established a Language Unit but it had provided for it in its structural plans. The proposed unit (the approval of which was subject to successful submission to the Department of Public Service and Administration) would be involved in the translation of data generated from another subdivision within the department, which worked closely with Stats SA. The department's primary means of communication is English. During meetings, such as *izimbizo,* the DTPS makes all documents available in various official languages (Pan South African Language Board, 2019: 105).

5.1.26 The Presidency

Five principles guide the Presidency in its Language Policy development:

- As the highest political office in the land, it could not prefer specific official languages over others, and it was therefore committed to all 11 official languages to promote multilingualism and to ensure language equity as well as to promote the exercise of linguistic rights as prescribed by the

Constitution;

- It recognised multilingualism as a positive resource to encourage collaboration and partnering towards nation-building initiatives, social cohesion and all-encompassing economic development activities;
- It needed to promote proper management of language to make sure that there is efficient administration in public service, which would meet the needs of the members of the public and ensure access to services and information concerning the Presidency equitably;
- It needed to enhance a people-centred service delivery approach by recognising and making sure that the interests, the needs as well as the aspirations of various groups in terms of languages are addressed through ongoing conversation and deliberations;
- It recognised the role of the Presidency as the apex government structure to lead by example to promote multilingualism in a highly pluralistic society (Pan South African Language Board, 2019: 107).

In deciding what languages would be used in different instances and geographical areas, the Presidency considers "geographical usage, practicality, expense, local circumstances, and the balance of basic needs and inclinations of the people it serves. As for all departments, English is utilised in both intra-governmental and inter-governmental communication. Public communication, whether oral or written varies and it uses all 11 official languages depending on the context; the region concerned, practicality, expense, local circumstances and needs. It accommodates requests from individuals with impairments to either hearing or vision, in the form of interpreting in SASL and converting text to Braille or audio both. International communications used English as standard or the preferred language of the country concerned (ibid).

The Presidency did not have a Language Unit at the time of the hearings, and this was due to budget constraints. Its Internal Communications Unit was responsible for language policy drafting and implementation. Messaging and speech translations were done by the Department of Arts and Culture and the Government Communication and Information System and sometimes outsourced to language service providers, during this time. The Presidency's Language Policy has been in place since its approval in 2015. In its social media

platforms, it uses all official languages for the State of the Nation Address (SONA) messages. Parliamentary addresses are similarly translated into various languages. All cabinet statements are translated into all official languages and uploaded on the department's website since June 2016. Group addresses by the President, e.g. Operation *Phakisa, izimbizo* and unannounced visits are routinely serviced by interpreters (Pan South African Language Board, 2019: 108 - 109).

In the Presidency, English is the primary language of documentation following Cabinet Meetings and language practitioners are not permitted in Cabinet meetings due to concerns related to secrecy (Pan South African Language Board, 2019: 110).

5.1.27 Department of Trade and Industry

Even though the Department of Trade and Industry (dti) did not have a Language Policy at the time of the hearings, it had adopted 11 languages as its official languages. However, English remained the primary language of communication owing to numerous problems relating to the promotion of multilingualism. These included impracticality in some cases, high expense and challenging circumstances at times. The department's intra-governmental and inter-governmental communication occurs in English. Both written and oral communication to the public is conducted in English or any other official language if required. Up to two additional languages are used in official publications intended for public distribution. Outreach activities take place in English and up to two languages that are deemed suitable, depending on the communities involved and the linguistic makeup of the given geographic area. The department's website is in English. Its international communication is in English. Many public hearings are conducted in English, however interpreting services into various other official languages are provided on request, and these include SASL and conversion to Braille or audio, even though the request may only be honoured in 20 days or more. The department's translation resources are sourced by its Content Development Directorate, within the department's Marketing and Communications Division, on its behalf (Pan South African Language Board, 2019: 112).

The dti's executive board, chaired by the Minister was tasked with establishing a Language Unit which had not materialised at the time of the hearings. The department's Language Policy would be published in English and it would be made available in all the other official languages. Braille and audio-recorded Language Policy copies would be made available upon

written request (ibid).

5.1.28 Department of Cooperative Governance and Traditional Affairs

Two departments exist within the Department of Co-operative Governance and Traditional Affairs (CoGTA). These are the Departments of Cooperative Governance (DCG) and the Department of Traditional Affairs (DTA). When the department presented, it presented specifically concerning the DTA and not for both the DTA and the DCG. Even though the DTA indicated that it had a Language Policy, the board was not furnished with a copy as it was a requirement for all departments. The department outlined some of its activities, however, these did not include multilingualism (Pan South African Language Board, 2019: 115).

5.1.29 South African Revenue Service

The South African Revenue Service (SARS) established a Language Policy Reference Group in 2013. It was SARS's various business units' collective duty to draft their Language Policy. In 2014, a draft policy was circulated for public comment. Amendments were made to the draft following public comments and led to a final Language Policy, which was published in November 2015. The policy's essential purposes were to outline how SARS would comply with UOLA, and how it would utilise all official languages in servicing the people of South Africa. A consultative process led to the adoption of four languages, namely isiZulu, Sesotho, Afrikaans and English as official languages. Other official languages would be added at a later stage (Pan South African Language Board, 2019: 119).

During the hearings, SARS already had a dedicated Language Service Unit, which consisted of Operational Language Specialists for isiZulu, Afrikaans, Sepedi and Xitsonga, and who were overseen by a Senior Manager. The unit is responsible for translations to improve revenue collection and to reduce revenue loss, and mainly so that it can reach out to taxpayers effectively. Its language activities include language research projects, language awareness activities and terminology development. SARS already developed a specialised terminology list during the hearings (ibid).

The department communicated with citizens at a provincial level, as per linguistic makeup of those provinces, as follows:

- Eastern Cape: isiXhosa, Afrikaans, English
- Free State: Sesotho, Afrikaans, English
- Gauteng: IsiZulu, Sesotho, Afrikaans, English
- KwaZulu-Natal: IsiZulu, English
- Limpopo: Sepedi, Xitsonga, Tshivenda, English
- Mpumalanga: SiSwati, isiZulu, Xitsonga, isiNdebele, English
- North West: Setswana, Afrikaans, English
- Northern Cape: Setswana, Afrikaans, English
- Western Cape: IsiXhosa, Afrikaans, English (ibid).

Due to the diverse linguistic landscape of the country, operating exclusively within the four languages employed by the department was challenging and limiting for SARS. Hence the plan to gradually add more languages. The SARS ITR12 income tax return forms are already available in all official languages according to the submission. They are delivered to taxpayers who request them through the call centre self-service option Custom agents for SARS assist clients at ports of entry throughout the country in English and other official languages of the relevant province, where the port is situated. Official proceedings, including hearings, are conducted in English, with interpreting services available on request. SASL interpreting is available on a rotational basis across branches and documents are made available in Braille or audio if requested (ibid).

SARS efforts towards multilingualism and linguistic parity within South Africa have several key highlights including:

- Translation of taxpayer information on its website into all official languages adopted by SARS
- Translation of educational material and presentations targeting taxpayers in their respective official languages
- A research project covering four provinces on how SARS can best serve the needs of the Deaf and Blind Communities, particularly at its various branches, was undertaken and recommendations were made
- A pilot project on offering services using SASL interpreters was undertaken at selected SARS branches in Gauteng, the Free State, KwaZulu-Natal and the Northern Cape in partnership with PanSALB, DeafSA, the SA Council for the Blind, Blind SA, Retina SA and special schools in the four provinces

- The SARS Language Services Unit (SLSU) continuously works on a multilingual SARS terminology list in isiZulu, Sesotho, Afrikaans, Sepedi and Xitsonga (Pan South African Language Board, 2019: 120).

SARS provides information in local South African languages and foreign languages (including Mandarin, Amharic, Arabic and Urdu) through their posters. It publishes its website information in a wide range of indigenous languages. SARS offers its tax season information in various languages and it translates slides used for outreach purposes into a variety of languages. During the hearing, SARS did not only provide samples of its multilingual terminology list, but they also presented articles that demonstrated its outreach to handicapped communities, specifically to the Deaf and Blind Communities (ibid).

5.1.30 Government Communication and Information System

The Government Communication and Information System (GCIS)'s Language Unit was established in April 2008 in line with the National Language Policy Framework. The unit has been providing multiple linguistic services since then, including translating, editing and proofreading to the GCIS and to external clients who work with the department on national communication campaigns. The Unit has a Deputy Director who manages the unit and two Assistant Directors who oversee the work of external language service providers as translation work is outsourced. At the time of the hearings, one of these assistant directors was Setswana-speaking, and the other was IsiXhosa-speaking. The former oversees the Sotho group languages, the latter the Nguni group languages (Pan South African Language Board, 2019: 124).

The unit translates all materials into all official languages. At the time of the hearing, the department was awaiting approval from Treasury to allow the department to employ a language practitioner for each official language. Flagship projects of the GCIS (in addition to ad hoc translations) include:

- Its bi-monthly newspaper, *Vukuzenzele*, which is translated into all official languages
- Translation of the fortnightly Cabinet statement into all official languages – these are available on the GCIS website
- Broadcasting Digital Migration products for the Department of Communications – most digital terrestrial television-related communications are produced by the GCIS

- Multilingual translation of the State of the Nation Address (SONA) for the Presidency
- Producing speeches for the Minister and Deputy Minister of Communications in various languages
- Collaborating with stakeholders in terminology development projects. It worked on 2008 and 2013 statistical guides and election terminology lists for the DAC, a legal and agriculture terminology project for the DAC in Limpopo, and a terminology project for the SA Police Service (Pan South African Language Board, 2019: 124).

The GCIS Language Policy is available in all official South African languages and it is accessible on the department's website. A Braille version is available from all nine provincial offices. The department was in the process of facilitating training for its front-desk staff in SASL. In line with its functions, the GCIS communicates in all the official languages as its Language Policy adopted all of them. The GCIS had not developed a Language Policy Implementation Plan at the time of the hearings (Pan South African Language Board, 2019: 124).

5.1.31 Department of Transport

The Department of Transport (DoT) is a big department with a huge mandate. It has several entities under it, such as the Passenger Rail Agency of South Africa, the Railway Safety Regulator, the South African National Roads Agency Limited, the Road Accident Fund (RAF), the Cross-Border Road Transport Agency, the Road Traffic Management Corporation, the Road Traffic Infringement Agency, the South African Civil Aviation Authority, the Airports Company of South Africa, Air Traffic Navigation Services and the Ports Regulator of South Africa. The Road Accident Fund is ahead of the department and its entities regarding Language Policy (Pan South African Language Board, 2019: 124). The department interacts with individuals from a wide range of backgrounds and across languages continually (Pan South African Language Board, 2019: 128). Its Language Policy was drafted in 2016 and circulated internally for comments. It was published for public comments in the same year. At the time of the hearings, it was yet to be submitted for approval (Pan South African Language Board, 2019: 128).

The department had not established a Language Unit and its functions were performed by its Communications Division. The department had planned activities aimed at promoting linguistic parity and multilingualism to take place between February and September 2017. An

internal DoT project team was to be established to finalise the Language Policy and to facilitate its implementation. The department had uncertainties about the approval process concerning staffing as there was inadequate funding and a moratorium on new posts for all departments, and this was affecting its plans for setting up a Language Unit. The department recognises the need to elevate previously marginalised languages and until a dedicated Language Unit was established, the broad functions remained the responsibility of its Communication Division. Various official languages are utilised in various publications to promote multilingualism even though it had no implementation plan in place (ibid).

A member of the Road Accident Fund suggested that effective communication in languages better understood by many would cost less as it would allow for more consistent behavioural change and safer behaviour. This would mean fewer accidents and fewer deaths on the road as a result, and consequently fewer claims (Pan South African Language Board, 2019: 125).

5.2 Language Policies

As mentioned previously, one of the purposes of this study is to identify the causes of any non-compliance with South African language policies. The study aims to look for patterns across government departments and entities in terms of the extent and reasons for any non-compliance. Much of the data that is required for these purposes can be found in PanSALB's report, which has been discussed in detail above. Other sources of data that are used in this study are a selection of language policies which various government departments have published in an attempt to comply with UOLA. During PanSALB's 2017 hearings, 27 government departments and entities submitted language policies, whether in final or draft form. The policies are mostly repetitive, an observation which is repeated in PanSALB's findings following the hearings (Pan South African Language Board, 2019: 9). For this reason, only a handful of language policies are scrutinised and discussed below, and they are drawn from three diverse departments, namely the Justice and Constitutional Development Department, the Health Department and the Arts and Culture Department.

5.2.1 The Department of Justice and Constitutional Development (2015)

At the time of the PanSALB hearings in 2017, the DoJ&CD had a draft Language Policy in place (Department of Justice and Constitutional Development, 2015, s. 8, ss. 2). The following table sets out the department's choices regarding official languages (ibid).

TARGET AUDIENCE	LANGUAGE
Province where service points are located	Languages adopted per province
National and Gauteng	IsiZulu, Sesotho, Sepedi, English and Afrikaans
Eastern Cape	isiXhosa, English, Afrikaans and Sesotho
Free State	Sesotho, Afrikaans, English and isiXhosa
KwaZulu-Natal (KZN)	isiZulu, English, isiXhosa and Afrikaans
Limpopo	Sepedi, Xitsonga, Tshivenda, Afrikaans and English
Mpumalanga	SiSwati, isiNdebele, Afrikaans and English
Northern Cape	Afrikaans, Setswana, isiXhosa and English
North West	Setswana, Afrikaans, Sesotho and English
Western Cape	Afrikaans, isiXhosa and English

TABLE 1: THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT'S OFFICIAL LANGUAGES PER PROVINCE AS PER ITS 2015 DRAFT LANGUAGE POLICY

The policy stated that the department would strive to promote the usage of Braille and Sign Languages in recognition of the historically marginalised languages used by people with disabilities (Department of Justice and Constitutional Development, 2015, s. 8, ss. 3). All its official documents would be provided in Braille, albeit upon request. The DoJ&CD would make SASL interpreting available during all of its public events. Additionally, the department agreed to provide services in the requested languages of non-nationals, to the extent that this was reasonable and within its resources (ibid).

Regarding written communication, the department agreed that any person including a juristic person who wrote to it would receive a response in the language in which that person had written (Department of Justice and Constitutional Development, 2015, s. 8, ss. 4). The Language Policy further stipulated that the use of official languages in court proceedings, including court interpreting services, court processes, documents and recording of court proceedings, would be regulated by rules of court or any other applicable legislation (Department of Justice and Constitutional Development, 2015, s. 9).

5.2.2 The Department of Justice and Constitutional Development (2019)

In 2019, the DoJ&CD published a final Language Policy. (Department of Justice and Constitutional Development, 2019) It adopts IsiZulu, Sesotho, English and Afrikaans as its

official languages nationally, and provincially, it differs based on the dominant or official languages of that province (Department of Justice and Constitutional Development, 2019, s. 9, ss. 1). These policies are summarised below.

Eastern Cape: English, isiXhosa, Afrikaans and Sesotho
Free State: English, Sesotho, Afrikaans and isiXhosa
Gauteng: English, isiZulu, Afrikaans and Sesotho
KwaZulu-Natal: English, isiZulu, isiXhosa and Afrikaans
Mpumalanga: English, Siswati, Xitsonga and isiNdebele
Northern Cape: English, Afrikaans, Setswana and isiXhosa
Limpopo: English, Sepedi, Xitsonga and Tshivenda
North West: English, Setswana, Afrikaans and Sesotho
Western Cape: English, Afrikaans, isiXhosa and Sesotho

The department agrees to provide Braille and SASL services in recognition of the historically marginalised languages used by the Deaf and Blind Community (Department of Justice and Constitutional Development, 2019, s. 12). The department would make all its official documents available in Braille and audio, albeit on request. At public events hosted by the DoJ&CD, the department would make SASL interpreting services available (ibid). Below is a list of other important clauses:

- Hearings and other official proceedings may be conducted in English where a party to the hearing or proceedings does not understand any of the official languages selected for that area. Where all parties understand any of the selected official languages, other than English, the hearing or proceedings may be conducted in that language (Department of Justice and Constitutional Development, 2019, s. 10).

- The Department may hold its communication with members of the public who select languages that are not selected by the department as official languages in English or using one of the official languages selected for the province they are serving (Department of Justice and Constitutional Development, 2019, s. 11).

- In the event that members of the public do not understand any of the languages selected for the province, the Department may communicate with those members of

the public in any of the official languages they choose (ibid).

- The Department and its regional offices may, where necessary, provide the services of an interpreter or a translator to communicate with members of the public (ibid).

- The Department may make the services of an interpreter available on the day such services are required and may obtain the services of a translator within 30 calendar days from the date such services have been requested (ibid).

- The use of official languages in court, including court interpreting services, court processes, court documents and recording of court proceedings, shall be regulated, consistent with Section 171 of the final Constitution, by the Rules of Court or any other applicable legislation (Department of Justice and Constitutional Development, 2019, s. 14). Section 171 of the final Constitution provides that "All courts function in terms of national legislation, and their rules and procedures must be provided for in terms of national legislation" (Government of South Africa, 1996).

- Where members of the public require interpreting to enable them to communicate with the Department, a request for such service must be submitted in writing to the Department 14 days before such communication takes place (Department of Justice and Constitutional Development, 2019, s. 11).

- The Language Policy shall be available on the department's website https://www.justice.gov.za, and a web link shall be provided on the website for easy access, and it may be made available in hard copy at the department's national office and regional offices (ibid).

- Anyone who is not satisfied by any decision taken by the department concerning the manner in which it uses its official languages is welcome to register a complaint, however, to be rendered official, the complaint has to be in writing and be directed to the Director-General of the Justice & Constitutional Development Department using the contact details provided and availing all the information outlined in the policy. Should the complainant not be satisfied, they may appeal to the Minister following the

processes outlined in the policy (Department of Justice and Constitutional Development, 2019, s. 17).

5.2.3 The Department of Health

At the time of the PanSALB hearings, the DoH had a final Language Policy in place (Department of Health, 2015). Section 9.3 of the health department policy states that “based on the way official languages are distributed in South Africa, the department would take into account the usage, practicality, expense, regional circumstances and balancing the needs and preferences of the public it serves" (ibid). According to its policy, the department adopted isiZulu, Sesotho and English as its official languages, and agreed to use the above three with other official languages in some instances, as illustrated in the table below (Department of Health, 2015, s. 10, ss. 1).

Section 11 and Section 12 state that members of the public who wish to contact the department in SASL or non-official languages of the Republic of South Africa must write to the DoH (Department of Health, 2015). Consideration would be given to factors such as subject, context, usage, practicality and the availability of funds for translation (Department of Health, 2015, s. 12). What follows is a table summarising the Language Policy in the DoH (Department of Health, 2015, s. 10, ss. 1).

