ELEVEN OFFICIAL LANGUAGES AND MORE: LEGISLATION AND LANGUAGE POLICIES IN SOUTH AFRICA

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Abstract

The South African Constitution of 1996 recognises eleven official languages on an equal footing without affording English or any of the other ten languages any special status. For half a century, the white ruling class divided people according to their mother tongues in an Apartheid state. The non-white majority was forced to live in separate self-governing administrative units in which their respective home languages became the "official" languages of these so-called "independent states". The Constitution and language policies of the new South Africa intend to foster the transformation of a previously "bilingual nation" –with Afrikaans and English as the official languages– into a new South African state in which the majority languages of its African citizens are uplifted to the same level. The legal provisions and the language policies introduced over the last twenty years have, however, had little promoting impact on the actual use of languages other than English and Afrikaans in official spheres. This chapter discusses the challenges experienced in the execution of the language provisions made in the Constitution. African languages, which are the key for the improvement of the living conditions of the black majority, do not receive the attention and support from the government that would be required to make a difference for a better future for their speakers.

Keywords: South Africa; constitution; PanSALB; official languages; language legislation; language policies.

ONZE LLENGÜES OFICIALS I MÉS: LEGISLACIÓ I POLÍTIQUES LINGÜÍSTIQUES A SUD-ÀFRICA

Resum

La Constitució de Sud-àfrica de l'any 1996 reconeix onze llengües oficials en peu d'igualtat, sense concedir a l'anglès ni a qualsevol de les altres deu llengües un rang especial. Durant mig segle, la classe blanca dirigent va separar les persones segons les seves llengües maternes en un estat d'apartheid. La majoria no blanca es va veure obligada a viure en unitats administratives autònomes en què les respectives llengües natives van esdevenir llengües «oficials» d'aquests anomenats «estats independents». La Constitució i les polítiques lingüístiques de la nova Sud-àfrica tenen l'objectiu d'impulsar la transformació d'una «nació abans bilingüe» —amb l'afrikaans i l'anglès com a llengües oficials— en un nou estat sud-africà en què la major part de llengües dels ciutadans africans s'elevi al mateix nivell. Això no obstant, les disposicions jurídiques i les polítiques lingüístiques introduïdes al llarg dels darrers vint anys han influït poc en l'ús real de llengües que no siguin l'anglès ni l'afrikaans en les esferes oficials. En aquest capítol s'exposen els reptes que ha calgut abordar per executar les disposicions lingüístiques de la Constitució. Les llengües africanes, que són la clau per a la millora de la qualitat de vida de la majoria negra, no reben l'atenció i el suport governamentals que caldrien per canviar la situació i garantir un futur millor per als seus parlants.

Paraules clau: Sud-àfrica, Constitució, PanSALB, llengües oficials, legislació lingüística, polítiques lingüístiques.

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1 Official languages on the African continent

An official language status makes a difference in many respects not only for the languages themselves but also for the livelihood of their speakers. Official languages are commonly prioritised languages in the allocation of state resources. Their speakers benefit from that by receiving formal education in the mother tongue, by having access to media coverage in their languages, by enjoying political participation without linguistic barriers, by having language as an asset in job applications, etc. In addition, official status comes with government support in the promotion and development of these officially acknowledged languages; their use is stipulated by the government which also provides intellectual and institutional infrastructures for corpus planning, the production of teaching and learning materials, etc.

Language policies are political instruments and their application has far-reaching consequences for the wellbeing of nations and their citizens. The official recognition of languages may unite or divide people within a nation; it may symbolise national unity and allow for the emancipation of marginalised people or may result in just the opposite and lead to segmentation and discrimination of people. Some states choose official languages in a wider global or regional context, for example to demonstrate and establish resistance against cultural and political domination by powerful neighbour states or against the global expansion of English.

Constitutions usually grant official status to languages spoken by politically, socio-economically and most often also numerically dominant communities in states. Languages of marginalised indigenous people are rarely considered in this official position. While Arabic is the official language of all North African countries, south of the Sahara –with very few exceptions– the languages of the former colonial powers, English, French, Portuguese or Spanish, became the official languages of the independent states. To date these European languages remain in most African nations –being spoken primarily by the educated elites– highly exclusive "minority" languages.

In addition to these European media of communication some African nations also recognised African languages as official, such as Sesotho (together with English) in the Kingdom of Lesotho (1966) and siSwati (together with English) in the Kingdom of Swaziland (1968). The independent Republic of Burundi had French and Kirundi as official languages (1962) and added English in 2014. The neighbouring Republic of Rwanda had French and Kinyarwanda (1962) and added English as third official language in 2003.[1] The Union of the Comoros has two official languages in Arabic and French, while the statement on the status of Comorian (Shikomori) in the constitution is ambiguous; Comorian still seems to be only an official "national" language.[2]

There was a popular pattern with regard to granting language status when African nations gained independence in the 1960s: a European language became the "official" language, which was then seconded by an African "official national" language. The latter had in most cases a merely symbolic status and these official national languages were given very limited official functions if any. For example, since independence in 1964 English has been the official language of Malawi, with Chichewa –the Nyanja dialect spoken by Dr Hastings Kamuzu Banda, the first president of the country– being the official national language. The fact that Chichewa is spoken by the vast majority of the citizens and its official status as a national language have not challenged the dominance of English in official domains.

