REPORT ON PUBLIC HEARING:
MULTILINGUALISM AND THE USE OF OFFICIAL LANGUAGES BY NATIONAL GOVERNMENT DEPARTMENTS ACCORDING TO THE PROVISIONS OF THE USE OF OFFICIAL LANGUAGES ACT (ACT No. 12 OF 2012)

DATE:
13-17 & 23-24 FEBRUARY 2017

VENUE:
CSIR INTERNATIONAL CONVENTION CENTRE
TSHWANE

“One nation many languages”
Purpose

The main purpose of the exercise was in pursuance of our mandate as outlined in the Constitution of the Republic of South Africa (1996) and the PanSALB Act (No. 59 of 1995), to monitor and investigate the observance by the national government departments of the Republic of South Africa of the Constitutional provisions regarding the use of official languages and the provisions of the Use of Official Languages Act (No. 12 of 2012) (the Languages Act).
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### Terms, Abbreviations and Acronyms

| A | Act | Use of Official Languages Act (No. 12 of 2012) |
| A | ATKV | Afrikaanse Taal- en Kultuurvereniging (Afrikaans Language and Culture Association) |
| C | CBO | Community-based organisation |
| C | CoGTA | Department of Co-operative Governance and Traditional Affairs |
| D | DAFF | Department of Agriculture, Forestry and Fisheries |
| D | DAC | Department of Arts and Culture |
| D | DEA | Department of Environmental Affairs |
| D | DHA | Department of Home Affairs |
| D | DHET | Department of Higher Education and Training |
| D | DHS | Department of Human Settlements |
| D | DoC | Department of Communications |
| D | DoD | Department of Defence and Military Veterans |
| D | DoE | Department of Energy |
| D | DoH | Department of Health |
| D | DoJ & CD | Department of Justice and Constitutional Development |
| D | DoL | Department of Labour |
| D | DoT | Department of Transport |
| D | DPE | Department of Public Enterprises |
| D | DPW | Department of Public Works |
| D | DRDLR | Department of Rural Development and Land Reform |
| D | DSBD | Department of Small Business Development |
| D | DSD | Department of Social Development |
| D | DST | Department of Science and Technology |
| D | DTA | Department of Traditional Affairs (within CoGTA) |
| D | dti | Department of Trade and Industry |
| D | DTPS | Department of Telecommunications and Postal Services |
| D | DTT | Digital terrestrial television |
| E | ECD | Early childhood development |
| E | EDD | Department of Economic Development |
| F | FBO | Faith-based organisation |
| G | GCIS System | Government Communication and Information System |
| G |  | Indigenous languages Sesothe sa Leboa, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu |
| K | KIRMU | Knowledge Information Resources Management Unit of the Department of Science and Technology |
| K |  | Marginalised languages Sesothe sa Leboa, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu |
| M | MINMEC | The grouping of a minister and related provincial MECs |
| N | NGO | National School of Government (Palama) |
| N | NLB | National Language Body |
| N | NSG | National School of Government (Palama) |
| N |  | Official languages Sesothe sa Leboa, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu |
| P | PAIA | Promotion of Access to Information Act (No. 2 of 2000) |
| P | PanSALB | Pan South African Language Board |
| P | P-SET | Public sector education and training |
| P | PML | Previously marginalised language (specifically relating to South Africa’s nine indigenous languages, listed above) |
| R | RAF | Road Accident Fund |
| S | SANDF | South African National Defence Force |
| S | SAPS | South African Police Service |
| S | SARS | South African Revenue Service |
| S | SKA | Square Kilometre Array radio telescope project |
| S | SMME | Small, medium and micro enterprise |
| S | SonA | State of the Nation address |
| S | SSA | Department of Sport and Recreation |
| S | Stats SA | Statistics South Africa |
| T | TRC | Truth and Reconciliation Commission |
| T | TVET | Technical and vocational education and training |
1. EXECUTIVE SUMMARY

1.1. About PanSALB

The Pan South African Language Board (PanSALB) was established in terms of the Pan South African Language Board Act (No. 59 of 1995), as amended by the PanSALB Amendment Act (No. 10 of 1999). The Board was established by the national legislation with the exclusive mandate to promote, and create conditions for the development and use of, all official languages of the Republic of South Africa; the Khoi, Nama and San languages and sign language. The Board is obliged to promote and ensure respect for all languages commonly used by communities in South Africa (cf. section 6(5)(a)(b)).