Communication Purpose and Target Audience	Language(s)
International communication	• English
Inter-governmental and intra-governmental communication	• English
Electronic communication (website and social media)	• English • Enquiries received through social media would be answered in the official language preferred by the client.
Corporate publications of the National Department of Health	• isiZulu • Sepedi • English
Official communication with public members (written)	• isiZulu • Sepedi • English (Taking into account usage, practicality and expense)
Official communication with public members (oral)	The 11 recognised languages of the Republic (taking into account the usage, practicality and expense). The above implies that the language selected would be based on the extent at which the required language is used in that particular area, how practical it is to use it and costs of interpreting or translation would be measured against importance, to determine whether it is necessary or other means to communicate can be resorted to.
Public hearings (Izimbizo, roadshows)	The 11 official languages of the Republic (taking into account the regional circumstances).
Educational material for health promotion and outbreaks	The 11 official languages of the Republic (taking into account the regional circumstances).
Communication with the hearing or sight-impaired	The National Department of Health would facilitate interpreting services into SASL, and they would convert text into Braille or to audio when they receive such requests.

TABLE 2: DEPARTMENT OF HEALTH LANGUAGE POLICY, 2015

5.2.4 Department of Arts & Culture

The DAC's Official Language Policy was passed in 2014, and it adopted all 11 official South African languages as the department's official languages (Department of Arts & Culture, 2014, s. 8, ss. 2). The table, below, shows how DAC intends to use official languages for business purposes (ibid).

DAC Purpose	Language(s)
Inter-governmental & intra-governmental communication	English
Official communication with public members (written)	Official languages of South Africa in line with the conditions mentioned in Clause 8.1
Official communication with public members (oral)	Official languages of South Africa in line with the conditions mentioned in Clause 8.1
Official publications published to be distributed to the public, e.g. public notices on the website, adverts, forms and signs on buildings	Official languages of South Africa in line with the conditions mentioned in Clause 8.1
Public hearings (*Izimbizo*) and other official proceedings	Official languages of South Africa in line with the conditions mentioned in Clause 8.1
Communication with the hearing or sight impaired	Interpreting into SASL and converting text into Braille or text to audio when requests for such are received
International communication	Internal communication would be in English.

TABLE 3: THE DAC OFFICIAL LANGUAGE POLICY, 2014

The policy states that: "The following factors would be taken into account in arriving at the choice of the official language(s) the DAC would use in each context/situation usage, practicality, expense, regional circumstances; and the balance of basic needs and inclinations of the public it serves" (ibid). The policy further states that:

- Members of the public who wish to make contact with DAC in non-official languages of South Africa must inform the DAC of their request by writing to the department. The conditions stipulated in Clause 8.1 apply to all requests.

- The Department of Arts & Culture would ensure that applicable and suitable translation and interpreting services are made available (when requested) in not more than 20 working days from the date the request for such services was received by the department.

- Public members who wish to make contact with the department using SASL must inform the department of their wish to do so, by writing to the DAC.

- Applicable and suitable interpreting would be provided by the department not later than 20 working days after the request is received by the DAC from any public member.

- The Language Policy would be accessible on the website of the Department of Arts & Culture through following the URL, https://www.dac.gov.za, and for the Blind Community, it would be available in Braille as well, provided that a request for such is received from the public members requiring that service, otherwise audio would be made available on the website as well.

- Anyone who is not satisfied by any decision taken by the DAC concerning the manner in which it uses the department's official languages is welcome to register a complaint with the department by writing a letter and directing it to the Director-General of the Justice and Constitutional Development Department using the contact details provided and availing all the required information as outlined in the policy. Should the complainant not be satisfied, they may appeal to the Minister following the processes outlined in the policy.

5.3 Interviews

The data set out above, drawn from PanSALB's report as well as various departments' language policies, is used in this study to identify possible trends across government departments and entities in terms of the scope and causes of any non-compliance with the country's language policies. This study tests the conclusions drawn from such an analysis by seeing to what extent they are consistent with the second set of data. This data is drawn from

interviews that were conducted with representatives from the DAC, the DoJ&CD, a language activist and PanSALB.

All interviewees are experts in language issues and their profile and motivation for their selection are discussed under research methodology. They are four in total and they represent the implementers of language policies and the monitors of language policy implementation activities and processes. One representative of the implementers is a Director of Language Planning and Development in the Department of Arts and Culture and she spoke on behalf of the department. The second representative is an official in the Office of the Deputy Director-General: Court Services and he spoke on behalf of the Department of Justice and Constitutional Development. Representing the monitors of implementation activities in the interviews was an activist who is involved with language rights matters and has been in the language field for many years and held various mentorship and leadership positions. She spoke on behalf of language activists across the country. The second representative of the monitors of language implementation processes was a PanSALB official who spoke on behalf of PanSALB.

Transcripts of these interviews can be found in ***Appendix 4*** and the findings are analysed in detail in the next chapter.

5.4 Discussion and Contextualisation

One of the aims of this study is to identify patterns across government departments and entities in terms of the extent and reasons for any non-compliance with the country's language policies. This is tackled through an analysis of PanSALB's report on the use of official languages by South African government departments informed by UOLA. The interviews set out above provide this study with a means of testing any conclusions reached during the analysis described above. The researcher aims to ascertain the extent to which any trends identified in the initial enquiry are evident in the second data set, namely the interviews.

In summing up, it is important to mention that all these departments have similar challenges, which begs the question of whether they were properly guided. What is more notable is that most, if not all departments presented inadequate budget as the main constraint and a

hindrance to fulfilling some of the important requirements as prescribed by the Use of Official Languages Act, which includes the development of multilingual policies, implementation plans and the actual implementation. This is something that the government needs to look into and help to resolve as compliance with policy translates to best practice on the ground.

CHAPTER 6

DISCUSSION OF FINDINGS

Compliance is not only about what is on paper, but it is even more about effective implementation. In terms of language policy development, most departments partly comply, however, in terms of implementation, most of them fail dismally and this is what causes the status quo to remain. Compliance with some of the requirements of UOLA, such as having a policy in place, as required by the Act, does not mean there is full compliance. There are still gaps between what is in the language policies of most departments and what is happening in the ground. While South African language policies aim to elevate the status and advance the use, of the indigenous languages, English continues to dominate in most public domains. It is unclear whether this state of affairs is a result of the policies being poorly conceived or because of the various problems mentioned by the departments, and which are associated with implementation.

The first aim of this chapter is to benchmark South African language policies against those of Singapore, India and Switzerland. This would indicate whether the continued dominance of English is a result of inadequate policies or poor implementation. The second aim of this chapter is to examine PanSALB's report in an attempt to identify possible trends across departments and entities in terms of the scope and reasons for non-compliance with UOLA. These findings would then be tested by comparing them with data obtained via interviews with representatives from the DoJ&CD, DAC, PanSALB and a language activist who represented a team of language activists as alluded to earlier. The final aim of this chapter is to use the insights gleaned in the processes described above to draft recommendations that government can follow to more efficiently achieve the normative language provisions of the final Constitution and UOLA.

Before getting into detail regarding the above, it is important to look at what the South African government has done to change the structure and use of languages in terms of Language Policy and Planning (LPP). The first progressive step that the government of South Africa took was passing the Use of Official Languages Act into law in 2012 and necessitating that it be implemented by all national government departments, national public entities and

national public enterprises within 18 months of the commencement of the Act. The aim of this was to redress the imbalances of the past in terms of language usage in South Africa. The Act provides for equitable use of all the official languages of South Africa, against how things stood during the apartheid era when only English and Afrikaans were recognised official languages. To realise this, various role players have been involved and are still involved in various steps to implement the Act. These include the Department of Arts and Culture as language policy developers and planners, language practitioners in various departments as implementers, as well as PanSALB and elected officials in Parliament as overseers. In this case, the creators of the change are mainly the government which means that the process takes the top-down direction. Indeed, entities working from the top-down are often able to implement change more easily than those working from the bottom-up. Be that as it may, it is evident that there are quite a few challenges that prevent efficient implementation of the Act through the national government departments' language policies and the study intends to assist in dealing with the hiccups so that the ultimate goal, which is parity of esteem in as far as official languages are concerned, is fully realised.

In terms of Language Management Theory (LMT), both the top-down and bottom-up processes are involved. Actions regarding language regulation are performed by both the government, which regulates language by passing laws and individuals, who regulate language as they use it in their daily activities, mainly during public gatherings organised by the government. As alluded to earlier, organised management differs from simple management mainly because it does not occur in a single interaction. It occurs over time through numerous interactions. The role players that participate in organised management are institutions and networks, rather than individuals, and which is exactly what is happening in South Africa currently.

In South Africa, in terms of Social Identity Theory (SIT), various scenarios have been witnessed, e.g. young people learning a second language early in their lives and to the detriment of their first language, and this continues to defeat the purpose of the country's language policies. This means that the government must not only be robust about language usage for work purposes only but it must be strategic in that language planning and language policy implementation must focus on critical portfolios like health and education, specifically at the foundation phase for education, to reinforce first language acquisition before second language acquisition. In this way, equity can be achieved and children whose home languages

are African languages can be bilingual since the medium of instruction in most, if not all South African schools, is English. Currently, the situation is so dire in that most South African children whose home language is an African language are monolingual and they speak the language they learn in school better than their mother-tongue and that is if they speak it at all.

Language plays a big role in establishing and maintaining peoples' social identity (Gumperz & Cook-Gumperz, 1982: 7). Therefore, learning in a language that is not spoken at home does at the foundation phase, which is a critical age, does confuse and disorganises the learners and it impacts on their social identity at the very young age unless parents make additional efforts to educate their children about their roots and language, which can sometimes be time-consuming and costly, as children find it easier to communicate using a language used every day at and avoid engaging in their home language. South Africa is a diverse country, however, people should be able to identify with the correct groups, and language is one thing that gives them that kind of identity and the SIT can cast light on the motivations behind language policies and the reasons that such policies are significant. The government has an opportunity to correct this through dedication, political will, proper language planning and policy implementation. Let us look at the three countries, which are considered to have the best language policies to see if South Africa cannot learn something from their models and best practices; and incorporate it into work currently at hand in the country, in terms of planning and implementing its language policies as language policy development and implementation is still work in progress in South Africa.

6.1 Benchmarking Switzerland, Singapore and India

To benchmark what has worked for other countries, the researcher looked at three countries that have done relatively well in terms of effective implementation of their respective language policies. How Switzerland, Singapore and India operate, in terms of their language policies, was discussed in the literature review, and it is summarised hereunder to identify what South Africa can learn and draw from these other multilingual countries.

One of the principles that characterise the way Switzerland manages its diversity is language territoriality (Grin, 1998: 4). It is this norm that most distinguishes Switzerland's policies from those of South Africa. This principle could potentially be applied in South Africa,

considering that there are municipal areas where the community only speaks one language, which is not English. Here, the researcher is referring to rural districts where people only speak isiZulu, isiXhosa, Xitsonga, Sepedi, isiNdebele, and other indigenous languages but documentation and signage is in English or Afrikaans; even meetings amongst officers, sometimes with the public, are held in English because of documentation and other written information. Even warning signs appear in English alone.

In Singapore, all scholars are required to master their home languages, together with English (Tan, 2017: 97). This is what most distinguishes Singapore's language policies from those of South Africa. South Africa's 1997 Language in Education Policy guarantees students and parents' rights to be educated in the language of their choice. It might be argued that South Africa could benefit from the narrower guidelines in use in Singapore; however, such guidelines would have to be drafted carefully to ensure that they were not in conflict with the language provisions of the final Constitution.

India's language policies differ from South African policies in certain respects. For instance, one of the tasks that the constitution of India gives is that the nation's language commission should provide the president with recommendations around the possibilities for restricting the use of English for government business (Indian Constitution: Article 344(2)). It empowers the country's president to force states to adopt any given language as official, where a substantial proportion of residents make such a demand (ibid). The constitution imposes an obligation on the state to promote the spread of India's Hindi language and to develop it so that it can act as a medium of expression for all Indians (Indian Constitution: Article 351). The constitution states that this is to be achieved by assimilating India's other languages, including and expanding the vocabulary of Hindi by making use of Sanskrit in particular (ibid). South Africa's final Constitution does not contain similar provisions, as it purports to value all 11 official languages equally (South African Act No. 108, 1996). In the researcher's view, this is a preferable situation.

While there are certain respects in which the language policies of Singapore, India and Switzerland differ from South Africa. It is hard to conclude that South African language policies are the cause of the continued hegemony of English. Rather, it is more likely that the problem lies in the implementation of these guidelines. This study now attempts to identify the extent and nature of these very problems. This would be done with reference to two

sources: PanSALB's Public Hearing Report and a number of interviews that were conducted during the data collection phase of this study.

6.2 Findings from the PanSALB Public Hearing Report

An analysis of PanSALB's public hearing report reveals a number of notable trends. These are now discussed.

6.2.1 Lackadaisical Attitudes

According to the report, most participating entities admitted to not having done anything regarding implementing UOLA (Pan South African Language Board, 2019: 9). Many departments were simply not predisposed to allocate sufficient resources towards achieving UOLA's multilingual language goals (ibid). At one point, the panel referred to the Department of Energy's attitude as being one of *solanka*, a term that can be best understood as meaning "in the meantime" or "for now". According to the report, a number of departments' submissions to PanSALB were not made timeously (Pan South African Language Board, 2019: 33, 43, 86). These included the Department of Higher Education and Training, the Department of Social Development and the Department of Energy (ibid).

6.2.2 Misapprehension of the Purposes of UOLA

On reading the report, it is disconcerting to realise how many departments do not understand the language agenda and how UOLA is brought forward to support it even further. It seems that many national government departments have drawn up draft language policies and established Language Units only for compliance purposes, but beyond that, there is no vision or willingness to be proactive regarding multilingualism programmes to push the agenda forward. Phrases like *"when practicability", "as far as reasonably practicable"*, and so on, were the "by-lines fronted frequently as the main reasons that impede the use of the previously marginalised languages in the department's official business" (Pan South African Language Board, 2019: 9). To justify their non-compliance with the requirements of UOLA, many of them used 'escape clauses' such as "additional languages will be used when reasonably practicable" in their language policies. If allowed, these will continue to perpetuate the subtle monolingualism that we see in many government departments, public entities and public enterprises where English still dominates. That defeats the whole purpose of the prescripts of the Constitution and UOLA. It appears that the process of language policy

development, in line with UOLA, is almost exclusively about engaging in various official languages, specifically the previously marginalised languages, only during *izimbizo*. When staff members go back to the office, things go back to normal, i.e. interacting mainly in English and sometimes Afrikaans.

The dti submitted that it makes use of English in all communication and is committed to making use of all official languages "where feasible", and "as and when requested" by members of the public. It is a little bizarre that members of the public should have to request service in a different language, other than English. When choosing a language, the department considers usage, practicality, expense, regional circumstances and the balance of basic needs as well as inclinations of the people it is serving. It uses English for inter-governmental and intra-governmental communication. For official written and oral communication with the public, it uses English or another official language "upon request". For official publications intended for public distribution, it uses English and, depending on the audience, two alternative major official languages "where feasible" and "upon request". For outreach engagements, it uses English and depending on geographical area and "where feasible and upon request" two alternative major official languages are used concurrently. Public hearings and other official proceedings are done in English, but "requests can be made" to provide interpreting in any other official language. International communication and the department's website are in English. It can be seen from this short paragraph how disengaged and out of touch dti is from the official languages other than English. The number of times it underscores "where feasible" and "upon request" is alarming. The dti appears not to be at all proactive in terms of how it can accommodate the other ten official languages.

6.2.3 Non-compliant Language Policies

The report indicates that the departments were misled by the template that was issued by the DAC as a guideline. Consequently, their language policies do not comply with UOLA. The statement says: "It would be easy to simply blame the Department of Arts and Culture for its formulaic, workshop-style introduction of a policy template to all departments – as it did in 2016, but these departments need to take full responsibility for not complying." (Pan South African Language Board, 2019: 9). According to the report, "most departments followed this template and produced almost identical 'Language Policy' documents. Instead of developing multilingual language policies to suit the specific context, they restated the Act" (Pan South African Language Board, 2019: 9). Interpreting services into SASL are provided and text is

converted into Braille or audio when requested by the members of the public. Within its Marketing and Communications Division, there is a Content Development Directorate, which the dti uses to handle translations, which means it does not have a Language Unit as UOLA prescribes. The department uses staff members with capacity for translation, and only in English and Afrikaans. Otherwise, service providers are used for other languages. Another misconception here is that the Language Units are only about translation or editing, which is not the case.

6.2.4 Misapprehension of UOLA Departmental Obligations

Some departments were under the impression that they were complying and successfully implementing their language policies. It was, therefore, a shock to many when PanSALB pointed out gaps within their policies and practices and ordered some departments to withdraw their language policies from the processes they were undergoing, including publishing.

Some departments came unprepared and it shows that some of them do not take the Act seriously. It looked like some *cooked* their languages policies only closer to the dates of the hearings. I say this because of the misrepresentations some departments submitted. For instance, the National School of Governance submitted that they were guided by the 2011 Census results when they formulated their policy and adopted Setswana as their official language since it is mostly spoken in South Africa. However, that is not a fact, even when comparing Setswana to the other Sotho language groups.

The Economic Development Department indicated that stakeholders might request the provision of a written record or published communication in any official language, but they must do so in writing, at least 60 days before the information is required. It would use 11 official languages to communicate with the public and for publications, the public has to make a prior written request. That is not in line with UOLA. Neither does it assist in redressing the inequalities of the past nor in the promotion of the previously marginalised languages. Most importantly, it does not in any way help support emerging entrepreneurs who understand indigenous official languages better, or the existing SMMEs, as most of the information is available in English, which makes it inaccessible to such individuals.

The first item that PanSALB brought to DAC's attention was that:

> "…what DAC regards as the policy document was a replica of the UOLA, in terms of structure and content; thus, meaning that what DAC presented was a mere reproduction of this Act" (Pan South African Language Board, 2019: 15).

Regarding template structure, the Language Policy of the DAC, as a document, does look similar to the structure of UOLA. However, in terms of content, the Language Policy of the department covers all the critical items that UOLA prescribes that national government departments should include when formulating their language policies.

Most departments followed-suit and used the very same format that the DAC used, which seemed like a replica of the UOLA in terms of form. However, the content varied in one way or the other, and from one department to another. It makes sense why most departments reproduced the same format. They sought guidance from the DAC as the custodians of the UOLA. In the researcher's view, this should not have been a bone of contention. What should matter more is the completeness and richness of the content and accuracy of the details, i.e. is what is on paper – the Language Policy – in line with the department's Institutional Language Management Goals, and is it achievable?