More recently some African states made African languages into official languages, such as Kenya which declared Swahili and English to be official languages in 2010. In 2016, Algeria granted Berber (Amazigh) official status next to Arabic, while ironically French –despite the fact that Algeria is the second largest French-speaking country in the world– has no official status.

Many constitutions of African states avoid mentioning official language status altogether. For example, the Constitution of independent Eritrea of 1997 does not single out any specific language and simply states

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1 Constitution of the Republic of Rwanda of 2003, Chapter 1, Article 5: "The national language is Kinyarwanda. The official languages are Kinyarwanda, French and English."

2 Constitution of the Federal Islamic Republic of the Comoros of 1996, Title 1, Article 2: "The official languages are Comorian, the national language, French, and Arabic."

in Article 4(3): "The equality of all Eritrean languages is guaranteed." The Constitution of the Federal Democratic Republic of Ethiopia of 1994 also does not use the term "official languages" and Article 5 specifies: "(1) All Ethiopian languages shall enjoy equal state recognition. (2) Amharic shall be the working language of the Federal government. (3) Members of the Federation may by law determine their respective working languages." With this Constitution, Amharic lost its former status as an official language. At the same time, while all the other constitutions of African states south of the Sahara are written in European languages and are then –at best– translated into African languages, Article 106 of the Ethiopian Constitution has this to say on the legal language authority: "The Amharic version of this Constitution shall have final legal authority."

Thus most constitutions of African states do not have official languages that are spoken by majorities of their citizens. To date African governments have generally followed the colonial language policies approach and ignored the vulnerable, diverse and rich language ecologies of their nations. South Africa's language policy since 1994 fundamentally differs from these practices. The language dispensation in the new South African constitution that grants eleven languages equal status as official languages of the state developed from the policies of the former racially-divided Apartheid state. The previous language legislation with regard to language status is essential for understanding present language policies and is reviewed for that reason.

2 Official languages in South Africa before 1990

The Second Anglo-Boer War (1899-1902) ended in the defeat of the Boer republics and the British annexed the Zuid-Afrikaansche Republiek (Transvaal) and the Oranje-Vrijstaat (Orange Free State). Driven by British interests, the South Africa Act of 1910 united the Cape Colony, the Colony of Natal, the Transvaal Colony and the Orange River Colony in the Union of South Africa. Prior to that, the South Africa Act of 1909, to which King Edward VII gave his assent, already regulated official language status for the newly unified Union of South Africa.

> 137. Both the English and Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights, and privileges; all records, journals, and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages.

> (https://law.wisc.edu/gls/cbsa1.pdf)

In the Union of South Africa, Afrikaans-speaking students were taught in either English or Dutch, both languages which they did not speak in their daily lives. Attempts by the Afrikaners to replace Dutch in the Constitution with Afrikaans failed until the National Party joined the Pact government of the Union of South Africa in 1924. Recognition of Afrikaans was at the top of their political agenda and the Union Act (Act No. 8 of 1925) states: "The word 'Dutch' in section one hundred and thirty-seven of the South Africa Act, 1909, and wheresoever else that word occurs in the said Act, is hereby declared to include Afrikaans." In 1961, the newly established Republic of South Africa left the Commonwealth and the South African Constitution (Act No. 32 of 1961) refers to the two official languages as Afrikaans, including Dutch, and English. The Republic of South Africa Constitution (Act No. 110 of 1983) finally no longer mentions Dutch. Section 89(1) states: "English and Afrikaans shall be the official languages of the Republic, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights and privileges."

In the 1940s, when the National Party gained more and more power they felt that Afrikaans should be declared as "… the first official language. English will be regarded as a second or supplemental language, which will be treated on an equal footing …" (Stultz 1974:82). Even though this provision never entered legislation, English became de facto only a subordinate language in the Apartheid state despite the fact that English-speaking whites continued to be in control of South Africa's economy. The living conditions of the great majority of South Africans were dreadful and in the following years deteriorated further.

> "By the end of the 19th century, the indigenous peoples of South Africa had lost most of their political and economic independence and the post-war systems left Black, Coloured and Indian people completely marginalised." (*South Africa Online* http://www.sahistory.org.za/article/constructing-union-south-africa-

negotiations-contestations-1902-10)

The Union had no intention whatsoever of improving the situation of the economically and politically deprived non-white majority and the British were no longer intervening in the internal affairs of the Union. Even more disastrous times were ahead for the marginalised majority when the National Party came to power in 1948. The National Party embarked on institutionalising the Apartheid system with the segregation of racial groups at its core. In 1950, the first Group Areas Act was put into effect which imposed residential and social segregation along racial lines on all citizens of the Union. Other laws such as the Promotion of Bantu Self-Government Act (Act No. 46 of 1959) followed and consolidated an Apartheid state that gradually excluded all non-white citizens from economic, political and cultural domains in the Union.

African languages were used as the main parameter for defining the distinct linguistic identities of "Bantu populations". Eight "national units", namely North-Sotho, South-Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa and Zulu, were defined in the Promotion of Bantu Self-Government Act of 1959 (Act No. 46, section 2(1)(a-h)) and subsequently black South Africans were forced to live in so-called "independent self-governing homelands".