Furthermore, the Constitution of the Republic of South Africa (1996) recognises the historically diminished use and status of the nine marginalised South African indigenous official languages: Sesotho sa Leboa - Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu. There is an obligation on the state to take practical and positive measures to elevate the status, and advance the use of, these languages (cf. section 6(2)(3)). Considering these obligations and also that the Use of Official Languages Act (Act No. 12 of 2012) (UOLA) in essence fosters multilingualism within working spaces and beyond, in the spirit of social cohesion and nation building, we in pursuance of our mandate invited all national government departments of the Republic of South Africa, including the Office of the Presidency, as anchors of service delivery to all South African communities to give account of their observance of the constitutional language requirement and chiefly the prescripts of UOLA since its inception in 2013.

The following national government departments and other national government entities were invited.

- Department of Agriculture, Forestry and Fisheries
- Department of Arts and Culture
- Department of Basic Education
- Department of Communications
- 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 (Palama)
- 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 Co-operative Governance and Traditional Affairs
- Department of Transport
- Department of Water and Sanitation
- Department of Women (Ministry in the Presidency)
- Government Communication and Information System

Of the 42 invited departments, eleven did not attend the hearing, for the following reasons:

- **Department of Basic Education**: The acting Chief Director: Curriculum Dr Moses Simelane, was in the Eastern Cape on the scheduled day; he forwarded the department’s language policy for discussion. It was not worthwhile.
discussing the submission in the department’s absence.

- **Department of Correctional Services**: No response to our invitation, despite countless follow-ups.
- **Independent Police Investigative Directorate**: No response to our invitation, despite countless follow-ups.
- **Department of International Relations and Co-operation**: Despite the telephonic promises made by the departmental Official Tonyane, it neither attended nor submitted any document prior to the hearing.
- **Department of Mineral Resources**: Confirmed that Ms Neliswa Chiloane was to attend, but despite a reminder no one at the hearing.
- **National Treasury**: It was impossible to attend as officials were preparing for the Annual Budget Speech.
- **Department of Planning, Monitoring and Evaluation**: an official, Ellen Mabunda, promised to provide the names of those who would represent it at the hearing, but that was the last PanSALB heard from the department.
- **Department of Public Service and Administration**: “Due to the legal nature of the matter, the DPSA requests that its presentation be deferred to a later date which can be mutually agreed upon. The request is based on the need for the DPSA to manage its internal preparations and approval processes so as to make a presentation that is comprehensive yet not misleading. We hope to keep in touch so as to prepare for the DPSA to make its presentations”. However, further attempts to contact the department by email and telephone elicited no response.
- **Department of Tourism**: the language policy and presentation submitted, but the person named as representative, Mr Thabo Manetsi did not arrive.
- **Department of Water and Sanitation**: there was no response to PanSALB’s invitation.
- **Department of Women (Ministry in the Presidency)**: No response.
- **Department of Tourism**: the language policy and presentation submitted, but the person named as representative, Mr Thabo Manetsi did not arrive.

### 1.2. Expectations

Each national government department was expected to:

- Present its language policy formulated in line with the prescripts of the Languages Act (cf. Sections: 3(2), 4(1)(2)(3), including 5-9) respectively.
- Outline its language policy implementation plan.
- Confirm the existence of the language policy implementation structure (Language unit) and delineate its role and positioning within the departmental organogram.
- Explicate the language policy implementation progress since the inception of UOLA in 2013.