PanSALB argued that the Language Policy produced by the DAC (and subsequently by the other national government departments which were workshopped by DAC on how to develop their language policies) *"…was not a document prescribed by the Act (Section 4(2)(3)) and there is no clear policy in the document"* (Pan South African Language Board, 2019: 15).

The clause that is quoted by PanSALB, above, i.e. Clause 4(2)(c) of UOLA, says: "**A Language Policy adopted in terms of Subsection (I) –** 'every national department, national public entity and national public enterprise must adopt a Language Policy regarding its use of official languages for government purposes within 18 months of the commencement of this Act or such further period as the Minister may prescribe, provided that such prescribed period may not exceed six months' **– must stipulate how official languages are used, amongst other things, in effectively communicating with the public, official notices, government publications and inter-governmental and intra-governmental communications**".

In the researcher's view, the DAC Official Language Policy does indicate how its official languages are used to communicate with various categories of the public effectively, and that includes public notices, official publications issued by the government as well as communicating within and outside of government departments. The Department of Arts & Culture's policy on language specifies this in Clause 8.2 of its policy ***(See Table 1).***

According to PanSALB:

> "…the National Language Service (Unit) is not adopted in terms of this Act and advised that the DAC should go and check what the Act says about establishment and functions of Language Units in Sections 5 to 8" (Pan South African Language Board, 2019: 15).

Below, is what UOLA says about the establishment and functions of Language Units in Sections 5 to 8 of UOLA, as referred to above. This is discussed in one section at a time:

> Establishment of National Language Unit
> 5. The Minister must-
> (a) establish a National Language Unit in the department; and
> (b) ensure that the National Language Unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.

Our assumption here is that the Minister regards the current National Language Service Chief Directorate as the National Language Unit which he should have established. This presumption is not only based on idle speculation. The first question posed to the respondent on behalf of Arts and Culture was whether the National Language Unit (NLU) had been set up as UOLA requires, or whether the existing National Language Service Chief Directorate (NLS) performs the functions of the envisaged NL, as stated in UOLA. The response to this was that the National Language Service performs the duties of the National Language Unit for the Department of Arts and Culture. The conclusion, therefore, is that the Chief Directorate (previously known as the National Language Service) had a different mandate to the mandate of a National Language Unit, as established by the Minister. Let us look at the functions of the National Language Unit. The following are the functions of the National

Language Unit as per the Off-Line Management prescripts of UOLA:

> **Functions of National Language Unit**
> 6. (1) The National Language Unit must-
> (a) advise the Minister on policy and strategy-
> (i) to regulate and monitor the use of official languages by the national government for government purposes;
> (ii) to promote parity of esteem and equitable treatment of the official languages of the Republic and facilitate equitable access to the services and information of national departments, national public entities and national public enterprises;
> (iii) to promote good language management within national departments, national public entities and national public enterprises; and
> (iv) on the functions of Language Units contemplated in Section 8;
> (b) to liaise with and promote the general coordination of Language Units
> (c) contemplated in Section 7;
> (d) to perform the functions provided for in Section 8 for the department; and
> (e) to perform all other functions that the Minister may prescribe.

Examining the normative functions of a National Language Unit, as stated above (Section 6), it is evident that there is some level of overlap between the NLU's functions toward the Minister, and those of the ordinary Language Unit (Section 8) toward the accounting officer. This is unsurprising, given that they both act as Institutional Language Management bodies in this context. Despite this overlap, salient differences – most especially regarding the scope of its functions – remain. The NLU does not only advise its department on the development of policies, and the adoption and implementation of those policies. Its responsibility is far more significant than that. It is tasked with regulating and monitoring the use of official languages, not only by its department but it must perform this function for the entire national government for government purposes.

Therefore, the NLU's scope is more significant than just acting in an Organised Language Management Body that oversees what is happening in its department regarding official languages. The promotion of parity of esteem, as provided for by the Constitution, as well as equitable treatment of official languages suggested in the same Act, are both critical.

Likewise, the NLU must facilitate public access to services and information provided by different national departments and their public entities and enterprises. The NLU needs to promote good language management in these departments. In other words, the NLU needs to function as a watchdog to ensure that all national government departments, all public entities and all public enterprises are on course regarding driving the language agenda for government purposes, in South Africa as a whole, and not just within its department.

The department's NLU needs to coordinate its collective efforts, to ensure that all departmental sectors are harmoniously moving toward the goals of the language programme.

Nonetheless, the NLU is still required to perform the functions of a Language Unit for the department (as provided for in Section 8 of UOLA) and any other function that the Minister may prescribe. The NLU serves and supports all national government departments, public entities and public enterprises to ensure that they understand the agenda, they have strategies to implement it, and they strive to achieve the intended goals in line with the Constitution and UOLA.

Initially, it was not clear whether it would be possible for the Department of Arts and Culture to perform both these overlapping functions (i.e. managing its internal language services, as well as being a liaison, overseer and coordinator for the other Language Units in the national government departments, national public entities and national public enterprises). However, having analysed Section 6 of UOLA, and looking at how the National Language Service is structured (with its four directorates, namely **Translation and Editing**; **Terminology Coordination**; **Human Language Technologies** and **Language Planning and Development)**, it would appear that the Language Planning and Development Directorate is well placed to perform the functions of the National Language Unit. In comparison, the other three directorates focus on the department's own language service needs. The Language Planning and Development Directorate can act as a go-between between the three directorates and the national government departments, public entities and public enterprises – as the national departments would probably make use of or seek information or advice from the department's terminology, language technologies, translation and editing services. National government departments and national public entities would have to establish Language Units according to Section 7 as follows:

7. All national departments, public entities and public enterprises must-
(a) establish Language Units, respectively; and
(b) ensure that the Language Unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.

The functions of Language Units in national departments, national public entities and national public enterprises, according to Section 8 of UOLA are as follows:

8. Every Language Unit must-
(a) advise the responsible accounting officer or accounting authority on the
(b) development, adoption and implementation of the Language Policy for the national department, national public entity or national public enterprise concerned;
(c) monitor and assess the use of official languages by the national department, national public entity or national public enterprise concerned;
(d) monitor and assess compliance with the Language Policy of the national department, national public entity or national public enterprise concerned;
(e) compile and submit a report to the Minister and to the Pan South African Language Board in terms of Section 9;
(f) promote parity of esteem and equitable treatment of official languages of the Republic and facilitate equitable access to services and information of the national department, national public entity or national public enterprise concerned;
(g) promote good language management by the national department, national public entity or national public enterprise concerned; and
(h) perform any other functions that the Minister may prescribe

Another finding that PanSALB tabled was that "the DAC does not monitor the use of official indigenous languages as contemplated in Section 4(3) and 6(1) (i-iii) of UOLA" (Pan South African Language Board, 2019: 14). Section 6(1) (i-iii) is already quoted above. It speaks to the regulation and monitoring of official languages by the NLU, promotion of parity of esteem, equitable treatment, equitable access and management and promotion of good management. Section 4(3) reads as follows:

> (3) In identifying at least three official languages as contemplated in Subsection (2)(b), every national department, national public entity and national public enterprise must take into account its obligation to take practical and positive measures to **elevate the status and advance the use of indigenous languages of historically diminished use and status** in accordance with Section 6 (2) of the Constitution.

PanSALB argues that the DAC has failed to do this since UOLA's inception and therefore submits that it has not complied with UOLA. The above prescript is in accordance with 6(2) of the Constitution, which states:

> Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.

Lastly, PanSALB submitted that the DAC never compiled a report or advised the Minister regarding this policy, as prescribed in Clause 6.1 of UOLA (Pan South African Language Board, 2019: 14). The report erroneously quotes "Clause 6.1" to make this point. Clause 6.1 states that:

> The National Language Unit must-
> *(a)* advise the Minister on policy and strategy-
> (i) to regulate and monitor the use of official languages by the national government for government purposes;
> (ii) (ii) to promote parity of esteem and equitable treatment of the official languages of the Republic and facilitate equitable access to the services and information of national departments, national public entities and national public enterprises;
> (iii) to promote good language management within national departments, national public entities and national public enterprises; and
> (iv) on the functions of Language Units contemplated in section 8;
> *(b)* liaise with and promote the general co-ordination of Language Units

(c) contemplated in section 7;

(d) perform the functions provided for in section 8 for the department; and

(e) perform any other function that the Minister may prescribe (UOLA, 2012).

However, 9(1) does stipulate that:

> 9.(1) The Minister is responsible for monitoring the use of official languages by the national government for government purposes.
> (2) All national departments, public entities and public enterprises ought to submit a report to the DAC Minister and PanSALB annually on-
> (a) Activities of its Language Unit;
> (b) the implementation of its Language Policy;
> (c) any complaints received regarding its use of official languages and the manner in which these complaints were dealt with; and
> (d) any other matter that the Minister may prescribe (UOLA, 2012).

Regarding the template used, PanSALB advised the DoJ&CD that it is the UOLA that should have been used to guide them in formulating its Language Policy in fulfilment of its mandate, and not the DAC template (Pan South African Language Board, 2019: 62). Whether the template was correct or incorrect, though, it has to be reiterated that it is the content that is more important than the arrangement. Guiding questions are used to determine whether the critical factors outlined under Section 4(2) of UOLA are complied with for the language policies of both the case study departments to check if their language policies are eligible or not, as language policies.

6.2.5 Predilection of Departments to Default to English

The entities unequivocally displayed a strong predilection to default to English. Such an assumption of the inherent superiority of a non-indigenous language (in this case English) mirrors findings in previous studies, which show that most African Nations post-democracy continue to default to the language of former colonial powers, frequently on account of budgetary constraints (Alexander, 1999). This, in turn, renders much of a nation's liberation incomplete (ibid). Those who submitted and presented on their departments' status regarding

compliance with UOLA and its implementation, continued to defend the supremacy of English, submitting that verbal and written communication within their departments remains in English. There were no plans to attempt to elevate the others which they had selected as additional official languages for their respective departments, which once more suggests that selecting these other official languages is merely for compliance with UOLA. There, sadly, it seems to end.

The National School of Government adopted three languages as official languages for the department: English, Setswana and isiZulu, and in terms of UOLA, based on the 2011 Census, which indicated that these are the languages most spoken in South Africa. It, however, uses English for all communications for operational purposes.

When the Department of Justice and Constitutional Development attended the hearing in 2017, their Language Policy was still a draft. It was titled *Draft Policy on Use of Official Languages of the Department of Justice and Constitutional Development*, 2015 and listed English, Afrikaans, IsiZulu, Sepedi and Sesotho as languages they would use nationally. However, in its presentation in 2017, it offered that they had adopted the 11 official languages as languages of the department since they believed that all languages must be embraced on an equal footing. The DoJ&CD was guided by a survey which the department conducted in 2016 on the predominant languages in the various provinces, and by census reporting, desktop research and the dynamics and complexities of each province.

Based on the report, it would use all the 11 official languages and maintain English as the language of record. The latter is further supported by Clause 8.2 of the department's Language Policy (2019) which states that "[i]t is determined that English is the language of record for the department." According to its 2015 draft policy, a language of the record is an official language chosen for record-keeping or archiving processes and documentation of the department. However, the 2019 version of the department's Language Policy defines the language of record somewhat differently to this, stating that it is an official language selected for everyday use in the department and throughout government.

Since English remains the language of record, proceedings continue in English in the courts. However, if anyone wishes to testify in any of the other official languages – for which Clause 10.2 of the DoJ&CD's Language Policy (2019) provides (*"where all parties understand any*

of the selected official languages, other than English, the hearing or proceedings may be conducted in that language") – they would be allowed to do so. Transcripts, however, would be translated into English later for the purposes of record and archiving. Furthermore, Clause 10.4 states that "*in the event of a review or appeal of the hearing or other official proceedings conducted in terms of paragraph 10.2, the department shall make available the applicable record in English if required /necessary to do so*".

The fact that English would be the primary working language of the DoJ&CD was of great concern to PanSALB. It urged DoJ&CD to plan around the realisation of the goal of equitable usage and more specifically, promotion of the previously marginalised languages and effective implementation of such (Pan South African Language Board, 2019: 61). As alluded to above, under the DAC discussion, the plea that PanSALB put forward is in line with Section 6(2) of the Constitution which urges the State to take practical and positive measures to elevate the status and advance the use of indigenous languages.

As such, the revised, approved and adopted Language Policy of the DoJ&CD shows improvement in this regard, based on the interview conducted with the official from the department and the contents of the new Language Policy. The new Language Policy states that the "use of official languages in court, including court interpreting services, court processes, court documents and recording of court proceedings, shall be regulated, consistent with Section 171 of the Constitution, by the Rules of Court or any other applicable legislation". Section 171 of the Constitution provides that: "*All courts function in terms of national legislation, and their rules and procedures must be provided for in terms of national legislation.*" That gives UOLA (Institutional Language Management) weight and leverage to enforce this by persuading the DoJ&CD to change the status quo in the courts and elevate indigenous languages by systematically yet aggressively introducing them as working languages, and as languages of record, equitably, in its daily business, specifically in courts.

Regarding the DoJ&CD's Justice College's training of court interpreters to be able to understand cultural diversity in the multilingual and multicultural courtrooms, the Board was concerned that the medium of instruction was English (Pan South African Language Board, 2019: 61). Perhaps since interpreting involves using two or more languages, this is something that the DJ&CD can look into in its endeavours to promote the previously marginalised languages in all its dealings.

Despite the imperatives of Section 6(2) of the Constitution, English continues to dominate as a preferred language in South Africa. Surprisingly, all national government departments' language policies still have English as the preferred language of operation, despite the leverage Section 6(2) gives to the indigenous languages. No department appears to have the willingness or bravery to start leading by example and comply with Section 6 of the Constitution. The ideological significance of selecting alternative, indigenous, languages as languages of business provides a valuable ethical imperative for ongoing attempts at true multilingualism.

The legislation is on the side of the previously disadvantaged languages, and it has been since democracy, but none of the 42 departments is willing to lead by example, not even the DAC, the custodian of UOLA. It boldly states under its Language Policy's Clause 8 that it uses English as it is the official language for communication internally and with other government departments or entities. So, what can be done to counter this? That takes us back to the issue of planning. The laws are there to back up vigorous implementation. Section 6(2) of the Constitution (1996), which is supported by UOLA (2012) is an example of such legislation. So, what is stopping departments, specifically the curators of UOLA, from implementing this?

This analysis clearly shows that little has been done by the government and its departments to give effect to the constitutional requirement for the promotion of multilingualism and the provisions of UOLA since it was promulgated seven years ago. Apart from an apparent lack of political will to promote South African official languages and inculcate a multilingual ethos there is a lack of understanding of why the promotion of all 11 official languages and status elevation of previously marginalised official languages is essential. Most departments perceived UOLA and Multilingual Language Policy Implementation as a provision for translation and interpreting services, rather than creating an equitable field for the 11 official languages.

This is despite the 24-year-old Section 6 of Act No. 108 of 1996 (The Constitution of the Republic of South Africa), which stipulated as far back as 1996 that:

> *Languages*

6. (1) The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.

(2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.

(3) (a) The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of basic needs and inclinations of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages.

(b) Municipalities must take into account the language usage and preferences of their residents. ·

(4) The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of Subsection (2), all official languages must enjoy parity of esteem and must be treated equitably (The Constitution of the Republic of South Africa, 1996).

Almost all national government departments, national public entities and national public enterprises continued to elevate English. They place it as the primary language of operation in their respective lines of business, regardless of the freedom given by the Constitution to promote the indigenous official languages. Despite the freedom, Africans in Parliament continue to debate in English. They continue to prepare their speeches in English even as they are aware that interpreting services are available. Interpreting services have always been available to transfer what they would say in their home language into English, to assist those who may not understand the language of the speaker on the floor. This, considering that South Africa is a diverse country with nine different official indigenous African languages,

not all of which are understood by everyone who speaks an African language. UOLA No.12 of 2012 was approved and publicised in 2012 to reiterate the above section provided for by the Constitution. About 18 years later, when one studies the language policies of the national government departments, English is still preferred.

That seems to corroborate, strongly, the researcher's hypothesis that even though South Africa has 11 official languages, as specified in Section 6(1) of the Constitution of South Africa, 1996, English is in essence still the only recognised official language.

6.2.6 Budgetary Constraints

The insufficient budget was a frequently cited reason for the failure to use previously marginalised languages in departments' official business (Pan South African Language Board, 2019: 9). The Presidency adopted all 11 official languages in principle, but it is not given enough resources to make this possible in practice. That is a glitch in the process of implementation, and the same is said for dti. When the DoJ&CD presented to the PanSALB Panel in 2017, the department had already established a Language Unit. However, due to a moratorium on expenditure, no appointments were made, even though the posts had been advertised.

During the hearings, and according to the report, most departments cited that budget was a factor contributing to some of the challenges they faced. Included in that was the departments' failure to capacitate the Language Unit or to initiate programmes they had assigned, that seek to respond to the objectives of UOLA (including but not limited to elevating the previously marginalised languages to reach the level of or enjoy the status that the English language enjoys). While such a conclusion is found in prior research as well (Tshotsho, 2013, for example) what the departments seemed not to realise is that to at least a considerable extent a lack of budget is a self-imposed problem. This is because governments are extremely unlikely to allocate funds to projects that are not planned for properly.

6.2.7 Lack of Implementation Plans

One of the overall recommendations coming out of the hearings was that government departments need to have time-framed implementation plans (Pan South African Language Board, 2019: 10). These should be intentionally inclined towards the development and creation of operational spaces for South African indigenous languages (ibid). Many

departments failed to submit implementation plans to PanSALB. These included the Department of Agriculture, Forestry and Fisheries; the Department of Communications; Department of Defence and Military Veterans; the Department of Economic Development; the Department of Energy; the Department of Health (Pan South African Language Board, 2019: 19, 22, 26, 30, 33, 99).

The above analysis of PanSALB's hearing report identifies several cross-departmental trends, in terms of reasons for non-compliance with South African language policies. The report confirmed the findings contained in this study's literature review that government departments have a predilection to default to English. It was clear from the report that many of the government entities present at the hearings misunderstood the purposes of UOLA. There was a failure to appreciate that UOLA is informed by the final Constitution's recognition of the historically diminished use and status of South African indigenous languages; and that it is incumbent on the government to take practical steps to elevate the status and use of these languages. The report made clear that the majority of entities' language policies were not compliant with the prescripts of UOLA. In addition, the report revealed that many government entities fail to understand their obligations under UOLA. This study's final observation in terms of PanSALB's report is that many departments stated that budgetary considerations constrain their ability to implement UOLA. These findings are tested by being compared to the interview results.