The Bantu Homelands Citizenship Act of 1970 (Act No. 26 of 1970; renamed the Black States Citizenship Act of 1970 and the National States Citizenship Act of 1970) distinguished ten "Black states". Four of them were declared "independent states" –Transkei, Bophuthatswana, Venda and Ciskei between 1976 and 1981– while the others were "self-governing" homelands.[3] The presumed home languages became the medium of instruction in the Bantu Education System and these languages were made official languages of the "Bantustans".

On 26 October 1976, the Republic of Transkei, one of these so-called "homelands", declared its independence. The Republic of Transkei Constitution Act (Act No. 15 of 1976, section 16) states: "Xhosa shall be the official language of the Republic of Transkei and, except as provided in section 41, Sesotho, English and Afrikaans may also be used for legislative, judicial and administrative purposes."

Language was the device for splitting and dividing the black people of the Union and to establish barriers so they would not be able to engage politically and intellectually on a national level. The Bantu Education Act of 1953 had legalised the enforcement of racially separated educational infrastructures in the "homelands". The Extension of University Education Act (Act No. 45 of 1959) pushed racial segregation up into the institutions of higher education.

> "The Afrikaans-medium universities –Potchefstroom, Pretoria, Orange Free State and (after Afrikaans had become an established language) Stellenbosch– had from their foundation restricted admission to whites. Of the English-medium universities, Rhodes was all-white and Fort Hare in practice non-white; the remaining three, while more open, were by no means fully multi-racial. Natal admitted non-whites, but kept its classes racially segregated. Cape Town and Witwatersrand admitted students to courses without regard to race but applied a strict colour-bar in social and sporting events." (Lapping 1986: 183)

Additional universities were founded for 'coloured' and Indian, as well as Zulu, Sotho-Tswana and Xhosa students.

Concerns and care for the preservation of cultural heritage and support in the development of African languages were foregrounded as reasons in justifying the imposition of discriminatory measures on the non-white majority. Despite the official ban on critical political movements, non-white intellectuals and anti-Apartheid activists –at the risk of their lives– continued to vehemently oppose the segregation policy. Kenneth Jordaan, for example, understood the dynamics of the growing race-based Apartheid system as a mechanism by which the white ruling class tried to integrate the non-white population as a workforce into

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3 Transkei (isiXhosa) "independence" 26.10.1976; Bophuthatswana (Setswana) "independence" 06.12.1977; Venda (Tshivenda) "independence" 13.09.1979; Ciskei (isiXhosa) "independence" 04.12.1981; Lebowa (Sepedi) "self-government status" 02.10.1972; Gazankulu (Xitsonga) "self-government status" 01.02.1973; QwaQwa (Sesotho) "self-government status" 01.11.1974; KwaZulu (isiZulu) "self-government status" 01.12.1977; KwaNdebele (isiNdebele) "self-government status" 01.04.1984; KaNgwane (siSwati) "self-government status" 08.08.1984. For more detailed information cf. http://www.sahistory.org.za/article/black-homeland-citizenship-act-1970.

their capitalist system. He pointed out that notions of the traditions and languages of black people were exploited to justify the establishment of a profoundly unjust system.

> "The Nationalist-sponsored Bantu educational system … seeks to revivify and to encourage the obsolete Bantu traits and characteristics which are the relics and the reminders of tribal past. Contrary to any demand by the Africans, for example, the use of the Bantu vernacular in schools is being made compulsory. And by encouraging a peculiar Bantu culture and mode of life, the ruling classes are trying to justify their special treatment, that is, their inferior status in the South African nation." (K.A. Jordaan 1954)

In 1974, the decision by the Apartheid regime to make Afrikaans alongside English a compulsory medium of instruction in schools resulted in a mass mobilisation of black students who refused to be taught in Afrikaans. On 16 June 1976 a protest march of black students in Sharpeville ended in a massacre in which schoolchildren were shot by the police. This brutal reaction by the Apartheid state accelerated the backing and activities of the liberation struggle within the country as well as in exile. The media coverage of the Soweto Uprising led to widespread international support for the anti-Apartheid movements. For the following twenty-four years, the Bantu Educational System continued with African languages as media of instruction for the first five years of primary education followed by English thereafter.

With regard to African languages the Republic of South Africa Constitution of 1983 (Act No. 110 of 1983) states in section 89 (3):

> (3) … an Act of Parliament or a proclamation of the State President … whereby a Black area is declared to be a self-governing territory in the Republic … may-
> (a) provide for the recognition of one or more Black languages for any or all of the following purposes, namely-
> (i) as an additional official language or as additional official languages of that territory; or
> (ii) for use in that territory for official purposes prescribed by or under that Act or later Act or by any such proclamation; and
> (b) contain provisions authorizing the use of any such Black language outside the said territory for such purposes connected with the affairs of that territory and subject to such conditions as may be prescribed by or under that Act or later Act or any such proclamation.

Nine radio stations broadcasted in African languages and two TV channels for each Zulu-Xhosa and Sotho-Tswana were established. English continued to be the dominant language in commerce, higher education and industry, while Afrikaans was predominantly used in the civil service and government, by the army, navy and police and in prisons (Mesthrie 2002:23).