### 1.3 Procedure

- Each department was requested to submit its individual language policy prior to their appearance before the panel.
- It was further required to make a PowerPoint presentation and respond to comments and questions posed by both the hearing panel and members of the public within an hour.
- The panel’s approach was collegial rather than adversarial, preferring to encourage the cooperation of the invited.
- Each department was further encouraged to be honest and to note that their presentations would be critiqued in line with both the constitutional requirement and the Act in question.
- The recommendations made in this report would be binding upon them upon being sanctioned by Parliament.
1.4. Breakdown of departments’ presentations and documentation provided

<table>
<thead>
<tr>
<th>Department</th>
<th>Invitation response</th>
<th>Attended hearing</th>
<th>Documents submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Agriculture, Forestry and Fisheries</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
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<tr>
<td>Department of Arts and Culture</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
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<td></td>
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<td></td>
<td>Progress report</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Basic Education</td>
<td>Apologies</td>
<td>No</td>
<td>Draft language policy (not considered by</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>panel at hearing)</td>
</tr>
<tr>
<td>Department of Communications</td>
<td>Yes</td>
<td>Yes</td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Correctional Services</td>
<td>No response to several invitations</td>
<td>No</td>
<td>No documents have been submitted to PanSALB</td>
</tr>
<tr>
<td>Department of Defence and Military Veterans</td>
<td>Yes</td>
<td>Yes</td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Economic Development</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Energy</td>
<td>Yes</td>
<td>Yes</td>
<td>Draft language policy</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
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<tr>
<td>Department of Environmental Affairs</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
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<td></td>
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<td></td>
<td>Progress report</td>
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<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Health</td>
<td>Yes</td>
<td>Yes</td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Higher Education and Training</td>
<td>Yes</td>
<td>Yes</td>
<td>Draft language policy</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Home Affairs</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Human Settlements</td>
<td>Yes</td>
<td>Yes</td>
<td>Draft language policy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Independent Police Investigative Directorate</td>
<td>No response</td>
<td>No</td>
<td>No documents have been submitted to PanSALB</td>
</tr>
<tr>
<td>Department of International Relations and Cooperation</td>
<td>No response to invitation, despite promises</td>
<td>No</td>
<td>A language policy was submitted after the hearing</td>
</tr>
<tr>
<td>Department of Justice and Constitutional Development</td>
<td>Yes</td>
<td>Yes</td>
<td>Draft language policy</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Labour</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Mineral Resources</td>
<td>Yes</td>
<td>No</td>
<td>Language Policy</td>
</tr>
<tr>
<td>National School of Government (Palama)</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>National Treasury</td>
<td>Unable to attend, owing to Budget speech preparations</td>
<td>No</td>
<td>A language policy and progress report were submitted after the hearing</td>
</tr>
<tr>
<td>Department of Planning, Monitoring and Evaluation</td>
<td>Yes, but failed to respond to further communications</td>
<td>No</td>
<td>A draft language policy was submitted after the hearing</td>
</tr>
<tr>
<td>Department of Public Enterprises</td>
<td>Yes</td>
<td>Yes</td>
<td>Language policy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Public Service and Administration</td>
<td>Asked for its appearance to be deferred, but then failed to respond to further communications</td>
<td>No</td>
<td>A language policy was submitted after the hearing</td>
</tr>
<tr>
<td>Department of Public Works</td>
<td>Yes</td>
<td>Yes</td>
<td>Draft language policy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PowerPoint presentation</td>
</tr>
<tr>
<td>Department of Rural</td>
<td>Yes</td>
<td>Yes</td>
<td>Draft language policy</td>
</tr>
</tbody>
</table>
### 1.5. The respondents in percentages