6.3 Findings from the Interviews

In analysing the interview data, it is clear that different inputs emerged from the respondents, who represented two different perspectives. The first is the two case study departments to which UOLA under review is binding, while the second is the activists who act as overseers regarding compliance with UOLA.

The Department of Arts & Culture adopted its policy on language – namely, the *Department of Arts & Culture's Official Language Policy* – in 2014, while the Department of Justice & Constitutional Development adopted its Language Policy – namely the *Language Policy of the Department of Justice and Constitutional Development* in 2019, typical of Top-Down Language Policy and Planning interventions. Both the respondents from the two case study departments shared the approved and signed copies with the researcher as attached in the

Appendices. This study looks at whether these two departments comply ‘fully’, ‘partially’ or ‘not at all’, to the prescripts of UOLA. To do so, it uses the guiding questions presented above and is led by the interview responses, copies of the language policies respectively, as well as the testimonials from the PanSALB Public Hearing Report.

Although the responses given by the two departments interviewed would indicate full compliance, it is necessary to assess matters somewhat more objectively (since it is important to see whether what is on paper does line up with what is practised). With this in mind, the study considers the views of the overseers, the report findings, as well as other observations.

The language activists who monitor and evaluate what takes place in the language community, in line with Simple Language Policy and Planning, held different views and understandings of the two case study departments. The first indicated that she has personally interacted with the DoJ&CD for years, as she has been taking Language Practice students to Courts for in-service training. She confirmed that the department has a Language Unit with which she has interacted. This is confirmed by the department’s respondent himself. He confirms that they have a Language Unit in Cape Town, in the Office of the State Law Advisor, another one at the National Office in Pretoria, other Language Services Units in all regions headed by the Deputy Directors, and other Language Services Units in the Magisterial Clusters. The last two units, respectively, coordinate court interpreting services, while the Language Unit in the Office of the State Law Advisor deals with translation and editing. The National Language Service deals with policy and strategic issues.

At the same time, the second respondent who represents the language activists’ side, and who responds on behalf of PanSALB, is not confident that the DoJ&CD has an existing Language Policy. She bases her claims on the fact that during the public hearing in February 2017, the department’s Language Policy was still in a draft format. However, this view can easily enough be repudiated because, though it may have been true at the time, after the 2017 Public Hearing, the department revised its Language Policy and incorporated PanSALB’s recommendations from the same hearing. It followed due process to get the Language Policy approved. This was published in the Government Gazette on 26 April 2019 and was to be implemented incrementally from 01 August 2019. It is, therefore, a reasonably new policy and the department undertook to review the policy as and when it was necessary to do so or every five years from the date of its publication.

Regarding the DAC, both the respondents who are language activists agree that the Department of Arts and Culture does have a Language Policy as well as a fully capacitated operational Language Unit. There is no dispute here between the Off-Line-Management type responses received from the department and the On-Line Management characterised responses from the language activists.

The above analysis supports many of the conclusions that this study reached following the analysis of PanSALB's report. However, it is important to note that there is no relationship between the responses and the situation on the ground. Interviewees, especially those that represent the departments, do not acknowledge the challenges and problems in the departments and its entities concerning language policy development and implementation. The next sections of this study comprise suggested means by which the problems and weaknesses that emerged from the investigation, as mentioned above, could be addressed.

6.4 Why Compliance Matters?

Looking at South Africa's contemporary linguistic realities and language policies through the lens of SIT and ethnolinguistic identity theory provides a means by which the following question can be answered: why does government's level of compliance with South African language policies matter?

SIT states that people desire a positive concept of self and that a person's self-concept is sourced partly from their social identity (Hornsey, 2008: 207). The desire to have a positive self-concept thus motivates people to consider whether the groups to which they belong are good (ibid). People determine the value of their membership of any given group (the in-group) by referencing other relevant outgroups (ibid). Ethnolinguistic identity theory focuses on language as a key marker of group membership and social identity. As with SIT, the ethnolinguistic theory states that where individuals compare their group to another, and the result is unfavourable, there are various strategies that can be employed to rectify matters. One approach is to assimilate into the group that enjoys the more positive image. Where language is a defining characteristic of a group, individuals might make linguistic adaptations that have undesirable results. For instance, people might learn a given second language to the detriment of their first language.

People's' perception of the status of their home language is, therefore, critical. Where mother-tongue speakers of indigenous South African languages believe that such group membership is undesirable or less valuable than membership of the outgroup (English-speakers) this impacts negatively on South Africa's constitutional imperative of elevating the status and advancing the use of indigenous languages.

6.5 UOLA Compliance Tool for Language Policy Development

To address government departments' seeming inability to compile language policies that comply with UOLA, this study proposes the development of a tool for Language Policy development.

The following section uses extracts from UOLA to determine whether the DAC and DoJ&CD departments succeeded in developing a Language Policy that is in line with UOLA. In 2017, PanSALB put it to the Department of Arts and Culture that they do not have a Language Policy because of all the findings listed under 3.2.1 above. Below, is the relevant content of Section 4(2) of the Act concerning points required for a Language Policy to comply with the terms of UOLA of 2012.

> 4(2) Language policies adopted in terms of Subsection (I) must-
> *(a)* comply with the provisions of Section 6(3)(a) of the Constitution;
> 6(3)(a) The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of basic needs and inclinations of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages
> (b) identify least three or more official languages to be used by the national department, public entity or public enterprise for the purposes of government;
> (c) state how it uses official languages in communicating with public members effectively, amongst other things, and on its public notices, official publications and in communication within and outside of government;
> (d) clarify how it, as a national government department, with its public

entities or enterprises, communicates effectively with public members who have chosen a language which is-

(i) not an official language contemplated in paragraph (b); or

(ii) SASL.

(e) clarify how public members access its policy on language;

(f) ensure that there is a mechanism to address complaints so that public members are able to submit complaints concerning official language usage by a national government department or its public entities or enterprises;

(g) ensure that all other matters that may be prescribed by the Minister are provided for; and

(h) be published in the Gazette as soon as reasonably practicable but within days of its adoption (The Constitution of the Republic of South Africa, 1996).

6.5.1 The Department of Arts and Culture's Official Language Policy, 2014

In line with Section 4(2) of UOLA and in formulating its Language Policy, did the Department of Arts and Culture	**Compliance: 100%**
(a) Comply with Section 6(3)(a) of the Act?	**Yes,** it uses more than two languages as it adopted all the 11 official languages as its official languages to use for government purposes
(b) Identify at least three official languages?	**Yes,** it adopted more than three languages to use for government purposes.
(c) State how it uses official languages to communicate with public members effectively, and on public notices, official publications and in communication within and outside of government?	**Yes,** this is specified in Clause 8.2 of its Language Policy
(d) (i) Clarify how it communicates effectively with public members who choose a language that is not an official language contemplated in paragraph (b)?	**Yes,** this is provided for by Clause 10 of its Language Policy
(d) (ii) Clarify how it communicates effectively with public members who use SASL?	**Yes,** this is provided for by Clause 11 of its Language Policy
(e) Clarify how public members access its policy on language?	**Yes,** this is provided for by Clause 12 of its Language Policy
(f) Make a mechanism for complaints available to ensure that public members are able to submit complaints concerning official language usage by it?	**Yes,** this is provided for under Clause 13 of its Language Policy
(g) Ensure that all other matters that may be prescribed by the Minister are provided for?	**Yes**, this is provided for under Clause 6.1.8
(h) Publish in the Gazette?	**Yes**, on 02 October 2012 Volume568 No.35742
Other determinants to gauge compliance with the Act:	
(i) Does the department have a Language Unit?	**Yes,** see DAC's Interview Transcript on Chapter 2
(ii) Is the Language Unit provided with human resources, administrative resources and other resources necessary for its effective functioning?	Yes
(iii) Is the Language Unit operational?	Yes

TABLE 4: THE DEPARTMENT OF ARTS AND CULTURE'S COMPLIANCE WITH UOLA

Based on the results of the above analysis, the Department of Arts and Culture has a compliant Language Policy for its department at a score of 100%. Of the 12 evaluation questions, DAC scored 12 out of 12, giving rise to a 100% score using the following formula:

(12/12) x 100

1 x 100 =

100%

6.5.2 Language Policy of the Department of Justice and Constitutional Development, 2019

In line with Section 4(2) of UOLA and in formulating its Language Policy, did the Department of Justice and Constitutional Development-	**Compliance: 83,3%**
(a) Comply with Section 6(3)(a) of the Act?	**Yes,** it uses more than two languages as it adopted four languages to use as its official languages for government purposes**: IsiZulu, Sesotho, English and Afrikaans**
(b) Identify three or more official languages?	**Yes,** it adopted more than three languages to use for government purposes: **IsiZulu, Sesotho, English and Afrikaans**
(c) State how it uses its official languages to communicate effectively with public members, and on public notices, official publications and in communication within and outside of government?	**Yes,** this is specified in Clause 9.2 and 9.3 of its Language Policy
(d) (i) Clarify how it communicates effectively with public members who choose a language that is not an official language contemplated in paragraph (b)?	That is provided for under Clause 11 of its Language Policy. However, Clause **11.1** has to be rephrased or removed because **English** is one of the four languages adopted by the department – see (b) above. Clause 4(2)(d)(i) provides for members of the public whose language of choice is neither **isiZulu, Sesotho, English, nor Sepedi**. However, this is accommodated by Clause 11.2 and Clause 11.3 respectively, hence the deletion is more advisable compared than rephrasing. If left, it sends the message that English remains superior and it is tantamount to being imposed on someone who has not opted for it as their language of choice.
(d) (ii) Clarify how it communicates effectively with public members who use SASL?	**Yes,** this is provided for by Clause 12 of its Language Policy
(e) Clarify how public members access its policy on language?	**Yes,** this is provided for by Clause 16 of its Language Policy
(f) Make a mechanism for complaints available to ensure that public members are able to submit complaints concerning official language usage by it?	**Yes,** this is provided for under Clause 17 of its Language Policy
(g) Ensure that all other matters that may be prescribed by the Minister are provided for?	**Yes**, provided for under Clause 15.2, but it is a little vague. It needs to be revised to come out clearly.
(h) Publish in the Gazette?	**Yes**, on 26 April 2019 Volume646 No.42422
Other determinants to gauge compliance with the Act:	
(i) Does the department have a Language Unit?	**Yes,** see DoJ&CD's Interview Transcript on Chapter 2
(ii) Is the Language Unit provided with human resources, administrative resources and other resources necessary for its effective functioning?	Yes
(iii) Is the Language Unit operational?	Yes

TABLE 5: THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT'S COMPLIANCE WITH UOLA

Based on the results of the above analysis, the Department of Justice and Constitutional Development does have a Language Policy in accordance with UOLA. However, for it to

fully comply, the department needs to make adjustments in two clauses as indicated above.

Clause 15.2, which states that "*the Language Unit shall perform functions as contemplated in Section 8 of the Act and any other function as may be determined*", needs to be expanded to clarify that the Language Unit may be required to perform other functions as the Minister may prescribe.

Clause 11.1, which stipulates that "*the department may communicate with members of the public whose language of choice is not one of the selected languages in English or one of the official languages selected for the province",* needs to be either deleted; or rephrased if deleting it will remove what the custodians of the policy still mean to prescribe. However, **English** cannot be a provision for what is required by Clause 4(2)(d)(i) to accommodate a citizen whose preferred language is none of the four official languages in the national office because English is already one of those four languages the member of the public has deselected. Clause 4(2)(d)(i) immediately eliminates it by clarifying that languages adopted in (b), are not the choice of the disadvantaged member of the public. Therefore, using English, despite the above implication is equivalent to English being imposed on citizens – a violation of their rights.

Because of the two discrepancies above, and using the same formula used to measure DAC's compliance in terms of Section 4(2) of UOLA, the DoJ&CD is **83,3%** compliant with UOLA. That is because it scored 10 points out of 12 questions giving rise to 83,3% compliance as follows:
(10/12) x 100 =
0,833 X 100
83,3%

The above tool will assist any department, entity or enterprise to determine the extent to which they are compliant or not, with Section 4(2) of UOLA. This is regardless of which template a national government department, or its entities wish to use (even if it is unique or adapted from other organisations). If not, the discrepancies can be rectified, as the tool helps identify the gaps.

Concerning the DoJ&CD in particular, the nature of a primarily monolingual department

presents immediate challenges. Most applicants within courts do not speak English as a first language, or sometimes indeed at all, and yet the nature of testimony and judgment is often of the utmost importance. Allowing people to be understood in their testimony, and to understand questions and judgments is consequently of paramount importance (De Vries et al.: 2020).

The *UOLA Compliance Tool for Language Policy Development*, developed during the process of analysing research data in this study, in line with the UOLA, will only apply to institutions obliged to abide by this Act in terms of Section 3(1) of UOLA. It can be used voluntarily, as it is not prescribed by UOLA or any government body. Section 3(1) states that:

> (1) This Act applies to-
> (a) national departments;
> (b) national public entities; and
> (c) national public enterprises

Please see ***Appendix 1*** for a list of national public entities and national public enterprises. Regardless of the form, length or design of the Language Policy developed, this tool will help all users determine their organisation's compliance giving a score of up to 100%. For departments who have developed their language policies, but are unsure whether or not they are complying with UOLA (or, for that matter, if a department's Language Policy is still in draft form and ready to be published) it would be worthwhile to run it by the compliance test using this tool. Refer to **Section 6.7.1 and 6.7.2,** above, to see how the tool is applied and how it helps in identifying and fixing the gaps and ***Appendix 3*** for a blank copy**.** This exercise can be performed by the NLU as well to assist the departments to check their compliance in the spirit of liaising with national government departments, national public entities and national public enterprises as well as coordination of the process, as required by Section 6(b) of UOLA.

During the Public Hearing, South African Revenue Service (SARS) was the only department which indicated that it wanted to approach the format of the policy differently but decided to use the template provided to avoid differing from the way the NLU workshopped it. They undertook to redraft the policy so that it would be in the correct format, as they replicated the

DAC template and slightly changed the content as all the other departments did, something which PanSALB rejected completely. Their presentation was, nonetheless, impressive as regards all the multilingual activities they have been engaged in over the years giving evidence of a linguistic ethos aimed at elevating the previously advantaged indigenous languages. Likewise, Language Management Theory states that the interplay between on and off-line agents of language management is a vital component of how language practices shift. This is a stimulating example of such a process occurring.

It would be interesting to use the tool on the SARS revised Language Policy because after they engaged with the PanSALB during the hearings, it was anticipated that their Language Policy would be adapted both in terms of design and content, particularly when compared to the UOLA template and the language policies of the other departments.

6.6. Implementation Plans

This study now tackles the next cross-departmental problem that was identified during the analysis of PanSALB's report, namely, departments' lack of implementation plans.

Once the departments have determined that their respective language policies are compliant with UOLA, it would mean a given department would be ready to implement their policies and could start drafting their implementation plans. In the first chapter, the researcher mentions a model that can be used as a guide for implementation, which is to be followed by monitoring and evaluation and a five-year review.

All policies are to be accompanied by implementation plans. An abridged version can be attached to the policy. However, a detailed one needs to be separate from the policy. An implementation plan outlines what is going to be done, where it will be done, how it will be done; when it will be done and who in the team will be responsible for which aspect of the plan. It may be necessary to rope in interested parties in one's plan to execute the plan. If so, their activities must be strategically planned.

An implementation plan is more like an action plan. It helps custodians of the policy plan how they are going to achieve their objectives. There are no specific 'one-size fits all' implementation plans. Each organisation or person can design their own based on their goals. Just like a Language Policy, there is no particular format, as long as the goals, objectives,

actions to be taken, time frames, responsible actors, and necessary resources are specified. It can be used as a support tool for bringing the language policies to life, by breaking down the process of generating into identifiable steps, where each step is assigned a team member (or affiliate entity, in the case of national government departments).

6.6.1 Mock Example of an Implementation Plan

Let us take the DoJ&CD as an example and fictitiously suppose the department wants to implement a recently taken resolution to add isiZulu as working language or a language of record in all the courts in South Africa, alongside English.

Goal/ Objective/ Item/Programme	Start Date	End Date	Resources/ Action Required	Responsibility	Notes/ Progress/ Challenges/ Follow-ups?
Enrol all non-isiZulu speaking staff for isiZulu lessons and encourage interaction in the language to inspire and help learners to practise the language	01 April 2021	30 March 2022	Engage HR and prepare a budget for the next financial year	HR and Office Secretary	-Discussed with HR -Three quotes received -Appoint a training institute
Prepare or recruit isiZulu-speaking transcribers and editors to prepare for the pilot project	01 April 2021	Ongoing	Engage HR and prepare a budget for the next financial year	HR and Language Services Manager	-Discussed with the Talent Specialist, drafting of job descriptions in progress
Identify isiZulu-speaking state actors (Magistrate, Prosecutor) and prepare them for a pilot project	Asap	Ongoing	Engage state actors, brainstorm ideas, anticipated challenges and start planning	Advocate Smith & Advocate Cele	-Spoke to XY and Z -Meeting Chief Justice on 17/05/2020
Identify pilot cases where participants are all isiZulu-speaking and make	Asap	Ongoing	Check trial dates, diarise them and share with	Mrs Zondi Office Liaison	In progress

sure they are willing to be heard in isiZulu, and source other necessary information			State Actors. Liaise with participants for logistical purposes		
Arrange back-up role players (e.g. interpreters) in case of unforeseen eventualities	Closer to the hearing date	Ongoing	Ensure interpreters are well conversant in isiZulu and at least other two languages	Court Services Manager	Done
Prepare systematic filing for isiZulu and English records	01 April 2021	30 March 2022	Engage Information & Knowledge Management & Finance teams	Office Manager & Secretary	In progress
First 3x pilot cases presided over in isiZulu	24 June 2022	31 November 2022	Ensure state of readiness	All	To be done (TBD)
Review, reporting & budgeting	31 November 2022	30 September 2023	Set up review & budget planning meetings, invite Senior Manager from all key units	Our Office	TBD
Roll-out	01 October 2023	30 March 2024	Roll out all necessary resources, check gaps and get prepared	All	TBD
Full launch for Region 1	01 April 2024	Ongoing	Participate	All	TBD
Phasing in Region 2	01 April 2025	Ongoing	Support	Region 1 Team	TBD
Phasing in Region 3	01 April	Ongoing	Support	Region 1	TBD

	2026			Team	

TABLE 6: MOCK IMPLEMENTATION PLAN

Implementation plans can take any form of design (table, diagram, mind map and other types), as long as the key elements of what, when, where, how and who are clearly outlined.

After the project is launched, monitoring and evaluation can begin anytime as an ongoing process or a starting time can be set, as is done in the mock example during the implementation period.