3 Languages in the new South African Constitution of 1996

On 2 February 1990, the historic speech by President F.W. de Klerk marked the end of the Apartheid state, and four years later Nelson Mandela was elected president. In 1994, the citizens of the new South Africa –in fact the whole world– expected Mandela and his government to catapult the country from the previous white minority Apartheid rule into a unified, multicultural, participatory democracy. The constitution was designed with the intention that all South Africans would merge into a non-racial "Rainbow Nation". Mandela's diplomacy of "National Reconciliation" managed to prevent a civil war, which was a very likely scenario in the early 1990s, and he kept South Africa's economy running. At the same time these strategies hindered the transformation of the nation as the "democratic revolution" did not reach and did not liberate the black majority. After more than two decades, the non-white majority of South African remains economically marginalised and is still not fully empowered to participate in the democratic governance of their country.

> "…language policy can become an instrument to unify our people instead of being the instrument of division which, for the most part, it is today. We need to make a democratically conceived language policy an integral part of our programme for national unity and national liberation." (Alexander 1989:5)

Neville Alexander[4] (1989) published this visionary statement just before the collapse of the Apartheid state and in the following years, through the National Language Project (NLP) and the Project for Alternative Education in South Africa (PRAESA), "Alexander led the national debate on language policy and planning in South Africa" (Soudien 2016:xiv).

An Interim Constitution of the Republic of South Africa (Act No. 200 of 1993) was in force that structured the first democratic elections which took place on 27 April 1994. Chapter 1(3) of this Interim Constitution already outlined the language legislation, which was then adopted by the Constitutional Assembly in the final Constitution of 1996.

The final Constitution of the Republic of South Africa (Act No. 108 of 1996) was approved by the Constitutional Court on 4 December 1996 and took effect on 4 February 1997. In line with an overall ambitious vision for a new South Africa, the Constitution recognises eleven official languages with equal status and mentions several additional ones as being considered in future national developments.

The Constitution of the Republic of South Africa of 1996 addresses languages at globally unprecedented length and in great detail in the founding provisions of chapter 1, section 6.

> 6(1) The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
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> 6(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.
>
> 6(3)(a) Municipalities must take into account the language usage and preferences of their residents.
>
> 6(3)(b) 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 the needs and preferences 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.
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> 6(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.
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> 6(5) A Pan South African Language Board established by national legislation must
> (a) promote, and create conditions for, the development and use of
>   (i) all official languages;
>   (ii) the Khoi, Nama and San languages; and
>   (iii) sign language; and
> (b) promote and ensure respect for
>   (i) all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and
>   (ii) Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa.

The legally binding English constitution is translated into all the other ten official languages and in addition is published in South African Braille (English), the script used by blind South African citizens.

The new constitution no longer uses English names for African languages[5] but rather adopts the writing conventions of the orthographies of the respective languages. This leads to inconsistencies as prefixes and noun stems are merged in the Sotho group, namely **Se**sotho, **Se**tswana, and **Se**pedi, as well as in **Tshi**venda and **Xi**tsonga, while in the languages of the Nguni group, namely **isi**Zulu, **isi**Xhosa, **isi**Ndebele and **si**Swati, the noun stem is marked by a capital letter and prefixes are written in small letters. Due to different writing

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4 Neville Alexander (22 October 1936–27 August 2012) was a political activist and scholar, a revolutionary intellectual as well as an educationalist. While he refused all the other prizes he was offered, he made an exception by accepting the Linguapax Award in 2003.

5 Applying this to other languages would mean, for example, using 'Deutsch' instead of 'German' in English texts.

traditions, the Latin letters also represent different sounds; for example X in isiXhosa is the Nguni-spelling convention for representing a lateral click sound /ǁ/, while in the Portuguese-based spelling of Xitsonga, X is pronounced as /ʃ/.

The Interim Constitution (Act No. 200 of 1993), chapter 1(3)(1), correctly lists 'Sesotho sa Leboa' as one of the official languages, but this name was replaced for unknown reasons by 'Sepedi' in the final Constitution of 1996. Sepedi is only one of the more than ten dialects of 'Sesotho sa Leboa', a dialect cluster which is also known as 'Northern Sotho'. The initiative by the Northern Sotho National Lexicography Unit to replace 'Sepedi' by 'Northern Sotho' or 'Sesotho sa Leboa' in the Constitution has so far not been successful.

In the Constitution of 1996, chapter 1, section 6(5)(a)(ii), provisions are made for the development and use of 'the Khoi, Nama and San languages'. However, this listing of presumed languages is problematic, as 'Nama' is in fact a language of the 'Khoe (Khoi)' language family.

Some distinct languages, for example Northern isiNdebele and Síphùthì, were ignored in the previous Apartheid state and also remain unacknowledged in the Constitution. The government is reluctant to accept any changes in or additions to the list of languages in the Constitution for the fear that this would open Pandora's Box.

4 Language policies at national, provincial and departmental levels

The languages listed in the Constitution correspond to the outcomes of the national census data (Census 2011, adapted from Statistics South Africa 2012:26-27).

Language	Number of speakers	Percentage of total population
isiZulu	11,587,374	22.7%
isiXhosa	8,154,258	16.0%
Afrikaans	6,855,082	13.5%
English	4,892,623	9.6%
Sepedi (Northern Sotho)	4,618,576	9.1%
Setswana	4,067,248	8.0%
Sesotho	3,849,563	7.6%
Xitsonga	2,277,148	4.5%
siSwati	1,297,046	2.5%
Tshivenḓa	1,209,388	2.4%
isiNdebele	1,090,223	2.1%
Sign language (SASL*)	234,655	0.5%
Other languages	828,258	1.6%

Table 1: Number of speakers and percentage of the total population (Census 2011). *[6]

The census also presents information about population groups (Statistics South Africa 2012:21):

Groups	Numbers	Percentage of total population
Black African	41,000,938	79.2%
Coloured	4,615,401	8.9%
Indian or Asian	1,286,930	2.5%
White	4,586,838	8.9%
Other	280,454	0.5%
Total	51,770,560	100%

Table 2: Members of population groups and percentage of the total population (Census 2011).