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departments that indicated they would testify and arrived (31 of 42 total)</td>
<td>73.8%</td>
</tr>
<tr>
<td>Departments that indicated they would testify and did not arrive (3 of 42 total)</td>
<td>7.14%</td>
</tr>
<tr>
<td>Departments that did not respond to invitations (7 of 42 total)</td>
<td>11.9%</td>
</tr>
<tr>
<td>Departments that have a finalised language policy (13 of 31 to testify)</td>
<td>41.9%</td>
</tr>
<tr>
<td>Departments that have a draft policy (10 of 31 to testify)</td>
<td>32.3%</td>
</tr>
<tr>
<td>Departments that have a language unit (9 of 31 to testify)</td>
<td>29%</td>
</tr>
<tr>
<td>Departments that have an implementation plan (6 of 31 to testify)</td>
<td>19.4%</td>
</tr>
</tbody>
</table>
2. POST-HEARING OBSERVATIONS

The submissions and presentations made by the invited national government departments alongside our subsequent analysis show that very little has been done by government to give effect to the constitutional multilingual requirement and the provisions of the Use of Official Languages Act (Act No. 12 of 2012) (UOALA) since its inception five years ago. Apart from apparent lack of political will to promote South African official languages and inculcate multilingual ethos there is a lack of understanding of why the promotion of all eleven official languages and status elevation of previously marginalised official languages are important. Almost all departments perceived the UOLA and the multilingual language policy implementation as sheer provision of translation and interpreting services, rather than creating equitable space for the official language to grow and create value.

Most departments admitted to not having done anything about implementing the UOLA. There appeared no inclination to allocate sufficient human and financial resources towards multilingual language policy development and implementation. They unequivocally displayed a strong predilection to default to English on the assumption that it is easier, logical and commonsensically the only language inherently able compared to others. “Practicability”, “as far as reasonably practicable”, along with lack of insufficient budget, were the bylines fronted frequently as the main reasons that impede the use of the previously marginalised languages in departmental official business.

A particular stumbling block is the process of developing proper multilingual language policy, the bedrock that nurtures linguistic diversity. 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. Virtually all of the departments slavishly followed this template and produced almost identical “language policy” documents. Instead of developing multilingual language policy befitting their individual context they merely restated UOLA. None of them devoted any serious thought to the following key points:

- the ultimate benefit the adoption of a more diverse linguistic framework would bring to their departments and the people they serve;
- the linguistic right of both the departmental client and staff;
- the value of remedying the persistent linguistic imbalance in South Africa.

Parliament earnestly enacted this legislation for government to implement but the latter, as evinced by the position entoned, updicate its solemn responsibility.
3. RECOMMENDATIONS

- The government departments should construct acceptable multilingual language policy with time-framed implementation plan.
- Both the language policy and its implementation plan should be strategically biased towards the development and creation of business space for the indigenous South African official languages.
- The departments should in tandem make solid provision for sufficient resources to enable language policy implementation.
- They should accord top priority to fully functioning language units with cogent executive standing within the departmental executive/management committee.
- The language units should be a multilingual language policy implementation structure of the departments and shall therefore not be limited to translation, editing, proofreading and interpreting. They are meant to actively entrench multilingualism within the context of each department’s business, thereby enhancing service delivery.
- The department should appoint professional and expert language practitioners well entrenched in multilingualism, language policy studies, language politics and related studies. Each government department should be dutifully bound to develop its own specialised multilingual terminology lists and get them verified and authenticated accordingly.
- PanSALB will facilitate language policy workshops for departmental staff, management and executives on multilingualism, language policy development and implement, terminology development, and indigenous languages empowerment.
- PanSALB will continuously monitor and evaluate language policies development and implementation to provide necessary support and guidance.
4. THE HEARING PANEL

The panel for the PanSALB hearing consisted of the following four persons:

- **Dr Rakwena Reginald Mpho Monareng**, the CEO of PanSALB
- **Dr Lepono Peter Boshego**, a retired senior academic in African Languages at Unisa and the College of Education. He is a former chairperson of the Sesotho sa Leboa National Language Body, former chairperson of the Gauteng Province Geographical Names Committee and member of the South African Geographical Names Council. He has served as a Commissioner on the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL), and is now an independent researcher and language consultant.
- **Professor Cordelia Kirk**, a retired University of Limpopo sociologist, who worked in the research department at the institution’s School of Social Sciences. She is a specialist in policy formulation.
- **Dr William Langeveldt**, an activist and leader of the national Khoisan movement, from Vryburg in the North-West province. He previously served on the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, and also represented indigenous people at the United Nations.
5. PRESENTATIONS

Here follows chronological order a summary of the oral presentations by representatives of the various departments that appeared before testified before the panel, together with follow-up comments and questions from the audience.
Representative: Dr Mbulelo Jokweni, Chief Director:
National Language Service Unit, accompanied by five
senior managers in the Department of Arts and Culture.

Presentation

The Department of Arts and Culture (DAC) indicated that
it has a language unit, as required by the Use of Official
Languages Act (UOLA); furthermore, that the Act itself
was driven by DAC and falls within the minister’s
purview; and that since 2013 the DAC has played a
pivotal role in ensuring that other relevant entities –
government departments, entities and public
enterprises – comply with its provisions by assisting
them in adopting their specific policies.

It also mentioned that the first requirement of UOLA is
the adoption of a language policy. There had not yet
been 100% compliance by all affected entities, but
government departments had all taken this step already.
DAC was grateful to PanSALB for realising that it was
important to “take over monitoring of the Use of Official
Languages Act’s implementation, in terms of its
constitutionally mandated language oversight role”. It
further promised to assist as far as possible in ensuring
complete compliance. The DAC National Language
Service Unit comprises four directorates:

- The Language Planning and Development
  section, which is mainly responsible for policy
  and legislation
- The Translation and Editing Service section,
  which is responsible for the translation of all
  official languages, but is not limited to them
- The Terminology section develops terminology
  in specialised fields; it was very important to
  have terms for subjects such as mathematics in
  all the official languages
- The Human Language Technologies section,
  where a lot had been done in terms of machine
  translation-assisted systems and spellcheckers.

Importantly, government departments are required by
UOLA to establish language units that are meant to
implement language policies. The DAC language policy,
which was submitted to PanSALB, was adopted early
and translated into all 11 official languages, and also
printed in Braille. Posters featuring the language policy
are displayed in departmental buildings. All its efforts
are aimed at the promotion of multilingualism in South
Africa.

Questions and comments

The PanSALB panel congratulated DAC for having been
among the architects of the Languages Act, from which
all government departments, entities and public
enterprises had to take their cue in adopting their own
specific language policies. It drew DAC’s attention to
section 3 of the policy, which is about its purpose and
regulatory context; section 3.1 of the policy notes that
section 4 of UOLA requires all government departments,
entities and public enterprises to have their own
language policies, specific to their varied mandates. The
panel requested DAC submit its language policy
document. This was prompted fact that what DAC
regards as the policy document was actually a replica of
the UOLA, in terms of structure and content; thus,
meaning that what DAC presented was actually a mere
reproduction of this Act.

The panel also noted that with regards to structure and
content almost all other national government
departments had taken their cue from the DAC language
policy document. Simply put, theirs were reproductions
of the DAC document which is not a language policy
document as prescribed by the Act (cf. 4(2)(3) of the Act).
The fact is that it is unclear where the rules end and the
actual policy starts. In other words, there is no clear
policy in the document.

After some lengthy discussions, with DAC arguing in
defence of its document as correct, despite the fact that
it restates what the requirements of the UOLA are, the
panel pointed out that the National Language Service
Units, mentioned above, were not adopted in terms of
this Act, and that DAC should go and check what the Act
says about establishment and functions of language
units (cf. sections: 5-8).