After that, it can be decided when the Language Policy could be reviewed, either at a set time or as an ongoing process. However, it may be advisable to wait a certain period so that in-between the implementation period and the review period there is an opportunity to reflect and observe to determine what needs to be revisited and improved, and how best to do this.

6.7 Suggested Steps of the Use of Official Languages Act

This study now seeks to address the third observation that was made during the analysis of PanSALB's report, which is about the government departments' misapprehension of their obligations under UOLA.

The observations of this study, within the South African context, would suggest that it is difficult to plot the exact process by which departments manage and create Language Policy and attendant structures. Some departments began with a Language Unit and formed a Language Policy later. In other instances, the reverse process was observed. With some departments, there were Language Units or a language services office first, and then a Language Policy was developed by the incumbents of that office. While on the other hand, some departments did not have existing Language Units or language services offices, and their language policies were developed by management, and the unit was formed afterwards.

Be that as it may, it is pleasing to see that the South African government is taking the matter of Language Policy seriously and that all departments are cooperative, even though they still need some guidance from language planning experts. What is important now is to look at the steps followed, and determine which work better to expedite effective implementation (or which ones may be a hindrance to effective implementation, and what can be done to prevent

those hindrances).

Like we have observed in the earlier findings, it is not easy to progress if there are steps that have not been followed or have been omitted. For instance, if a department fails to comply with Language Policy requirements, it could require PanSALB to request a revision. Although some of the departments perform various language-related functions simultaneously, (e.g. development of policy, and the establishment of Language Units while they are already implementing activities), this may pose a possible danger. A lack of coordinated effort may mean that different tasks that occur concurrently may not be working cooperatively toward the same goal (explicitly the goal is to fulfil the objectives of UOLA – which are to promote parity of esteem as well as equitable treatment of all official languages and elevating the previously marginalised indigenous languages). If there are no implementation plans in place, everyone may be doing what they think is demanded by the language legislation, but these could be fruitless and often cyclical exercises.

To avoid this, once any department's Language Policy is compliant with UOLA, the next step is to develop an implementation plan and action it according to time-frames, monitor and evaluate, and review. After observation, and to avoid the back-and-forth movements that have been observed, the researcher suggests revising these steps and reviewing them as below and in this particular order.

6.7.1 Language Policy Development & Implementation Steps

1 Check whether a national government department/ public entity/ enterprise has a Language Unit or a Language Policy (whichever comes first)
2 Facilitate the process of developing, revising or evaluating its Language Policy
3 Ensure compliance by using the UOLA Compliance Tool for Language Policy Development (used as voluntary guidance to help those assigned with developing language policies based on UOLA) – See ***Appendix 3***
4 Facilitate approval, publish in the Gazette, adopt Language Policy (if 100% compliant)
5 Draft an Implementation Plan with clear time frames and costing (budget allocation)
6 Implement according to time frames/ new 5yr Review strategies and time frames
7 Conduct ongoing monitoring and evaluation (M&E) assessment and take notes
8 Generate a report from M&E observations
9 Review policy every 5 years; factor in new strategies (if any) based on M&E report

10 Repeat Step 6 to Step 10

This model can be tested in one of the public entities or enterprises that do not already have a Language Policy and conclusions can be drawn from that investigation. The above steps can be self-practised by the departments/ entities/ enterprises themselves or with support from the National Language Unit or PanSALB.

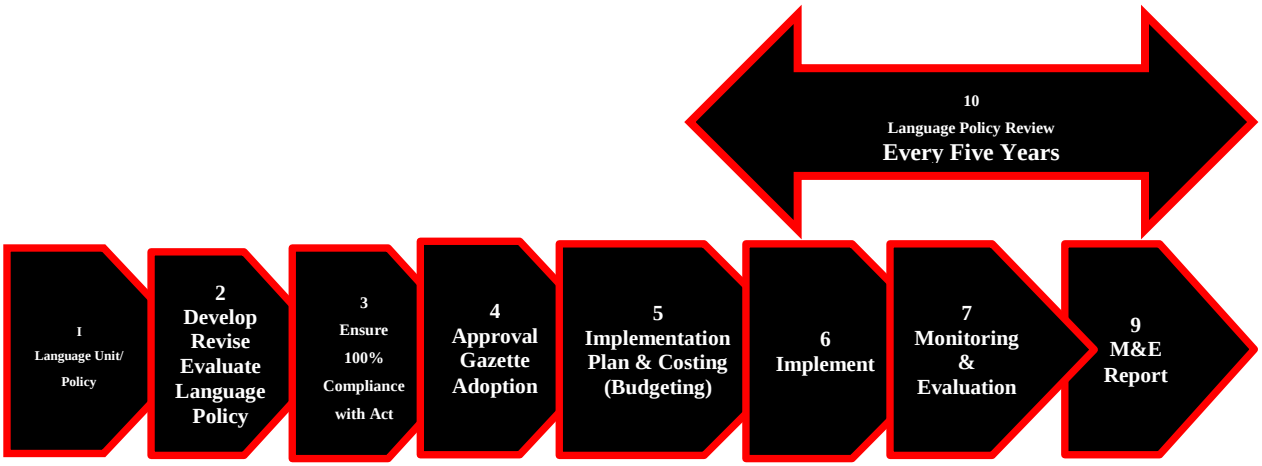


FIGURE 1: LANGUAGE POLICY DEVELOPMENT & IMPLEMENTATION STEPS SUGGESTED BY THE RESEARCHER

There is a danger of executing an action before planning has been discussed. There is value in using the implementation plan to unpack what actions need to be done to achieve the goals that UOLA seeks to achieve, attaching time frames, and identifying relevant and reliable role players (and anything else that the project manager may deem necessary to add in the planning stage). An additional advantage of an implementation plan is that one can estimate the kind of budget that would be required for a specific process.

6.8 Recommendations on the Implementation of UOLA

The recommendations below are drawn from the discussions in the previous chapters, and they are summarised in point form and directed to each role player in the implementation of UOLA for government purposes in South Africa.

These recommendations serve only as suggestions based on research findings regarding what could work or what could not work in the implementation of UOLA, specifically concerning the previously marginalised indigenous official South African languages. They suggest what

the researcher thinks could be done to support and expedite the work that has already been started in terms of implementing UOLA with the hope of realising the objectives of Section 6(2) of the Constitution of the Republic of South Africa, Act No. 108 of 1996.

6.8.1 Complaints Mechanism Clause

As the researcher was going through the report, it was noted that PanSALB advised all national government departments that presented during the public hearings to remove the clause about a Complaints Mechanism which they had included in their language policies. The clause the departments included provided information to members regarding what to do should they wish to complain about the use of official languages by national departments, national entity or national enterprise.

Removing this clause will render the Language Policy non-compliant because it is a requirement of Section 4(2) of the Act (2012), which is a critical clause regarding the formulation of language policies.

Clause 4(2)(f), which discusses the subject of the provision of a Complaints Mechanism – a mechanism which PanSALB advised departments to remove, during the Public Hearings – reads as follows:

> *(2) Language policies adopted in terms of Subsection (I) ought to-*
>
> *(a) comply with the provisions of Section 6(3)(a) of the Constitution;*
>
> *(b) identify three or more official languages that national departments, public entities or public enterprises may use for the purposes of government;*
>
> *(c) state how it uses official languages to communicate effectively with public members, among other things, and on public notices, official publications and in communication within and outside of government;*
>
> *(d) clarify how the national government department, public entity or enterprise communicates effectively with public members who choose a language that is-*
>
> *(i) not an official language contemplated in paragraph (b); or*
>
> *(ii) SASL.*
>
> *(e) clarify how public members may access its policy on language;*
>
> *(f) ensure that there is a mechanism available for public members to*

lodge complaints concerning official languages usage by a national government department, public entity or public enterprise;

(g) ensure that all other matters that the Minister may prescribe are provided for; and

(h) be published in the Gazette as soon as reasonably practicable, but within days of its adoption.

Therefore, **Recommendation 1** advises the national language departments, national public entities, and national public enterprises to retain this clause in their language policies to avoid non-compliance with UOLA.

6.8.2 Implementation Plans

For each Language Policy that any department develops, there should be an implementation plan accompanying it. That applies to entities that are affiliated to those national departments – who should have their respective implementation plans.

An implementation plan helps departments turn their language policies into action, as it helps in planning strategically what needs to be done. For instance, initial thoughts would likely concern the implementation and roll-out of the use of the selected official languages. Thereafter, attention would be paid to ensure equitable application of this across all the official languages. It helps with strategising, setting deadlines for individuals (which helps eliminate procrastination) and estimating needed costs to cover each programme or strategy the department would use to enforce compliance of proposed activities. It would help to attach completion of these activities to performance bonuses when achieved timeously. Mainly because implementation will always require a budget, it would help to plan far ahead so that all Language Policy Implementation activities are included in budget planning, even if projected years in advance. See ***Table 6*** example.

Recommendation 2: Departments should draft implementation plans as soon as their language policies are approved – one Language Policy, one implementation plan.

Recommendation 3: Departments must avoid executing projects that are not in the implementation plan, and the activities in the implementation plan must be in line with the Language Policy.

Recommendation 4: Both the Language Policy and its implementation plan must be drafted in such a way that it prioritises the creation of space and activities for the previously marginalised languages which are now official, to elevate indigenous languages in the workplace to a level equal to English and Afrikaans.

In their language policies, most departments try to avoid implementing the policy they have approved by selectively adding some of the wording used in Section 6(3)(a) of the Constitution (1996). They phrase clauses like "*we will use isiZulu or Sepedi where* ***practically possible*** *or* ***when it is feasible***" so that they will get away with continuing with their business in English and claim that it was not feasible.

> The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, **practicality**, expense, regional circumstances and the balance of basic needs and inclinations of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages (The Constitution: Section 6(3)(a)).

Implementation plans will help avoid engaging in impractical activities because when one plans, s/he plans with realistic goals in mind.

Recommendation 5: Even though this is provided for by the Constitution (1996), departments must refrain from adding phrases like "where practically possible"; "when it is feasible, "only when requested" and other justifications, as they are demoralising and defeat the purpose of UOLA. Implementation plans will help the department avoid engaging in activities that will not be practical in trying to elevate the status of the previously marginalised languages. It is the duty of departments, through appropriate planning, to make things achievable, even things that may initially be perceived as 'impractical' or 'unfeasible'.

This kind of thinking blocks progress and makes these language policies meaningless in the mission of promoting multilingualism, promoting parity of esteem as well as promoting the equitable treatment of all official languages.

6.8.3 UOLA Compliance Tool for Language Policy Development

The UOLA Compliance Tool for Language Policy Development is an unprescribed tool that can be used by departments to assess compliance or non-compliance of the newly developed Language Policy. It is based on UOLA that the departments can use to cross-check compliance with the Act. It is based on Section4(2) of UOLA of 2012.

Recommendation 6: Departments to use UOLA Compliance Tool for Language Policy Development in ***Appendix 3*** as an exercise to test their newly developed Language Policy's compliance with UOLA. It is not prescribed. It serves as a guiding tool to assist departments to meet all the requirements of the Act when developing a Language Policy based on UOLA. All national government departments, national public entities and national public enterprises are bound by UOLA of 2012.

6.8.4 Language Units in Departments

Departments that already have a Language Unit are commended. However, there are still several departments which do not have a standalone Language Unit. Most of them have their language functions housed in other units like Human Resources Management, Communications, and others. One would argue that that the Human Resources looks out for its personnel to be addressed or engaged in languages they are comfortable with, and Communications is concerned with how messages or information is disseminated, received and interpreted. Over and above that, UOLA stipulates in Section 7(a) that:

> *7. All national departments, public entities and enterprises ought to-*
> *(a) establish Language Units; and*
> *(b) ensure that the Language Unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.*

Language services are specialised services which require knowledge and skills to tackle matters like planning, development, implementation, monitoring and evaluation. These services cannot be performed by someone who has not studied language practice. They are not communications or public relations. For the objectives of UOLA to be realised, a stand-alone Language Unit which will drive only the language agenda is a requirement. Language Units are not only about translation, interpreting and editing. They are strategic departments that require skilled and qualified professionals who will focus more on language planning,

language development and policy implementation on behalf of the department. These Language Units should have a Multilingual Language Policy Implementation structure. According to UOLA, the functions of a unit are as follows:

(a) advising responsible accounting officers or accounting authorities on:

(b) developing, adopting and implementing language policies for national departments, public entities or enterprises concerned;

(c) monitoring as well as assessing usage of official languages by national departments, public entities or enterprises concerned;

(d) monitoring as well as assessing compliance with language policies of national departments, public entities or enterprises concerned;

(e) compiling and submitting reports to the DAC Minister and PanSALB in terms of Section 9;

(f) promoting parity of esteem as well as equitable treatment of all official languages of the Republic of South Africa and facilitating equitable access to information and services of national government departments, public entities or enterprises concerned;

(g) promoting good language management by national government departments, public entities or enterprises concerned; and

(h) performing all other functions that may be prescribed by the Minister.

Recommendation 7: All government departments need to have a stand-alone Language Unit with dedicated personnel and resources that will focus on strategic matters concerning official languages and the implementation of the Use of Languages Act. No 12 of 2012. This is a legal requirement – See ***Section 7(a)*** extracted from UOLA, above. The placement of Language Units in departments is critical. They must be placed tactically and deliberately under strategic offices for strategy and organisational transformation, e.g. within the Deputy-Director General's office in the organogram.

Recommendation 8: Departments should appoint professional and expert language practitioners who are well informed and have a background in multilingualism, Language Policy, language politics and other related language studies. They can consider internship programmes for language practice students to capacitate their Language Unit with qualified language practice students while creating short-term employment for graduates and training

them further as future policy implementers. Partnerships can be formed with institutions of higher learning for this purpose.

6.8.5 South African Sign Language and Braille

Section 4(2)(d) of UOLA requires all national departments, in their policies, to provide for public members who choose a language that is not any of the languages selected by the department as official languages, and for those who need to be served using SASL.

Language policies adopted in accordance with Subsection (I) must-

> *(d) clarify how national government departments, public entities or enterprises will communicate effectively with public members who chose a language that is-*
> *(i) a non-official language, and not any of those contemplated in paragraph (b); or*
> *(ii) SASL.*

Most departments stipulate in their language policies that to be able to serve a public member who can only converse in SASL, a person requiring that kind of service must request such service from the department. Some departments state that this request must be in writing; others are not specific about how the request should be made. What is more concerning, however, is the length of the waiting period between request and provision of an interpreter. The shortest so far is 14 days by the DoJ&CD, and the longest is 60 (from multiple departments). The custodian department's waiting period for this request is 20 days. It is discriminatory and unacceptable that someone needs to wait 60 days to be able to communicate with the relevant department because of their hearing challenge. Fellow members of the public who do not have any physical disability are served within a far shorter period, and often without submitting a request. It is improper to require SASL users to apply in writing for a language service to be heard or served. The service should just be provided.

Recommendation 9: In order to avoid this discriminatory act, each Language Unit must, in their planning (through implementation plans), factor in the recruitment of a Sign Language interpreter as a response to the requirements of Section 4(2)(d) of UOLA. To avoid idling, SASL Interpreters can be allocated other key performance areas (KPAs) in their job profiles, with the proviso that SASL Interpreting for the members of the public take priority above all other KPAs.

On the other hand, most departments mentioned that they made their language policies and other information available in Braille to accommodate the visually-impaired or partially-sighted officials or members of the public. However, none of the departments clarified whether the documents that are made available in Braille are made available in all the official languages of the respective departments or if they are only printed in English Braille. If the latter is the case, then there is discrepancy and printing in Braille for all languages is recommended.

Recommendation 10: When documents are printed in Braille, Braille should be available in all the official languages of that department or region, and not only in English Braille.

6.8.6 Reporting

According to Section 9(2) of UOLA of 2012, all national government departments, national public entities and national public enterprises should, on an annual basis, submit a report to PanSALB (and to the Minister) annually on its activities, implementation of its Language Policy and complaints received regarding its use of official languages. Section 9(2) reads as follows:

> *Every national department, national public entity and national public enterprise must submit a report to the Minister and to the Pan South African Language Board annually on-*
>
> *(a) the activities of its Language Unit;*
>
> *(b) the implementation of its Language Policy;*
>
> *(c) any complaints received regarding its use of official languages and the manner in which these complaints were dealt with; and*
>
> *(d) any other matter that the Minister may prescribe.*

However, since submitting two reports to two different structures might be a duplication, i.e. to both the Minister and PanSALB, the researcher recommends that all national government departments, national public entities and national public enterprises should submit these only to PanSALB. After that, PanSALB should consolidate all the reports into one, including a summary of its observations and analysis of the consolidated report – and including both its

observations and the reports from the departments. Once the report is consolidated, then PanSALB can send it to the Minister for further processing. PanSALB can interact with all the national government departments, national public entities and national public enterprises at a specific time of the year to evaluate how much progress has been made and set a deadline for the receipts of reports. After the deadline PanSALB can start consolidating these reports, summarising them into one overall report, incorporating its analysis and submit to the Office of the Minister, preferably to coincide with the Parliamentary reporting.

Recommendation 11: All national government departments, national public entities and national public enterprises should submit a report to PanSALB on their Language Policy linked activities and complaints received (if any). PanSALB should consolidate those reports into one report, incorporating its analysis, observations and confirmations and submit the consolidated report to the Minister at a time agreed upon between the Minister and PanSALB.

6.8.7 Penalties

To enforce compliance, there should be consequences for national government departments, national public entities and national public enterprises who do not comply with UOLA of 2020. Just like the Department of Labour fines companies who do not comply with Black Economic Empowerment, departments which are found wanting regarding UOLA should be given a fine through PanSALB. This can be done over a specific period, which can be decided upon by the Minister and those tasked with advising him concerning UOLA. Non-compliant departments, entities and enterprises must be published in a public PanSALB register every five years with the fines imposed.

Recommendation 12: The government must penalise national departments, public entities and public enterprises who do not comply with the implementation of UOLA by imposing fines on them and PanSALB must publish a register of fined departments regularly over a period that will be determined.

6.8.8 Incentives

To support and encourage role-players in the efforts to implement language policies that are being developed or partly implemented, it would be wise to significantly incentivise

departments, entities or enterprises who comply with UOLA by effectively implementing their language policies on an organisational level.

Over and above incentivising departments and their entities and enterprises, it would be more useful to reward multilingual practitioners in professional services who serve members of the public using indigenous languages. These might include practitioners such as medical or legal practitioners, e.g. doctors or magistrates who can speak at least three official languages, and who can serve members of the public using all three. If they can speak four, the stake may be higher, and these can be voted for by both the service users and colleagues. This will encourage South Africans, especially public servants, to learn other languages. Not only would this contribute to social cohesion and nation-building (through both promoting multilingualism at work as well as equal access to information for members of the public) but is likely to encourage greater esteem for multilingualism itself, since colleagues and professionals who are multilingual will be rewarded for it.