6 SASL – South African Sign Language

Based on data provided in the census (Statistics South Africa 2012:26), the percentages of speakers of English and Afrikaans according to population groups were calculated as follows:

Language	No. of speakers	% in RSA	Black African	Coloured	Indian or Asian	White	Other
Afrikaans	6,855,082	13.5%	8.8%	50.2%	0.9%	39.5%	0.6%
English	4,892,623	9.6%	23.9%	19.3%	22.4%	32.8%	1.7%

Table 3: Percentage of speakers of Afrikaans and English according to population groups (Census 2011).

The figures demonstrate that most Afrikaans speakers are coloured and almost 9% are black African. Only one third of the English speakers are white, while black African, coloured and Indian/Asian account for about 20% each. Thus neither English nor Afrikaans is a first language predominantly spoken by white South Africans.

For meaningful implementation of language policies that would follow the provisions made in the Constitution, the language profiles of the provinces have to be considered. The speakers of South African languages are unevenly distributed in the nine provinces of South Africa. Data provided by Statistics South Africa (2012:25) on the percentage of first language speakers according to provinces is shown in the following table (languages spoken by less than 1% are not included in this list):

Province	1st	2nd	3rd	4th	5th	6th	7th	8th
Eastern Cape	isiXhosa (78.8%)	Afrikaans (10.6%)	English (5.6%)	Sesotho (2.5%)				
KwaZulu-Natal	isiZulu (77.8%)	English (13.2%)	isiXhosa (3.5%)	Afrikaans (1.6%)	isiNdebele (1.1%)			
Free State	Sesotho (64.2%)	Afrikaans (12.7%)	isiXhosa (7.5%)	Setswana (5.2%)	isiZulu (4.4%)	English (2.9%)	SASL (1.2%)	
North West	Setswana (63.4%)	Afrikaans (9.0%)	Sesotho (5.8%)	isiXhosa (5.5%)	Xitsonga (3.7%)	English (3.5%)	isiZulu (2.5%)	Sepedi (2.4%)
Limpopo	Sepedi (52.9%)	Xitsonga (17.0%)	Tshivenda (16.7%)	Afrikaans (2.6%)	isiNdebele (2.0%)	Setswana (2.0%)	English (1.5%)	Sesotho (1.5%)
Northern Cape	Afrikaans (53.8%)	Setswana (33.1%)	isiXhosa (5.3%)	English (3.4%)	Sesotho (1.3%)			
Western Cape	Afrikaans (49.7%)	isiXhosa (24.7%)	English (20.3%)	Sesotho (1.1%)				
Mpumalanga	siSwati (27.7%)	isiZulu (24.1%)	Xitsonga (10.4%)	isiNdebele (10.1%)	Sepedi (9.3%)	Afrikaans (7.2%)	Sesotho (3.5%)	English (3.1%)
Gauteng	isiZulu (19.8%)	English (13.3%)	Afrikaans (12.4%)	Sesotho (11.6%)	Sepedi (10.6%)	Setswana (9.1%)	Xitsonga (6.6%)	isiXhosa (6.6%)

Table 4: Percentage of speakers in the nine provinces (table designed using data from the Census 2011).

The Nguni languages and the Sotho languages form two language clusters of closely related languages. Communication among speakers of the various Nguni languages and among speakers of Sotho languages is possible. Receptive multilingualism is widespread in that speakers use their respective languages in communicating with each other.

The following table provides data on the national coverage of languages by considering the genetic relationship of the languages.

Languages	L1 speakers	% of population	Language branch	% of population
isiZulu	11,587,374	22.7%	Nguni languages	43.3%
isiXhosa	8,154,258	16.0%		
siSwati	1,297,046	2.5%		
isiNdebele	1,090,223	2.1%		
Sepedi	4,618,576	9.1%	Sotho languages	24.7%
Setswana	4,067,248	8.0%		
Sesotho	3,849,563	7.6%		
English	4,892,623	9.6%		9.6%
Afrikaans	6,855,082	13.5%		13.5%
Xitsonga	2,277,148	4.5%		4.5%
Tshivenḓa	1,209,388	2.4%		2.4%
Sign language	234,655	0.5%		0.5%
Other languages	828,258	1.6%		1.6%

Table 5: Language groupings and languages with numbers and percentage of speakers (table designed using data from the Census 2011).

By using only one Nguni and one Sotho language almost 70% of the national population can be reached, and by adding Afrikaans and English more than 90%. Rotating use of languages from the Nguni cluster and the Sotho cluster would drastically reduce the number of translations of documents needed. At the same time it would nurture a multilingual environment in official communication in the country.

Language policies on the provincial level are required to accommodate the languages actually spoken in the provinces. The following table compiles all speakers of Nguni languages and Sotho languages and adds Afrikaans, Xitsonga and Tshivenda where these languages are spoken. English is an official language in all provinces.