Furthermore, the panel wanted to know how it, in terms
of the DAC document’s section 6.1.2, monitors the use of
official indigenous languages as contemplated in section
4(3) and 6(1) (i-iii) of the Act. It was also asked if, after all
these years, it has ever compiled a report or advised the
Minister on the matter of this policy, as prescribed in the
Act (cf. 6.1), and whether it does promote equitable
access to services information, and provide practical
examples. There was no answer to all these questions,
which indicates that the Languages Act is never
considered or taken seriously.
The panel commented that under section 6.5 of the DAC policy document, it could have listed the various units and the work they do, as this would perhaps explain what the department is doing. It wanted to know DAC meant by “good language management”, which appears in sections 4.1.3 and 6.1.7 of the DAC document. The request for the definition of the term was repeated twice, but DAC could not provide an answer.

It stated further that the DAC language policy should include a clearly articulated action plan, including timelines, explaining when the policy will be reviewed – e.g. every four or five years, which may be inadequate, depending on the situation and conditions within the department; and when it is time to review both the policy and its implementation plan. An implementation plan must be clearly articulated and recorded in writing, and this is not made clearly in the DAC language policy document.

The panel expressed discomfort that a table under section 8.2 of the DAC language policy document shows English as the only language to be used for inter- and intra-government communication, as well as international communication. In terms of the criteria in section 8.1: language usage, practicality and expense all official languages are to be used for other forms of communication (that is, written and oral communication with the public, official publications for the public, and public hearings and other proceedings, as well as South African Sign Language interpreting and Braille text for hearing- and sight-impaired people).

The panel argued that in international communication, using English only simply preserves the colonial and apartheid status quo; yet several of South Africa’s neighbours have languages in common, such as Xitsonga, Setswana and Sesotho, and it asked if DAC was creating spaces for alternative languages (cf. 4(3)).

Regarding intra-government communications, the panel asked how DAC could inculcate the use of alternatives to English (cf. 6(2)(3)(4) RSA; 4(2)(3) of the Act). An implementation plan would show whether or not the department is opening up spaces for other languages to work well. The disclaimer reasonable practicality is simply blocking the use of indigenous South African official languages. The issue is not to conform, the panel said, but rather to push the line for multilingualism.

The panel turned its focus on section 10.1 of the DAC language policy document, which requires people who wish to communicate with the department in a language other than an official language to request this in writing, as well as sections 11.1 and 11.2, which requires people who wish to communicate in South African Sign Language to request this in writing, and promise to provide such services within 20 working days of a request. These provisions are unacceptable, panel argued. DAC must understand that it provides services to the majority of South African who speak the previously marginalised official languages as their mother languages. The 20 days bureaucratic requirement referred above is an act of discrimination- antithetical to speakers’ right to use and be serviced in their language.

It enquired further from DAC as to how much power its language unit wields: can it demand budget, or adherence to multilingual policy execution? Unlike PanSALB, which cannot intervene in the decision making of government departments executive, a language unit should be empowered negotiate internally. A member of the audience stated that all national government departments, national public entities and national public enterprises are supposed to report annually, on language policy matters to PanSALB, and, thus, wanted to know if that is happening; and if entities do not comply, what punishment do they receive?

Response

DAC said the gazetted language policy document had been submitted to PanSALB. It was first National Department first to adopt a policy as required by the UOLA, and the document before the panel is the department’s actual language policy. It had been developed exclusively for DAC, but other national government departments may have taken it for themselves. Those departments will have their own language policies; each one’s policy should address its own particular circumstances. It said section 6 of its language policy stipulates exactly what the responsibilities of the DAC’s language unit are, and section 7 of the policy explains training and capacity building. Restating parts from UOLA was for contextualisation, but the DAC took the panel’s point about repetition. It is a policy, and is available on the DAC’s website.

It said that translations and editing are among the most important means of developing multilingualism. The DAC sees its Directorate: Translating and editing as key in that respect. As part of quarterly reporting on targets, the department includes a further breakdown of documents submitted for translation into African
languages; and the extent to which the department uses translation services is then tabulated. The departmental internal communications also provided assistance with translation and editing of documents, to address multilingualism. DAC is thus making good on its responsibility to monitor and assess work done, and in so doing is ensuring linguistic parity and that all the official languages are given attention. Regarding parity of esteem and the equitable treatment of official languages, the department referred the panel back to the DAC language policy, which lists all eleven official languages as those of the department. Whatever it does in terms of promoting languages is done in all of them. For example, it undertakes terminology development, including in several technical domains, in all official languages.