Recommendation 13: The government should invest resources and capacity for monitoring the implementation of UOLA, or use the fines paid by non-compliant departments and its entities and enterprises to incentivise departments, entities and enterprises whose initiatives in promoting multilingualism are outstanding in the eyes of the users (members of the public) who are served by them.

Recommendation 14: The government should compensate public servants who noticeably and consistently use multilingualism in their places of work to serve the public. Compensation can be a once-off through votes (by the public, colleagues, management, or any criteria that can be applied) or a notch higher on their remuneration to motivate other public servants to learn other languages, specifically indigenous languages and SASL.

6.8.9 Five-Year Reviews

The Five-Year reviews suggested here are two-pronged. The first one is a similar public hearing to the one PanSALB organised in 2017. A follow-up can be planned by PanSALB five years later; to establish what the departments would have done since the recommendations were made in the report. Based on the findings, incentives or punitive measures can then be instituted.

The second review is to be done by the departments themselves on their activities. It can be timed to coincide with the PanSALB review– perhaps occurring shortly after PanSALB's hearing, to look at the progress made in terms of their Language Policy Implementation (as measured against the targets they would have set for themselves five years before.

Most importantly, when departments, public entities and public enterprises attend the PanSALB Public Hearing, senior management must attend to avoid repeating what happened in 2017 (at that time, other departments sent junior employees, many of whom lacked understanding and authority to speak concerning the policy of their department). Communicating gaps directly to decision-makers or influential personnel within the decision-making processes will assist in expediting any necessary corrective measures (some employees who were enthusiastic about implementing more extraordinary steps to multilingualism indicated that they had no buy-in from their seniors. Some cited a lack of interest).

Recommendation 15: Five-Year Review in the form of Public Hearings to be arranged by PanSALB. This is to both track the progress of Language Policy Implementation programmes within various departments and to provide necessary support and guidance.

Recommendation 16: Senior Management together with the language services personnel should attend the PanSALB Five-Year Review Public Hearings. PanSALB must emphasise this when extending invitations to the national government departments, national public enterprises and national public entities.

Recommendation 17: Departments should perform their departmental review of Language Policy every year to improve their implementation activities.

6.8.10 Awareness Programmes

Some departments, entities and enterprises are not aware of other PanSALB structures (such as the National Language Bodies) which exist for the verification and authentication of new terminology, and how these can assist them with the terminology, they have developed. Additionally, some members of the public are not even aware of their linguistic rights and the existence of the PanSALB and how they can interact with it.

Recommendation 18: PanSALB must create awareness of all its services around the country through workshops (for departments), conferences (for academic institutions) and roadshows for members of the public who are not aware of their linguistic rights and the existence of PanSALB and its bodies.

6.8.11 Recommendations for the Department of Sports Arts & Culture:

Recommendation 19: The Department of Sports, Arts & Culture should lead by example in matters of policy development and implementation. It is concerning that as a department leading and driving the multilingualism agenda, and which is mandated with enforcing UOLA and the provisions of the Constitution – which emphasise elevation of indigenous languages –boldly states in its policy that it will only use English as a medium when it communicates internally or with the other government departments for government purposes. It would be pleasing if the Department of Arts and Culture could consider revising that when the time for their Language Policy review comes, and lead by example.

Recommendation 20: The Department of Sports Arts and Culture must consider the autonomy of the NLU, which must be separated from the National Language Service (NLS) as they should serve to different purposes, according to the Act. Even though their dissimilarity is a bit blurred.

6.8.12 Recommendations for the Department of Justice and Constitutional Development

Recommendation 21: The Department of Justice and Constitutional Development should consider elevating indigenous languages in the courts as provided for by Section 6(2) of the Constitution (1996) by systematically and aggressively piloting an introduction of at least one official language as a second language of the record alongside English, which has enjoyed this status for years, even after democracy.

Recommendation 22: The department is to consider revising Clause 15.2 of the *Language Policy of the Department of Justice & Constitutional Development,* 2019 as its vagueness renders it non-compliant with UOLA of 2012. The clause must explicitly state that the department's Language Policy provides for any other matter that the Minister of Justice and Constitutional Development may prescribe. Even though this might be implied in Clause 15.2, it must come out clearly that it is referring to matters prescribed or determined by **the Minister**, as stated in Section 4(2)(g) of UOLA, that:

(2) Language policies adopted in accordance with Subsection (I) must-
(g) provide for any other matter that the Minister may prescribe;

Currently, Clause 15.2 of the Language Policy of the Department of Justice and Constitutional Development, 2019 is written as follows:

"15.2 The Language Unit shall perform functions as contemplated in Section 8 of UOLA and any other function as may be determined by the Minister."

Recommendation 23: The Department of Justice and Constitutional Development should consider removing Clause 11.1 from the *Language Policy of the Department of Justice & Constitutional Development, 2019*. This clause states that "the department may communicate with members of the public whose language of choice is not one of the selected languages in English or one of the official languages selected for the province." Retaining it can be misinterpreted as deliberately defying Section 4(2)(d)(i) of UOLA No.12 of 2012, as well as venerating and imposing English on members of the public who have clarified that English is not their preferred language (this likely because English is the department's selected official language, and prioritised over the other three official languages it uses). Doing this is a violation of that member's rights.

6.8.13 Budget

Since most departments cited inadequate budget as one of the reasons they cannot fulfil some of their obligations, it is recommended that the government injects more funds into the departments for language initiatives purposes. PanSALB and its structures are also not doing that well in terms of fulfilling its duties, which include language development and oversight activities. This is as a result of the limited budget allocated for language-related programmes.

Recommendation 24: The South African government to increase the budget allocated for language-related programmes.

It would be very helpful if the government departments and their overseers in terms of language policy implementation can consider these recommendations as they aim to assist in changing the status quo.

CHAPTER 7

CONCLUSION

Even though most departments claim to have covered ground in terms of language policy development and language policy implementation in the respective national government departments. The findings make it evident that there is a gap between what was presented by the departments and what is in their language policies. There is no synchronisation between what is contained in the language policies and what is being implemented by the national government departments. The recommendations in the preceding chapter address this and other problems identified in the language policies of the national government departments, public entities and public enterprises. It will be beneficial for the government and other institutions to consider these recommendations for the betterment of the existing state of affairs regarding the development of multilingual language policies and their effective implementation.

These 24 recommendations speak to the inclusion of the complaints mechanism clause; development of implementation plans; using the UOLA Compliance Tool for Language Policy Development; composition of Language Units in departments and the establishment of a stand-alone National Language Unit; fair and adequate provision of South African Sign Language and Braille services; application of penalties for non-compliance and incentives for departments or individuals that will go an extra mile in their efforts to promote multilingualism; standard five-year language policy reviews across all departments; introduction of regular five-year reviews; introduction of regular awareness programmes; and specific recommendations directed to the Department of Arts and Culture and the Department of Justice and Constitutional Development.

Moving back to our research questions, it becomes clear, based on findings, why English continues to dominate most South African public environments. It is because of the non-implementation of the South African language policies. Why are these language policies not implemented? It is because they are not properly conceived. Most departments still need proper guidance and assistance in drafting good language policies. Language policies must be unique for each department and they must speak to specifics within individual departments.

They must not be a replica of UOLA or a replica of the template provided by the Department of Arts and Culture as a tool. South African language policy does not compare favourably with those of other countries, particularly India, Singapore and Switzerland. If the South African government responsible for language policy development can emulate some of the best practice from each of these countries, taking what works from each country and leaving out what will not work for a South African model. In terms of Language Policy implementation, fundamentally, there is no implementation at all, in terms of UOLA, because what South African government departments are implementing is not what is in their policies or the Act, as stated above. If this state of affairs is not corrected, there is a risk of missing the main objectives of the Constitution of South Africa, which means linguistic and cultural inequality will prevail in South Africa. English will continue to dominate in all domains as it continues to, currently. Mother-tongue speakers of indigenous languages will remain at this disadvantageous position and miss out on opportunities since not being fully proficient in English has an impact on one's confidence, where they are expected to express themselves in English. Learners at schools will continue to hold the hindmost position compared to first-language speakers of English, in terms of grades, if the status quo remains. That translates to injustice and can be interpreted as ongoing oppression through language in South Africa.

The trends that are evident regarding the extent and nature of compliance with South African language policies are that there is no sense of urgency displayed by the powers that be when it comes to language policy, in general, in South Africa. The senior officials in the respective departments are therefore uninspired. The funds generated into language policy budget are inadequate and that demotivates the same senior officials as they do not have enough to work with to fulfil the purposes of language-related legislation. From the identified problematic trends, in line with the recommendations given above, the powers that be must devise strategies to address these problems to achieve legislated language goals?

7.1 Recommendations for Future Research

As a result of time and space limitations, it is not always possible to cover all areas of interest for research. This study was mainly looking at national government departments, and there are sectors of interest which were not explored (e.g. media and financial services). The researcher would, for further research and comparison, like to investigate the status of language policies in these sectors as well as national public entities and national public

enterprises, some of which are linked to national government departments. Due to the same constraints as above, there are three national government departments of interest to the researcher whose language policies, and the status of these policies, were not thoroughly investigated. These are the Department of Basic Education, Department of Higher Education and Training and the Department of Health. Future research should examine them. The following sectors, public entities and public enterprises should be researched for further study:

7.1.1 The Media

For years, The South African Broadcasting Corporation (SABC) grappled with the problem of redistributing time and language on both radio and TV. Professor Fatima Meer said in her 1994 presentation: "The one tension that arises, arises directly from the Constitution itself, where on the one hand, it states that existing right shall not be diminished of any language groups and on the other calls for equal rights for all languages groups and this creates a certain amount of tension and conflict." (Beukes and Barnard, 1994: 42)

She said, then, as an organisation, they were committed to equity as they had been legally advised that the SABC is free to rearrange its programmes in the interest of equity. Today, particularly on television, even though English still dominates, especially when it comes to news, there has been a significant improvement since the above statement was made, and since the dawn of democracy. This is in contrast to the print media, where most media houses' publications are only available in English, and some in Afrikaans. Independent News & Media is the only publishing house that has a variety of English publications that decided to add an indigenous language-based newspaper eight years after 1994 and six years after the Constitution was passed into law. Independent News & Media launched *Isolezwe* in 2002. It is a daily newspaper, with a weekend edition, and it is published in isiZulu and isiXhosa. The period in which it appeared suggests that it is, in some senses, a response to the call for elevation of indigenous languages. Though the media company is not any of the three categories bound by UOLA and Section 6(2) of the Constitution, being a private company, it deserves credit for this.

Regarding radio, in 1994, The SABC indicated that they had 8,6 million African listeners of radio and 164 hours per week was allocated to them. At the same time, there were 4,3 million Afrikaans and English-speaking listeners, to whom 248 hours per week were allocated. When

it came to drama, four hours were allocated to African drama for six languages, whereas six and a half hours were allocated for English and Afrikaans alone. Professor Meer explained that "when it came to dubbing, 19.5 hours were allocated to dubbing into Afrikaans when 93% of Afrikaans people understood English perfectly well and did not require dubbing. The cost to do that then was between R30 million and R35 million per year. Only 2.5 hours were allocated to African languages" (Beukes and Barnard, 1994: 42).

Media is an influential sector that if used perceptively, can be used as a tool to develop, restore, promote and preserve indigenous languages. This, in turn, means that in future such languages may reach the linguistic parity and esteem (with English especially) desired by the Constitution. Public media platforms are the fastest ways to influence a broader range of communities. However, many popular television and radio stations continue to be dominated by English, which is disadvantageous for other listeners and viewers who may want to reach out. However, because of the language barrier or inaccessibility of the platform in the languages they understand well, they are left out, and they cannot take part in those debates.

In terms of print media, there are no national newspapers that are published in other South African languages, other than English or Afrikaans, except *Ilanga Newspaper* which has been in existence since 1903 and therefore does not count as a new contribution towards efforts to bringing balance to the official languages and multilingualism in South Africa. One finds the other official languages in regional newspapers only. It is equally concerning that there is only one indigenous language newspaper – *Isolezwe* – published by a media house. More concerning is that no effort is seen regarding the other seven indigenous languages, as *Isolezwe* is only in isiZulu and isiXhosa.

Judging by its various radio stations, which broadcast in various official languages across South Africa, the SABC should have an acceptable Language Policy in place, concerning the radio. It would be valuable to examine it and to establish whether the same could not be achieved with television programmes and be emulated by other media platforms to promote multilingualism. It would be helpful to have a dedicated television channel in one specific indigenous language running all day, and accommodating all age groups. This would not only help address the language inequity problem on television but would help children master their home languages.

Connected to Media, it bears noting that Advertising has been found to have been very progressive in terms of multilingualism in South Africa in the democratic era (Ngwenya, 2011), which is a rich domain for potential future research.

7.1.2 South African Banks

Our banks are accessed by almost everyone, and they should be seen to accommodate all their clients and not only a particular group of language speakers. Many banks have signage in various languages, and many ATMs now give users an option to select preferred languages. It would be significant to explore their language policies and whether or not the policies of different banks inform and 'talk to' one another, as well as whether they are bound by any legislation.

7.1.3 The South African Post Office Limited

The post office provides various services to a diverse group of people, and it should be investigated how far cooperative its Language Policy is, if any, and if its implementation is taking place.

7.1.4 The Independent Electoral Commission (IEC)

The IEC is critical in that it services all voters in the country, from voter educational programmes to dissemination of information about the elections and the actual voting process. The commission should be able to reach out to everyone in languages understood well by various voting groups.

7.1.5 The Public Protector of South Africa

This body is mandated to support and strengthen constitutional democracy by investigating and redressing improper and prejudicial conduct, maladministration and abuse of power in state affairs; resolving administrative disputes or rectifying any act or omission in administrative conduct…" (http://www.pprotect.org/about_us/Vision_mission.asp). What the Public Protector's Office investigates are matters of national interest. Therefore, everyone deserves to be able to access the reports and other information, including how to go about submitting issues that the members of the public sense that they should be investigated by the Public Protector. It would be interesting to understand the Language Policy of the Office of the Public Protector.

The Constitution of the Republic of South Africa (1996) recognises education as one of the most important platforms for the promotion and development of languages. It further states that learners should be able to make a choice which languages they would like to be taught in. Singapore introduces bilingualism to children at schools from as early as at the foundation phase. That is useful because when concepts are explained in one's language, they are easy to understand then when introduced in one's second language – which is the current situation of many learners in South Africa.

7.1.6 Basic Education Department

Regarding the Basic Education Department, primary education is a fundamental right. To learn, a child needs to understand the language in which she or he is taught, and it would be ideal and just if learning and syllabi were available in all official languages (either for learning or as a mechanism for further elucidation). This is especially significant because the perceived neutrality of English as a medium of instruction is flawed (De Kock, Sayed and Badroodien 2018), representing a continued undervaluation of black learners' linguistic and social experiences. Equally, speaking from a more Feminist framework, Nagengast and Kearney advance the idea that English is a patriarchal language (1990). It is in the researcher's plans to study basic education's language policies for future research to investigate how advanced implementation is within the education sector.

7.1.7 Higher Education

The same applies to Higher Education. It is easier for a first language speaker to express themselves logically and creatively in an essay than a person who takes the subject in a second language. There are no equal opportunities for students to make it in the subjects they are taking when one is the first language speaker, and the other is a second language speaker of the medium of instruction in that institution. The same applies to understanding and reasoning in the first language versus how cognitive processes work when operating in a second language. The same applies to the vocabulary of a first language speaker versus that of a second language speaker when it comes to reproducing what was learnt. It would be interesting to research the Institutions of Higher Learning's language policies, mainly on teaching and learning, as well as how far they are with their implementation thereof.

7.1.8 Health

In the Health sector, patients, doctors, nursing assistants or pharmacists need to understand

each other, considering the nature of the work performed and the health of the patients. The patient will have to understand his/her condition well, whether through reading about it or receiving information about it verbally from health care professionals (doctors, nurses, and pharmacists), which included how the medication should be taken or how to manage the condition. Language and communication play an integral part in all of this. However, the Department of Health cited that their policies do not have a bearing on how hospitals operate in terms of Language Policy. The researcher would like to conduct further study on that and explore what the Department of Health's Language Policy covers.

7.2 Limitations of Study

The following are the limitations of this study:

- Over a quarter of government departments did not respond to PanSALB's request for information regarding their language policies. This constitutes a blind spot within the study, though with almost three-quarters of departments accounted for, and certain recurrent themes emerging, it seems reasonable that a reasonably accurate picture has been formed of the state of Language Policy.

- Case studies were restricted to two departments since one researcher did all the data collection and covering all government departments would have been excessively time-consuming; hence the reliance on other sources like the PanSALB's report.

- Ironically, one could argue that the fact that this study has been conducted primarily in English is problematic. While it is clear why this is so (the University is primarily an English-medium Institution currently, and communication with government departments – as highlighted within the study itself – is primarily in English), it remains an interesting point that the study presumably misses some of the phenomenological experiences of study subjects (in this case, officials in government departments) because the study was performed primarily in English. Some interviews and follow up questions were done in a formerly marginalised traditional African Language (isiZulu, mainly), but the point perhaps bears noting, given the focus of this work.

- Due to time and resource constraints, the study primarily focuses on South Africa with some reference to three other countries, none of which are African. It may be fruitful to examine other African countries which share a somewhat similar history to South Africa in greater depth, in the future, to see how their language policies evolved post-democracy.

- The Department of Health was initially earmarked as a case study candidate, given the importance of effective communication within health provision, and the importance of health itself. However, issues of access meant that it was dropped as a case study. It is highly desirous that obstacles to be overcome, and the department be made a department of scrutiny in future research.

7.3 Conclusion

One of the reasons that English continues to dominate with South African national departments and entities is the poor implementation of UOLA. Many government entities misapprehend the purposes of UOLA. In other words, they fail to appreciate that UOLA seeks to encourage the growth and use of South African indigenous languages. Many national departments' language policies are non-compliant, and public entities often fail to understand their obligations under that piece of legislation. In addition, very few government entities have an implementation plan setting out the steps necessary to achieve compliance. This study puts forward a number of practical aids that could assist in addressing these problems. The first is the UOLA Compliance Tool for Language Policy Development. This is a simple device that could be used by government entities to ensure that their language policies observe the prescripts of UOLA. This study proposes a series of steps that government entities can follow to develop and implement language policies. In addition, the researcher provides a mocked-up example of an implementation plan; one that could assist government departments in their efforts to draft such a plan. Lastly, this study provides a number of recommendations designed to improve the department's compliance with the final Constitution's language provisions as well as those contained in UOLA.