Province	1st	2nd	3rd	4th	5th	6th	% of population
Eastern Cape	Nguni (79.5%)	Afrikaans (10.6%)	English (5.6%)				95.7%
KwaZulu-Natal	Nguni (83.4%)	English (13.2%)					96.6%
Free State	Sotho (69.7%)	Afrikaans (12.7%)	Nguni (12.4%)	English (2.9%)			97.7%
North West	Sotho (71.6%)	Nguni (9.6%)	Afrikaans (9.0%)	Xitsonga (3.7%)	English (3.5%)		97.4%
Limpopo	Sotho (56.4%)	Xitsonga (17.0%)	Tshivenda (16.7%)	Nguni (4.1%)	English (1.5%)		95.7%
Northern Cape	Afrikaans (53.8%)	Sotho (34.6%)	Nguni (6.7%)	English (3.4%)			98.5%
Western Cape	Afrikaans (49.7%)	Nguni (25.5%)	English (20.3%)				95.5%

Mpumalanga	Nguni (63.1%)	Sotho (14.6%)	Xitsonga (10.4%)	Afrikaans (7.2%)	English (3.1%)		95.4%
Gauteng	Sotho (31.3%)	Nguni (30.7%)	English (13.3%)	Afrikaans (12.4%)	Xitsonga (6.6%)	Tshivenda (2.3%)	96.6%

Table 6: Language groupings and languages with percentage of speakers in the provinces (table designed using data from the Census 2011).

Table 6 demonstrates that on the provincial level the choices of languages to be made for official use are more complex. Even though the Nguni languages and Sotho languages are closely related, speakers on the provincial level generally insist on their individual languages being recognised and used. IsiXhosa is the first language of 79% of people in the Eastern Cape, while 78% speak isiZulu at home in KwaZulu-Natal. Sesotho with 64% is the most spoken language in the Free State and Setswana with 63% in North West. About half the population in Limpopo uses Sesotho (53%) as their first language. In addition, half of the population in the Northern and the Western Cape speak Afrikaans as their first language and about 10% do so in another three provinces. In the Western Cape 20% speak English at home and more than 13% Gauteng and KwaZulu Natal. In all other provinces English speakers constitute a small minority.

The official languages of the provinces were chosen by considering not only the actual numbers of speakers of the languages in the province. A guiding principle was to select as few languages as possible but at the same time to make sure that each of the eleven official languages is official in at least one province.

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

The Interim Constitution Act (Act No. 200 of 1993), chapter 1(3)(10)(a), states: "Provision shall be made by an Act of Parliament for the establishment by the Senate of an independent Pan South African Language Board to promote respect for the principles referred to in subsection (9) and to further the development of the official South African languages." In accordance with the Pan South African Language Board Act (Act No. 59 of 1995) the Pan South African Language Board (PanSALB) was established in 1995. The mandate of PanSALB is to foster and monitor the implementation of the constitution by promoting and creating conditions for the development and use of all eleven official languages, as well as the "Khoi, Nama and San" languages. South African Sign Language is included in this list of languages along with "heritage languages".

PanSALB sub-committees 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 (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 the additional mention of South African Sign Language, marginalised languages and the other official South African languages. The language policy details implementation strategies and was made available in English, Afrikaans and isiXhosa (Western Cape Government 2013:1).

The Language Services component of the Department of Cultural Affairs and Sport consists of a Translating and Interpreting Unit and a Language Policy Implementation Unit whose activities give effect to Western Cape Language Policy. The outcomes of the activities of these two units are accessible on the online platform of the Language Services at https://www.westerncape.gov.za/your_gov/102. Free downloads include isiXhosa Terminology Development, facts about and insights into South African Sign Language as well as a

booklet "Teach yourself Nama". The provision of the latter service is remarkable and demonstrates respect for the Khoisan revival movement for which Nama is the core marker of identity.

In addition to the nine language policies on the provincial level, the Use of Official Languages Act (Act No. 12 of 2012) further requested all "national departments; national public entities; and national enterprises" (section 3(1)(a-c)) to adopt a language policy which must "identify at least three official languages that [they] will use for government purposes" (section 4(2)(b)). The Act further stipulates that they "must take into account [their] 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" (section 4(3)).

The approximately fifty government departments as well as museums and theatres, universities and quite a number of other national institutions were requested to draft their own language policies to comply with the Use of Official Languages Act (Act No. 12 of 2012). These language policies have been published in the Government Gazette of the Republic of South Africa. The members of the respective language committees in these institutions attended short workshops in which they were instructed on how to design the policies. They were then on their own with little guidance in drafting the language policy documents, which also include implementation and monitoring strategies. None of them seems to focus on the promotion of multilingual communication and English is foregrounded, with hardly any provisions being made for including other languages in meaningful roles. Practicalities, such as the absence of language skills, the requirement of cost-efficiency and the lack of funding, are prevailing notions in all the documents.

It can be expected that the implementation of these policies will face similar problems as the ones discussed by Nel (2014). In her PhD thesis 'Challenges and opportunities/possibilities of implementing the Western Cape language policy', Jo-Mari Anne Nel concludes that the implementation of the provincial language policy is jeopardised "by a range of factors such as widespread ignorance of the policy, the dominance of particular languages [English, Afrikaans] in the province over others [isiXhosa], power relations within government structures and relatively inflexible language ideologies held by those charged with policy implementation at different levels" (Nel 2014:iv).

5 The performance of the new language policies

The new South African Constitution was designed against the backdrop of accommodating the English-speaking and, even more so, the Afrikaans-speaking white elites. At the same time the Constitution was meant to open the doors for the historically oppressed South African majority with the aim of building a participatory democracy for all citizens, a truly non-racial new South Africa. Despite the constitutional provisions made for empowering the previously underprivileged African languages, English has in fact expanded and dominates most public domains.

The report 'Assessing the performance of the South African Constitution' (Bilchitz et al 2016) provides substantial feedback on achievements and failures in the performance of the constitution by reviewing the past two decades. Albeit otherwise analytical and critical, the authors of the report do express empathy for the poor performance of the government with regard to compliance with the constitutional request to promote the eleven official languages.

> "While the recognition of 11 official languages may be seen to be part of the compromises made to bring everyone together, in effect English has become the lingua franca in the country and is used in most official documents and ceremonies. There are concrete claims that can be made for the other official languages, but de facto the state has essentially focused on the one common language, English. … full recognition of such a large number of official languages might be impractical." (Bilchitz et al 2016:78)

As in the quote above, English is often labelled as South Africa's lingua franca. Spoken by less than 10% (census 2011) of South African citizens as a home language and not by the non-white majority, this term is misleading as lingua francas are commonly languages which serve as egalitarian media in communication among people speaking different mother tongues; English in South Africa is for most South Africans just the opposite, namely a divisive and excluding linguistic barrier. The Constitution stipulates equality of all

eleven official languages, but the lack of commitment to implementing language policies that would foster multilingualism has in fact supported the increase of exclusively English-speaking domains. The progressive, emancipatory decision to declare eleven official languages to enhance multilingualism has given rise to just the opposite; the hegemony of English in today's South Africa.

The new Constitution itself provides the arguments for getting away with non-compliance with the language provisions. In chapter 1, section 6.3(a), it is stated that: "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 the needs and preferences 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*" (author's italics). The eleven official languages are reduced to "at least two" on provincial levels and the administration on the local level of municipalities can continue to work in one language only. Various reasons have been provided as excuses for non-compliance with the legal language provisions: financial constraints, reluctance of institutions to change, practical reasons such as availability and quality of teaching and learning materials and trained teachers, parents' choices of media of instruction, etc.

Demands in global economies for efficient communication makes English the default language choice in the market-driven South African society. For South African citizens fluency in English is a prerequisite for career advancement and also an indispensable requirement for performing well in the educational system. The improvement of English skills among the non-mother-tongue-speaking South African majority is therefore generally considered the top priority in all levels of formal education. Many millions of South Africans, however, are in working and living environments which do not involve communication on a global or even national level.

The ongoing failures of improving primary and secondary education are to a great extent the result of a lack of political will to promote and uplift the historically disadvantaged African languages. The challenges experienced in the non-transformation of South African universities can only be adequately addressed by the intellectualisation of the African languages (Kaschula and Maseko 2014). At the same time student numbers in African language departments at South Africa's universities have dramatically decreased. Mutasa (2015:52) states that for example in the University of Limpopo and UNISA (University of South Africa) student registration in African language studies dropped by 90% between 1997 and 2001. At UNISA enrolment for African languages declined from 25,461 students in 1997 to 800 in 2008. Mutasa (2015:53) observes a slight recovery in student numbers in more recent times due to the use of new teaching materials and the adjustment of teaching methods that attract students from other departments. He concludes by stating: "Thus, while the government and other stakeholders continue to advance the quest for justice in terms of language policy implementation, on the ground the reality is different as negative attitudes towards the study of indigenous languages continue unabated" (Mutasa 2015:53).

Mutasa (2015:55) conducted interviews with students and came across a crucial point, namely the double standard of many lecturers. While they propagate the teaching and speaking of African languages, they send their own children to English-medium schools and speak English with them at home. Thus they "conceptualise learning and teaching in indigenous African languages with the children of the poor in mind, and not for their own children" (Mutasa 2015:55).

Nevertheless, the fact is that poor learning outcomes in South Africa are to a great extent a result of low language proficiency among students and teachers. A new initiative in Gauteng province seems to be a promising start. In 2017, twelve pilot schools implemented a new language policy under which all students in Grade 1 take an African language as a second language. A report by the Department of Basic Education (2013:6) states: "The main aims of the Policy are to: 1. improve proficiency in and utility of African languages at Home Language level, so that learners are able to use their home language proficiently. 2. increase access to languages by all learners, beyond English and Afrikaans, by requiring all non-African Home Language speakers to learn an African language; and 3. promote social cohesion and economic empowerment and expand opportunities for the development of African languages as a significant way of preserving heritage

and cultures." If this policy is expanded countrywide, all South African children will speak an African language in the very near future.

The use of the eleven official languages and other additional languages might be regarded as being impractical and cumbersome, but there is no alternative for the indispensable transformation of a deeply unequal and divided society. The use of African languages is at the very heart of the emancipation of the South African majority. There will be no true transformation of the nation without the uplifting of African languages.