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Appendices

Appendix 1

Public Entities and Public Enterprises

Public Institutions Listed in the PFMA Schedule 1, 2, 3a, 3b, 3c and 3d as at:

30 April 2015

SCHEDULE 1

CONSTITUTIONAL INSTITUTIONS

1. The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
2. The Commission on Gender Equality
3. The Financial and Fiscal Commission
4. The Independent Communications Authority of South Africa
5. The Independent Electoral Commission
6. The Municipal Demarcation Board
7. The Pan South African Language Board
8. The Public Protector of South Africa
9. The South African Human Rights Commission

SCHEDULE 2

MAJOR PUBLIC ENTITIES

1. Air Traffic and Navigation Services Company Limited
2. Airports Company of South Africa Limited
3. Alexkor Limited
4. Armaments Corporation of South Africa Limited
5. Broadband Infrastructure Company (Pty) Ltd
6. CEF (Pty) Ltd
7. DENEL (Pty) Ltd

8. Development Bank of Southern Africa
9. ESKOM
10. Independent Development Trust
11. Industrial Development Corporation of South Africa Limited
12. Land and Agricultural Development Bank of South Africa
13. South African Airways (Pty) Limited
14. South African Broadcasting Corporation Limited
15. South African Express (Pty) Limited
16. South African Forestry Company Limited
17. South African Nuclear Energy Corporation Limited
18. South African Post Office Limited
19. Telkom SA Limited
20. Trans-Caledon Tunnel Authority
21. Transnet Limited

All subsidiaries of the above major public entities

SCHEDULE 3

OTHER PUBLIC ENTITIES

Part A: National Public Entities

1. Accounting Standards Board
2. Africa Institute of South Africa
3. African Renaissance and International Cooperation Fund
4. Agricultural Research Council
5. Agricultural Sector Education and Training Authority
6. Artscape
7. Banking Sector Education and Training Authority
8. Boxing South Africa
9. Brand SA
10. Breede-Gouritz Catchment Management Agency
11. Castle Control Board
12. Chemical Industries Education and Training Authority
13. Commission for Conciliation Mediation & Arbitration
14. Community Schemes Ombudsman Service
15. Companies and Intellectual Property Commission
16. Companies Tribunal
17. Compensation Fund, including Reserve Fund
18. Competition Commission
19. Competition Tribunal
20. Construction Education and Training Authority
21. Construction Industry Development Board
22. Council for Geoscience
23. Council for Medical Schemes
24. Council for the Built Environment
25. Council on Higher Education
26. Cross-Border Road Transport Agency
27. Culture, Arts, Tourism, Hospitality and Sports Education and Training Authority
28. Die Afrikaanse Taal Museum
29. Ditsong: Museums of South Africa

30. EDI Holdings (Pty) Ltd
31. Education, Training and Development Practices SETA
32. Energy and Water Sector Education and Training Authority
33. Estate Agency Affairs Board
34. Fibre Processing Manufacturing Sector Education and Training Authority
35. Film and Publication Board
36. Financial and Accounting Services SETA
37. Financial Intelligence Centre
38. Financial Services Board
39. Food and Beverages Manufacturing Industry
40. Freedom Park Trust
41. Health and Welfare Sector Education and Training Authority
42. Housing Development Agency
43. Human Sciences Research Council
44. Independent Regulatory Board for Auditors
45. Ingonyama Trust Board
46. Inkomati-Usuthu Catchment Management Agency
47. Insurance Sector Education and Training Authority
48. International Trade Administration Commission
49. iSimangaliso Wetland Park
50. Iziko Museums of South Africa
51. KwaZulu-Natal Museum
52. Legal Aid South Africa
53. Local Government Education and Training Authority
54. Luthuli Museum
55. Manufacturing, Engineering and Related Services Education and Training Authority
56. Marine Living Resources Fund
57. Market Theatre Foundation
58. Media Development Diversity Agency
59. Media, Information and Communication Technologies Sector Education and Training Authority
60. Medical Research Council of South Africa
61. Mine Health and Safety Council

62. Mining Qualifications Authority
63. Municipal Infrastructure Investment Unit
64. National Agricultural Marketing Council
65. National Arts Council of South Africa
66. National Consumer Commission
67. National Consumer Tribunal
68. National Credit Regulator
69. National Development Agency
70. National Economic Development and Labour Council
71. National Electronic Media Institute of South Africa
72. National Empowerment Fund
73. National Energy Regulator of South Africa
74. National Film and Video Foundation of South Africa
75. National Gambling Board of South Africa
76. National Health Laboratory Service
77. National Heritage Council of South Africa
78. National Home Builders Registration Council
79. National Housing Finance Corporation Limited
80. National Library of South Africa
81. National Lotteries Commission
82. National Metrology Institute of South Africa
83. National Museum, Bloemfontein
84. National Nuclear Regulator
85. National Regulator for Compulsory Specifications
86. National Research Foundation
87. National Student Financial Aid Scheme
88. National Urban Reconstruction and Housing Agency
89. National Youth Development Agency
90. Nelson Mandela National Museum
91. Office of Health Standards Compliance
92. Office of the Ombudsman for Financial Service Providers
93. Office of the Pension Funds Adjudicator
94. Performing Arts Council of the Free State
95. Perishable Products Export Control Board

96. Ports Regulator of South Africa
97. Private Security Industry Regulatory Authority
98. Productivity SA
99. Public Service Sector Education and Training Authority
100. Quality Council for Trades and Occupations
101. Railway Safety Regulator
102. Road Accident Fund
103. Road Traffic Infringement Agency
104. Road Traffic Management Corporation
105. Robben Island Museum
106. Rural Housing Loan Fund
107. Safety and Security Education and Training Authority
108. Servcon Housing Solutions (Pty) Ltd
109. Services Sector Education and Training Authority
110. Small Enterprise Development Agency
111. Social Housing Foundation
112. South African Civil Aviation Authority
113. South African Council for Educators
114. South African Diamond and Precious Metals Regulator
115. South African Heritage Resources Agency
116. South African Library for the Blind
117. South African Local Government Association
118. South African Maritime Safety Authority
119. South African National Accreditation System
120. South African National Biodiversity Institute
121. South African National Energy Development Institute
122. South African National Parks
123. South African National Space Agency
124. South African Qualifications Authority
125. South African Revenue Service
126. South African Social Security Agency
127. South African Tourism
128. South African Weather Service
129. Special Investigation Unit

130. State Information Technology Agency
131. Technology Innovation Agency
132. The Co-operatives Banks Development Agency
133. The National English Literary Museum
134. The National Radioactive Waste Disposal Institute
135. The National Skills Fund
136. The Playhouse Company
137. The Social Housing Regulatory Authority
138. The South African Institute for Drug-free Sport
139. The South African National Roads Agency Limited
140. The South African State Theatre
141. Thubelisha Homes
142. Transport Education and Training Authority
143. uMalusi Council for Quality Assurance in General and Further Education and Training
144. uMsunduzi Museum
145. Unemployment Insurance Fund
146. Universal Service and Access Agency of South Africa
147. Universal Service and Access Fund
148. Urban Transport Fund
149. Vredefort Dome World Heritage Site
150. War Museum of the Boer Republics
151. Water Research Commission
152. Wholesale and Retail Sector Education and Training Authority
153. William Humphreys Art Gallery
154. Windybrow Theatre

All subsidiaries of the above national public entities

Part B: National Government Business Enterprises

1. Amatola Water Board
2. Bloem Water
3. Council for Scientific and Industrial Research
4. Export Credit Insurance Corporation of South Africa Limited

5. Inala Farms (Pty) Ltd
6. Khula Enterprises Finance Limited
7. Lepelle Northern Water
8. Magalies Water
9. Mhlathuze Water
10. Mintek
11. Ncera Farms (Pty) Ltd
12. Onderstepoort Biological Products Limited
13. Overberg Water
14. Passenger Rail Agency of South Africa
15. Public Investment Corporation Limited
16. Rand Water
17. SA Bureau of Standards
18. Sasria Limited
19. Sedibeng Water
20. Sentech Limited
21. State Diamond Trader
22. Umgeni Water

All subsidiaries of the above national government business enterprises

Part C: Provincial Public Entities

EASTERN CAPE

1. Eastern Cape Arts Council
2. Eastern Cape Gambling and Betting Board
3. Eastern Cape Liquor Board
4. Eastern Cape Parks and Tourism Agency
5. Eastern Cape Rural Development Agency
6. Eastern Cape Socio-Economic Consultative Council
7. Eastern Cape Youth Commission

FREE STATE

1. Free State Gambling and Liquor Authority
2. Free State Tourism Authority

GAUTENG

1. Gauteng Enterprise Propeller
2. Gauteng Gambling Board
3. Gauteng Growth and Development Agency
4. Gauteng Partnership Fund
5. Gauteng Tourism Authority
6. Gautrain Management Agency
7. XHASA ATC Agency

KWA-ZULU NATAL

1. Agri-Business Development Agency
2. Amafa AkwaZulu Natali
3. Dube TradePort Corporation
4. Ezemvelo KwaZulu-Natal Wildlife
5. KwaZulu-Natal Film Commission
6. KwaZulu-Natal Gaming and Betting Board
7. KwaZulu-Natal House of Traditional Leaders
8. KwaZulu-Natal Liquor Authority

9. KwaZulu-Natal Provincial Planning and Development Commission
10. KwaZulu-Natal Tourism Authority
11. Natal Sharks Board
12. Royal Household Trust
13. Trade and Investment KwaZulu-Natal
14. uMsekeli Municipal Support Services

LIMPOPO

1. Limpopo Appeal Tribunals
2. Limpopo Development Tribunals
3. Limpopo Economic Development Agency
4. Limpopo Gambling Board
5. Limpopo Housing Board
6. Limpopo Liquor Board
7. Limpopo Local Business Centres
8. Limpopo Panel of Mediators
9. Limpopo Planning Commission
10. Limpopo Roads Agency
11. Limpopo Tourism and Parks Board

MPUMALANGA

1. Mpumalanga Gambling Board
2. Mpumalanga Liquor Authority
3. Mpumalanga Regional Training Trust
4. Mpumalanga Tourism and Parks Board

NORTHERN CAPE

1. Kalahari Kid Corporation
2. McGregor Museum (Kimberley)
3. Northern Cape Economic Development, Trade and Investment Promotion Agency
4. Northern Cape Gambling Board
5. Northern Cape Liquor Board
6. Northern Cape Tourism Authority

NORTH-WEST

1. Invest North West
2. Mmabana Arts, Culture and Sport Foundation
3. North West Eastern Region Entrepreneurial Support Centre
4. North West Gambling Board
5. North West Housing Corporation
6. North West Parks and Tourism Board
7. North West Provincial Aids Council
8. North West Provincial Arts and Culture Council
9. North West Provincial Heritage Resources Authority
10. North West Youth Development Trust

WESTERN CAPE

1. Western Cape Commissioner for the Environment
2. Western Cape Cultural Commission
3. Western Cape Gambling and Racing Board
4. Western Cape Language Committee
5. Western Cape Liquor Authority
6. Western Cape Nature Conservation Board
7. Western Cape Provincial Development Council
8. Western Cape Tourism, Trade and Investment Promotion Agency

All subsidiaries of any of the above provincial public entities

Part D: Provincial Government Business Enterprises

EASTERN CAPE

1. East London Industrial Development Zone Corporation
2. Eastern Cape Development Corporation
3. Mayibuye Transport Corporation

FREE STATE

1. Free State Development Corporation

KWAZULU-NATAL

1. Cowslip Investments (Pty) Ltd
2. Ithala Development Finance Corporation
3. Mjindi Farming (Pty) Ltd
4. Mpendle-Ntambanana Agricultural Company (Pty) Ltd
5. Richards Bay Industrial Development Zone

LIMPOPO

1. Gateway Airport Authority Limited
2. Northern Province Development Corporation

MPUMALANGA

1. Mpumalanga Economic Growth Agency

NORTH-WEST

1. Mafikeng Industrial Development Zone (Pty) Ltd
2. North West Development Corporation
3. Northwest Transport Investments (Pty) Ltd

WESTERN CAPE

1. Casidra (Pty) Ltd

All subsidiaries of any of the above provincial government enterprises

Source: (http://www.treasury.gov.za/legislation/pfma/public%20entities/2015-04-30%20Public%20institutions%20Sch%201-3D.pdf)

Appendix 2

Research Documents

School of Literature, Language and Media, University of the Witwatersrand

Private Bag 3, Wits, 2050, South Africa

Participant Information Sheet Sent to All Participants

Study Title: A Critical Analysis of South Africa's Contemporary Language Policies with Specific Reference to the Use of Official Languages Act No. 12 of 2012 for Government Purposes

Researcher
Bongeka Buhle Selepe
0829677488
selepebb@gmail.com

Supervisor
Dr Boni Zungu
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Dear Sir/Madam

My name is Ms Bongeka Buhle Selepe. I am a PhD student in Translation & Interpreting Studies Department at the University of the Witwatersrand in Johannesburg.

As part of my studies, I am required to conduct research and submit a report in accordance with the requirements for the degree of Doctor of Philosophy. My study is a critical analysis of South Africa's contemporary language policies, with specific reference to UOLA, for government purposes, and it offers recommendations for effective implementation.

This research project aims to investigate the successes and the failures of the implementation of this policy which was passed into law a few years ago. As part of this study, I would like to invite you to take part in an interview process that will be conducted by myself. It will be

conducted in English. However, you are free to indicate if you wish to be interviewed in a different official South African language. This activity will not take more than thirty minutes, and it will take place at a time and place convenient to you, preferably your workplace. Should that not be feasible, I will request that the interview be conducted through Skype. With your permission, I would like to take notes during the interview.

Please be advised that you will not receive any direct benefits from participating in this study, and there are no disadvantages or penalties for not participating. You may withdraw at any time, or you may choose to omit any question(s) you are not comfortable to answer. You may choose to remain anonymous, and should that the case, please let me know, and I will use a pseudonym (false name) to represent your participation, in my final study report. Should you have any questions, afterwards, about this study, feel free to contact me on the details provided above.

This study will be written up as a study report which will be available as a PhD thesis. If you wish to receive a summary of this report, I will be happy to send it to you upon request (optional). If you have any queries, concerns or complaints regarding the ethical procedures of this study, you are welcome to contact the University's Human Research Ethics Committee (non-medical) on the details below:

Telephone: **+27(0)117171408**

Email: **hrec-medical.researchoffice@wits.ac.za OR**
Shaun.Schoeman@wits.ac.za

May I take this opportunity to thank you for your time and the contribution that you will make.

Yours sincerely,



Bongeka Buhle Selepe (Ms)

School of Literature, Language and Media, University of the Witwatersrand
Private Bag 3, Wits, 2050, South Africa

Copy of Consent Form Sent to All Participants

A. Important information

Study Title: A Critical Analysis of South Africa's Contemporary Language Policies with Specific Reference to the Use of Official Languages Act No. 12 of 2012 for Government Purposes

Researcher
Bongeka Buhle Selepe
0829677488
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Supervisor
Dr Boni Zungu
011 7174172
Boni.Zungu@wits.ac.za

Dear Sir/Madam

This study aims to establish to what extent progress has been made concerning the implementation of the UOLA. The Department of Arts & Culture, as the custodian of UOLA, has been identified as one of the sources together with the Department of Justice and Constitutional Development, which has been identified as a case study department, and whose language policies will be critically analysed. Based on the findings, the study will discuss implications for non-effective implementation, and recommendations to facilitate effective and efficient implementation will be provided. You have been identified as a relevant person that can be interviewed for this purpose. Below, please confirm your consent to participate in this interview process:

Participant's agreement

I …….. agree to participate in this research project. The

study has been explained to me, and I understand what my participation will involve.

I am aware that I can choose to remain anonymous.	**YES**	**NO** (please circle)
The researcher may use anonymous quotes in her research report.	**YES**	**NO**
I agree that the interviewer takes notes during the interview.	**YES**	**NO**
I agree that the information I provide may be used by other researchers following this study.	**YES**	**NO**

I know that my participation in this interview is voluntary. If for any reason, at any time, I want to withdraw, I may do so. The researcher has explained the aims and nature of this study to me. I understand what I am asked to do.

I am aware that the data will be used for a PhD research project. I have the right to review my responses before they go into the study report. I know that the data gathered in this study will be published and that I need to indicate should I wish to remain anonymous. I understand that the only risk that may be involved is that participants may be identifiable to some readers because of their role. However, the researcher will ensure that sensitive information like age is kept confidential. I grant permission for the use of this information for the purposes explained above.

I have read the above form, and, with the understanding, that I can withdraw at any time, and for whatever reason. I consent to participate in this interview.

Date:_____ **Interviewee's signature:** _____

School of Literature, Language and Media, University of the Witwatersrand

Interview Guide for the Department of Arts & Culture

Study Title: A Critical Analysis of South Africa's Contemporary Language Policies with Specific Reference to the Use of Official Languages Act No. 12 of 2012 for Government Purposes

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1. Has the envisaged National Language Unit been set up or will the existing National Language Service do the functions of the NLU stated in the Act?
2. If the NLU already exists, how is it structured, and what are the key performance areas?
3. Other than the following policies, are there any other policies on the use of official languages in your department?
    a) National Language Policy Framework – 2003;
    b) The Use of Official Languages Act -2012
4. Does the Pan South African Language Board (PanSALB) and its structures have a role in enforcing the implementation of this Act? If so, what is its role?
5. Who else is responsible for enforcing the Act?
6. Do you have an official implementation plan?
7. What is your approach to the effective implementation of the policy?
8. Do you have any plans to penalise or correct non-implementation?
9. How are you going to make sure that all departments have language policies and Language Units as required by the Act?
10. Is there a specific timeline that you have put in place to start holding government departments accountable?

School of Literature, Language and Media, University of the Witwatersrand

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Interview Guide for the Department of Justice and Constitutional Development

Study Title: A Critical Analysis of South Africa's Contemporary Language Policies with Specific Reference to the Use of Official Languages Act No. 12 of 2012 for Government Purposes

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Supervisor
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1. The Department developed a Policy on the Use of Official Languages of the Department of Justice and Constitutional Department. In your view, has it been a success? Why do you say so?
2. Please highlight the department's achievements regarding the implementation of the Policy on the Use of Official Languages of the Department of Justice and Constitutional Development since its inception in 2018.
3. Have there been any challenges concerning the implementation of the policy? What are they, if any?
4. Do you have a Language Unit in the department? If not, why have you not been able to establish one since the Use of Official Languages Act was passed in 2012, and when do you plan to establish one? If there is one already:
    - What role does it play in terms of enforcing implementation?
    - How is it constituted?
    - What are the functions of each role?
5. Do you have an official implementation plan?
6. What is your implementation approach?
7. Are there any measures in place in respect of monitoring and evaluation? What are they and how has the process been so far?
8. Are you planning to review the policy anytime soon? If so, why and when?

School of Literature, Language and Media, University of the Witwatersrand

Private Bag 3, Wits, 2050, South Africa

Interview Schedule for Language Activists, Language Practitioners and Stakeholders in the Language Community

Study Title: A Critical Analysis of South Africa's Contemporary Language Policies with Specific Reference to the Use of Official Languages Act No. 12 of 2012 for Government Purposes

Researcher
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1. The Use of Official Languages Act requires that every national government, public enterprises and public entities develop a Language Policy and that they establish Language Units. In your experience or interaction with the Departments of Health and its institutions or the Department of Justice and Constitutional Development and its institutions, or the Department of Arts and Culture, can you say these two things exist, whether through knowledge or experience with them?
2. If so, do you think they fulfil the objectives of the Act and of the Constitution, which include parity of esteem amongst all South African official languages? Please substantiate your answer.
3. What do you think of the Use of Official Languages Act No. 12 of 2012 in general? Is it feasible to implement in its current state?
4. What do you think it aims to achieve, and do you think it is succeeding in achieving its objectives?
5. Would you like to add any other observations with regard to the implementation of language policies in general in South Africa?
6. Is there anything you think can be improved in terms of Language Policy and its implementation in South Africa?

School of Literature, Language and Media, University of the Witwatersrand

Private Bag 3, Wits, 2050, South Africa

Interview Schedule for Language Activists, Language Practitioners and Stakeholders in the Language

Study Title: A Critical Analysis of South Africa's Contemporary Language Policies with Specific Reference to the Use of Official Languages Act No. 12 of 2012 for Government Purposes

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1. The Use of Official Languages Act No. 12 of 2012 requires that every national government, public enterprises and public entities develop a Language Policy and that they establish Language Units. In your experience or interaction with the national government departments (if any), specifically the Department of Justice and Constitutional Development and its institutions, as well as the Department of Arts and Culture, can you say these two requirements exist, whether through general knowledge or experience with them?
2. If so, do you think their existence contributes to the fulfilment of the objectives of the Act and of the Constitution, which include achieving parity of esteem amongst all South African official languages? Please substantiate your answer.
3. What do you think of the Use of Official Languages Act No. 12 of 2012 in general? Is it feasible to implement in its current state?
4. What do you think it aims to achieve, and do you think it is succeeding in achieving its objectives?
5. Would you like to add any other observations with regard to the implementation of language policies in general in South Africa?
6. Is there anything you think can be improved in terms of Language Policy and its implementation in South Africa?

Questions that were referred to PanSALB by DAC

7. Do you have any plans to penalise or correct non-implementation?
There are no punitive measures for those that are not implementing, but they are all encouraged to implement the Act. Please refer this question to PanSALB.

8. How are you going to make sure that all departments have language policies and Language Units as required by the Act?
Please refer this question to PanSALB.

9. Is there a specific timeline that you have put in place to start holding government departments accountable?
Please refer this question to PanSALB.

Appendix 3

UOLA Compliance Tool for Language Policy Development

In line with Section 4(2) of the *Use of Official Languages Act* and in formulating its Language Policy, did the Department of _____	**Compliance: 0%**
(a) Comply with Section 6(3)(a) of the Act?	
(b) Identify at least three official languages?	
(c) State how it uses its official languages to communicate effectively with public members, and on public notices, official publications and in communication within and outside of government?	
(d) (i)Clarify how it communicates effectively with public members who choose a language that is not an official language contemplated in paragraph (b)?	
(d) (ii)Clarify how it communicates effectively with public members who use SASL?	
(e) Clarify how public members access its policy on language?	
(f) Make a mechanism for complaints available to ensure that public members are able to submit complaints concerning official language usage by it?	
(g) Ensure that all other matters that may be prescribed by the Minister are provided for?	
(h) Published in the Gazette?	
Other determinants to gauge compliance with the Act:	
(i) Does the department have a Language Unit?	
(ii) Is the Language Unit provided with human resources, administrative resources and other resources necessary for its effective functioning?	
(iii) Is the Language Unit operational?	
Developed by BB Hlengwa-Selepe, PhD Candidate, (Wits) A Critical Analysis of South Africa's Contemporary Language Policies for Government Purposes	

FIGURE 2: UOLA COMPLIANCE TOOL FOR LANGUAGE POLICY DEVELOPMENT

Appendix 4

Interview Transcripts

(i) DAC's Interview Transcript (5 December 2019)

Below are questions that were posed during the interview process with the Department of Arts and Culture, together with the responses that were provided. The interviewee, a Director: Language Planning and Development spoke on behalf of the department.

1) Has the envisaged National Language Unit (NLU) been set up or will the existing National Language Service (NLS) perform the functions of the NLU stated in the Act?
   The National Language Service (NLS) performs the duties of the National Language Unit (NLU) for the Department of Arts and Culture.

2) If the NLU already exists, how is it structured, and what are the key performance areas?
   The NLS is a chief directorate with four directorates as follows:
   - ***Translation and Editing***
   - ***Terminology Coordination***
   - ***Human Language Technologies***
   - ***Language Planning and Development***

3) Other than the following policies, are there any other policies on the use of official languages in your department?
   a. National Language Policy Framework, 2003;
   b. UOLA, 2012

   The National Language Policy Framework, 2003, has been superseded by UOLA of 2012. Other policies include:
   - ***The Department of Arts & Culture's Official Language Policy of 2014***
   - ***UOLA, 2012***

   As UOLA prescribes that:

- ***Each national government department, public entity, and public enterprise should develop a policy on language, DAC has a Language Policy to regulate how official languages are used.***
- ***Each government department at a national level and their public entities and enterprises should have a Language Unit.***

4) Does the Pan South African Language Board (PanSALB) and its structures have a role in enforcing the implementation of this Act? If so, what is its role?
   PanSALB has a very pivotal role. It is the responsibility of PanSALB to monitor compliance with UOLA throughout national government departments, national public enterprises and national public entities.

5) Who else is responsible for the enforcement of the Act?
   PanSALB monitors compliance, but national departments and national public enterprises and entities must monitor the implementation of the Act within their institutions, i.e. to ensure that the Language Policy is adopted and that there is a Language Unit in place. If there is no Language Unit in the case of public entities and enterprises, they need to indicate what measures they have put in place to ensure that language work is happening in the organisation.

6) Do you have an official implementation plan?
   The Department of Arts and Culture's Language Policy has a section that indicates how the Department of Arts and Culture will use official languages to communicate with its stakeholders and vice versa.

7) What is your approach to the effective implementation of the policy?
   For the Department of Arts and Culture, all those that are expected to implement the Department of Arts and Culture's Language Policy should have access to the policy and acquaint themselves in order to service stakeholders in a language of their choice. For example, the DAC, through its Language Unit, the National Language Service (NLS) ensures that legislation that regulates the Use of Official Languages for government purposes is in place so that the national government can serve the people in a language of their choice.

Development of terminology will continue in various domains to develop and promote African languages to a level where they can be used in most sectors that were not easily accessible.

Language technologies are being developed to support multilingualism and enhance access to information in the official languages through technology, and this is continuing until all official African languages can access these technologies.

Translation and editing work will continue to happen so that citizens can be able to access information in their preferred languages.

8) Do you have any plans to penalise or correct non-implementation?
   There are no punitive measures for those that are not implementing, but they are all encouraged to implement the Act. Please refer this question to PanSALB.

9) How are you going to make sure that all departments have language policies and Language Units as required by the Act?
   Please refer this question to PanSALB.

10) Is there a specific timeline that you have put in place to start holding government departments accountable?
    Please refer this question to PanSALB.

(ii) DoJ&CD's Interview Transcript (21 February 2020)

Below, are questions that were posed during the interview process with the DoJ&CD, together with the responses provided. The interviewee, an official in the Office of the Deputy Director-General: Court Services spoke on behalf of the department.

1) The department developed a Policy on the Use of Official Languages of the Department of Justice and Constitutional Department. In your view, has it been a success? Why do you say so?

It was a success for the department to adopt the Language Policy under the previous administration, even though the process took longer than expected due to capacity challenges.

2) Please highlight the department's achievements regarding the implementation of the Policy on the Use of Official Languages of the Department of Justice and Constitutional Development since its inception in 2018.

Review of the Job Descriptions for Deputy Directors: Language Services and Court Interpreting, and the resuscitation of the Language Unit at National Office. The reestablishment of the Language Services Committee represented by Deputy Directors: Language Services and Court Interpreting from all the nine regions, who hold their meetings once a month. Their objective is to look at all challenges facing court interpreters and recommend a solution to management for consideration.

The other key area is the establishment of the viable database for foreign language interpreters who will be under assessment for language proficiency before they are enrolled for the department's website. Currently, the department is in the process of developing a converged video interpreting system for utilisation in our courts. This system will reduce the costs of travelling and accommodation, which has a negative impact on the budget for the department in the current challenging economic climate. The benefit will be in cases requiring sign language interpreters when there is an issue raised about the interpreting, which DeafSA has always raised. The sign during the trial can be replayed to observe as to whether there was misinterpreting. That will be a remote interpreting service with interpreting hubs established at the nine regional offices countrywide with cubicles.

3) Have there been any challenges with regard to the implementation of the policy? What are they, if any?

Yes. The challenge is the capping of the compensation of employees by the Department of Public Service and Administration due to the economic climate, hence a high percentage of unemployment. This further led to the freezing of the newly created position for Language Services.

4) Do you have a Language Unit in the department?

Yes.

4.1) What role does it play in terms of enforcing implementation?

The Department of Justice and Constitutional Development is complex. There are two Language Services Units. The first is base under the Branch: Chief State Law Advisor which is based in Cape Town. It deals with translation and editing of Parliamentary Bills and Regulations include awareness campaign documentation in all the official languages. The second Language Unit is based under the Branch: Court Services in national office; it deals with policy and strategic issues. In the regions, there is another structure of Language Services and Court Interpreting Services. It is headed by a Deputy Director who is based at the regional office. In the magisterial clusters, there are Assistant Directors who are cluster managers, Principal Court Interpreters, Senior Court Interpreters, and court interpreters.

4.2) How is it constituted?

Refer above.

4.3) What are the functions of each role?

Refer above.

5) Do you have an official implementation plan?

Yes

6) What is your implementation approach?

Copy of the implementation plan when the draft policy was submitted for consideration will be made available.

7) Are there any measures in place in respect of monitoring and evaluation? What are they and how has the process been so far?

The Language Services Committee established during November 2019 is mandated to develop the process for monitoring, and evaluation process for reporting purposes.

8) Are you planning to review the policy anytime soon? If so, why and when?

No. The policy has recently been adopted when it was published on the 26 April 2019, during the Human Rights week.

(iii) Language Activist's Interview Transcript (02 March 2020)

Below, are questions that were posed during the interview process with the language activist, together with the responses provided. For the purposes of this study, language activists represent members of the public who are concerned and actively involved in matters of language equity. The participant whose responses are recorded here has been involved with language rights matters for many years, and she has held several relevant portfolios in the language fraternity. These include, among others, being a key member of PanSALB; a Chairperson of the KZN Southern African Translators' Institute (SATI) and Head of the Languages Department at the Durban University of Technology (DUT). The interview was conducted in isiZulu, and responses were later transcribed and translated into English as this study is presented in the latter. The participant represented a group of language activists across the country.

1) UOLA requires that every national government, public enterprises and public entities develop a Language Policy and that they establish Language Units. In your experience or interaction with the national government departments (if any), specifically the Department of Justice and Constitutional Development and its institutions, as well as the Department of Arts and Culture, can you say these two exist, whether through general knowledge or experience with them?

   I am aware that the Department of Arts and Culture has a Chief Directorate called the National Language Service which services various organisations in the whole country with various services. I am specifically more aware of their translation services. Internally, I am not quite sure what else they do.

   Regarding the Department of Justice, they do have a Language Unit. I am sure of this because which our department at DUT partnered with the department and utilised their interpreting services section for in-service training for our Language Practice students.

2) If so, do you think their existence contributes to the fulfilment of the objectives of the Act and of the Constitution, which include achieving parity of esteem amongst all South African official languages? Please substantiate your answer.

No, not yet. There is still a long way to go. For instance, at the courts, proceedings continue to be held in English or Afrikaans, and when the witnesses state that they cannot speak English or Afrikaans, then they invite an interpreter to interpret into the African language spoken by the witnesses. Sometimes, even when all participants, i.e. the attorneys, the prosecutor, the complainant, the defendant or the witnesses speak the same African language. I think this happens because people are still confused. They think English is more important or superior compared to all other official languages. Some do not have confidence that they will be able to find adequate equivalent vocabulary in the African languages. They undermine the wealth of their languages in terms of terminology. That is a habit of both the powers that be (decision-makers) and African language speakers in general. As speakers of African languages, we need to speak our indigenous languages confidently everywhere we go, every opportunity we get until we are advised that the people we are addressing do not understand the language we are using if that is the case. Only then should we switch to other official languages to accommodate each other.

3) What do you think of UOLA in general? Is it feasible to implement in its current state?

It is not perfect, but we have to start somewhere by doing what is feasible now and leave what is not feasible, to deal with later. We can start by workshopping various interested parties, including organisations that have to comply with the Act. Some universities do not even have Language Units, and yet there is so much that needs to be redressed there in terms of languages. Each institution should have its Language Unit so that the university will not use language departments for teaching and learning for Language Policy issues because they have their key performance areas to accomplish. There is an analogy I used to share with my students that when they have a toothache, they cannot just go to a friend or family or anyone they come across and ask them to fill or extract their tooth, instead they would go to a dentist. As such, universities need to go to a language office designed for advice on Language Policy matters and other matters like applied language services, e.g. translation, interpreting, editing, quality assurance, and so on. The language practice profession should be given the reverence it deserves.

To encourage overall implementation, departments who comply must be rewarded, and those that do not comply must be named and shamed. For instance, between 2020 and 2025, departments must be given a chance to put their house in order. Then from 2026, they must be held accountable. Between 2020 and 2025, the government bodies mandated to oversee language matters in the country, such as PanSALB, must go out and find out what kind of challenges the departments are faced with and try to intervene to assist. All business (big or small, public or private) must comply and be penalised if they do not comply.

Members of the public must be made aware that they can submit their complaints to PanSALB should they be experiencing problems with access to information as a result of the language in which the information is being offered being a barrier. PanSALB needs to market itself as an advocate for the people and be more visible and accessible to them. PanSALB can market themselves through awareness programmes that will take place regularly and not only once in a while. These should be directed to the youth as the youth tends to think English is the only language that will render them opportunities, and because of that, they end up neglecting their home languages.

4) What do you think it aims to achieve, and do you think it is succeeding in achieving its objectives?
It aims to achieve equality, but that has not yet been achieved.

5) Would you like to add any other observations concerning the implementation of language policies in general in South Africa?
Individuals and organisations are trying in their different corners and different ways, but we can still do better.

6) Is there anything you think can be improved in terms of Language Policy and its implementation in South Africa?
Yes, the Department of Arts and Culture needs to take the language matter seriously and budget for it accordingly. PanSALB needs to assume their responsibility diligently, work effectively, efficiently and with clear goals. The public must be made aware of their language rights and the existence of

PanSALB through conferences, workshops, roadshows, visible marketing and other awareness programmes.

(iv) PanSALB Interview Transcript (31 March 2020)

Below, are questions that were posed during the interview process with the PanSALB representative, together with the responses provided. The interviewee is a project manager for language policy compliance by the government departments' in terms of the Use of Official Languages Act No. 12 of 2012 and a Head of PanSALB: Gauteng Province and she spoke on behalf of PanSALB.

1) UOLA requires that every national government, public enterprises and public entities develop a Language Policy and that they establish Language Units. In your experience or interaction with the national government departments (if any), specifically the Department of Justice and Constitutional Development and its institutions, as well as the Department of Arts and Culture, can you say these two requirements exist, whether through general knowledge or experience with them?
   The Department of Arts and Culture does have a Language Policy with fully capacitated Language Unit. However, the same cannot be said with the Department of Justice and Constitutional Development since their Language Policy was still in a draft format based on the public hearing that we conducted in 2017.

2) If so, do you think their existence contributes to the fulfilment of the objectives of the Act and of the Constitution, which include achieving parity of esteem amongst all South African official languages? Please substantiate your answer.
   The Department of Arts & Culture does fulfil the objectives of UOLA because they perform language services in all official languages for themselves and other national departments.

3) What do you think of UOLA in general? Is it feasible to implement in its current state?
   Yes, it is feasible to implement. If the government can treat the Language Policy as a matter of national crisis, they should dedicate more financial resources and

personnel for implementation purposes and adhere to the contents thereof.

4) What do you think it aims to achieve, and do you think it is succeeding in achieving its objectives?

   The Use of Official Language Act aims to achieve equitable treatment and promotion of previously marginalised languages. On paper it is succeeding as space is given for every language however the same cannot be said on the practicality of it as most, if not all, departments do not adhere to the prescripts of the Language Policy.

5) Would you like to add any other observations concerning the implementation of language policies in general in South Africa?

   Language experts should be hired in key performing areas concerning language practice, and every language service should have its dedicated department and not solemnly rely on other units to perform the function. The government should further play its role by ensuring that resources are readily available and supported.

6) Is there anything you think can be improved in terms of Language Policy and its implementation in South Africa?

   a. ***Accessibility: Language Policy should be accessible to all fronts of the public as not enough consultation is being done on the ground level. Based on experience; Language Policy consultation is based within a particular/specific unit within the department.***
   b. ***Consistency in management is vital in the implementation of Language Policy. There seem to be too many changes in management, and this result in poor implementation strategies.***
   c. ***Accountability: Departments need to adhere to the prescripts of what UOLA demands in terms of reporting and monitoring. That will enable monitors of this country to perform their duties at ease and pick up loopholes that can quickly be addressed – each and everyone needs to perform and own the Act accordingly.***

Questions referred to PanSALB by the DAC:

7) Do you have any plans to penalise or correct non-implementation?
   There are no punitive measures for those that are not implementing, but they are all encouraged to implement the Act.

8) How are you going to make sure that all departments have language policies and Language Units as required by the Act?
   The only way to succeed in this is to have punitive measures put in place, other than that, at the moment we can only work together to achieve this.

9) Is there a specific timeline that you have put in place to start holding government departments accountable?
   The Act is very clear in this regard. However, most departments, public entities and public enterprises are not complying. This could be due to a lack of punitive measures in place.