6 Conclusion

This volume discusses the language legislation and policies of countries from different parts of the world which have more than one official language. These case studies differ in several respects; among others, in the basic configurations of the kind of languages which have received official status. Finland's constitution provides equal official status to the minority language Swedish, while in Malta the indigenous language of the majority Maltese was added as an official language to English, the language of the former colonisers. Slovenian is the official language of Slovenia, but the minority languages Hungarian and Italian hold official status in municipalities in which these languages are spoken. Bolivia has the highest number of official languages of all constitutions, but with Spanish and thirty-six indigenous languages, some of which are extinct, official status for most Bolivian languages is on a rather symbolic level. The constitution in fact only demands the use of Spanish plus one of the indigenous languages for official governmental use. India, one of the linguistically richest countries in the world, has Hindi and English as official languages and in addition recognises an additional twenty-one (schedule) official indigenous languages. The discussion on India in this volume describes the functions and use of Hindi, English and the indigenous languages on different levels and in distinct domains.

The South African Constitution of 1996 differs from the other case studies in this volume as well as from the constitutions of the other African countries mentioned above in that it recognises eleven official languages on an equal footing without affording English or any of the other ten languages any special status. The Constitution has been printed in all eleven official languages and it categorically demands the transition from a previously bilingual nation – with Afrikaans and English as the official languages – to a new South Africa with an additional nine official African languages lined up on the same level. In addition, the South African linguistic situation differs from the abovementioned settings fundamentally in that no common language is spoken by a majority of its citizens. Several African languages as well as Afrikaans and English make South Africa a linguistically rich and highly diverse nation.

The new Constitution of the post-Apartheid South Africa of 1996 addresses languages at unprecedented length and regulates in great detail the status and anticipated use of all the languages spoken in the country (albeit not really all as we will see). Amendments to the Constitution as well as other laws passed by the new South African government further specify the language legislation that is in place today.

South African language policies have been drafted on national and provincial levels as well as by committees of governmental bodies (such as government departments and national institutions). These language policies attempt to comply with the legal provisions outlined in the Constitution. They include strategies which regulate and aim to foster the use of the eleven official as well as other additional languages in government administration and public services.

The legal provisions and the language policies introduced over the last twenty years have had little promoting impact on the actual use of languages other than English and Afrikaans in official spheres. These policies seem to focus on the promotion of singled-out African languages at best, while the promotion of spaces which allow and encourage multilingual communication should have been aimed for. The non-implementation of the language policies is felt by the black majority on all levels of society. While having to submit assignments in English at universities is challenging for black elite South African students whose home language is not English, not being able to explain health problems in hospitals to English-speaking or Afrikaans-speaking doctors in townships could have fatal consequences. Despite the fact that South Africa is after Nigeria and Egypt the third richest country on the African continent, the non-white majority remains impoverished;

South Africa is still divided along racial lines. African languages, which are the key for the improvement of the living conditions of the black majorities, do not receive the attention and support from the government that would be required to make a difference for a better future for their speakers.

South Africa's past and present demonstrates that the official status of languages matters. Afrikaans, once suppressed and dominated by English, would not have grown and developed in the ways it did without its official status. In several South African universities, Afrikaans was the medium of instruction and English was used secondarily until last year. Since 17 November 2016, all universities have language policies in place which will make English the only medium of instruction in higher education within the next two years.

For half a century, the Afrikaans-speaking white ruling class divided people by their mother-tongues in an Apartheid state. The non-white majority was forced to live in separate self-governing administrative units in which their respective home languages became the "official" languages of these so-called "independent states". The languages of black Africans were standardised and language learning and teaching materials were developed under the Apartheid regime with the agenda to divide and rule the black majority. Thus languages were used as a divisive device to deny the majority access to resources and political rights. With eleven official languages, the Constitution of post-Apartheid South Africa is the world champion with regard to respecting a nation's language diversity. The official acknowledgment of such a large number of languages deserves to be saluted as a powerful statement in recognising multilingualism. However, the large number of official languages has proven to be a major stumbling block for the development of meaningful language policies and their efficient implementation. This has led to a rapid spread of English in all public domains.

Most problematic in legal terms is the disempowerment of PanSALB by the Pan South African Language Board Amendment Act (Act No. 10 of 1999). The Constitution of 1996 established PanSALB as an independent board with the mandate to foster multilingualism and to serve as a watchdog over government activities involving language issues. Act No. 10 of 1999 amended the Constitution so that PanSALB would no longer be nominated and dissolved by the Senate but rather by the Minister of Arts and Culture, thus stripping the board of its independence conferred by the Constitution of 1996. The 1999 amendment immobilises the board and leaves it as a meaningless instrument, and the Ministry of Arts and Culture without any control. The board is no longer in a position to deliver on its mandate, which includes monitoring the Ministries. On 15 January 2016, the Minister of Arts and Culture dissolved PanSALB and no new board members have been assigned since then (as of May 2017).

Thus three levels of challenges to the execution of the language provisions made in the Constitution can be distinguished:

Firstly, the focus should be on establishing multilingual language usage strategies to foster a non-English counter-hegemony. Instead of emphasising uplifting and supporting individual, selected (official) African languages, a legal framework should foreground multilingualism as practiced in communication among non-white South African citizens. Since all Nguni languages and all Sotho languages are closely related, strategies could be to use one language of each of the two groupings and add English, Afrikaans and Tshivenda (and Xitsonga) in official communication (cf. Alexander 1989).

Secondly, language policies would need to be designed with political and expert guidance and would need to address existing communication needs and facilitate opportunities for multilingual spaces.

Thirdly, by granting eleven languages official status, the Constitution of 1996 in fact accelerated the hegemony of English in a country in which the great majority does not speak this language of the elites. Time will show if the growing voices that demand transformation and decolonisation will also result in a spreading of multilingual practices in public places and official contexts.

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