Human language technology refers to the simulation of language processes using technology such as automatic translation, spellcheckers, speech recognition and the production of speech. The DAC’s Directorate: Human Language Technologies has been supporting human language technology projects all over South Africa by publishing calls for proposals; if they fit the National Language Service mandate, they are then supported. Groundbreaking work has been done in the official languages. One example is the creation of computer voices for all of the official languages, which are available for implementation in various systems to enhance accessibility; for example, for people who cannot read or who are blind.

Internally, DAC has implemented a human language technology project named Autshumato, which provides assisted translation. A bundle of products, including end-user software that learns as one translates and offers suggestions. This software is open-source and can be downloaded by anyone. DAC has been training language practitioners in different government departments for some time, and is available for answering any queries. [The panel later said it was happy that the project was named after South Africa’s first translator, Autshumato, who is better known as Harry the Strandloper].

DAC has also been working on machine translation systems for the official languages, to translate from English into any other language, with the help of this assist translator can edit without having to start from scratch. These translation systems are hosted on the department’s server, allowing translators with internet access to use them. Not only DAC translators are being assisted in terms of its own language policy, but translators everywhere. DAC is in the final year of a three-year language bursary scheme in partnership with six universities. So far, more than 1 800 bursaries have been awarded to students studying the official languages, thereby growing language practitioners who can be employed in the language units envisaged in the Use of Official Languages Act. Different universities will be used from 2018 onwards for the bursary scheme, but they have yet to be identified.

DAC emphasised that the impression that some of PanSALB panel have of the language policy is incorrect, i.e. DAC should have been the first to submit their language policy followed by the rest of national department. There was a single deadline for all departments to adopt their own language policy, in terms of UOLA. It would have been good for DAC to adopt its policy first, but this was not a requirement. Each department has its own stakeholders, which means it needs its own policy. Even the adoption of official languages by each department is not prescribed: departments will choose a minimum of three that are not necessarily chosen by others; it was a good thing that DAC adopted all 11 official languages. With regard to an implementation plan in the language policy document, DAC said its targets are outlined elsewhere in the document. One can adopt various policy development approaches, and in this case implementation has been built into the policy and is therefore not separate. It further said that the policy is merely a supporting document pertaining to language: DAC has a strategic plan, its annual performance plan and an operational plan, as well as monthly, quarterly and annual reporting mechanisms. All these aspects, brought together, support the language policy, along with the inputs of bodies such as PanSALB. It, however, differs with PanSALB on the matter of an implementation plan, as this is dealt with in the various aforementioned mechanisms.

DAC stated that there is no prescribed way to draw up a policy. It is further believed that there is implementation consistent with what the policy requires. The policy should be seen as intending to fulfil one purpose: the promotion of languages and multilingualism. The implementation plan which PanSALB seeks is included in all plans of the department. It however conceded that English is used for inter- and intra-government communication and international communication, but argued that translation is available for the other official languages upon request whilst English is used for practical reasons in international interactions. One could not expect to go to another country and use another of South Africa’s official languages, it argued. In other
cases, the other official languages are used for communication with the public; DAC will communicate with people in the language of their choice, for government-to-government language is English. The requirements for written requests to communicate in non-official languages or in South African Sign Language, as per sections 10 and 11 of DAC language policy, are necessary because there is no way to tell beforehand that a stakeholder will prefer a particular language. Notification helps in fulfilling a person’s request, and therefore becomes important. It is important to note that notification does not apply to official languages.

DAC operates in a bureaucratic space and must, for example, adhere to procurement practices for assigning interpreters. It argued that available resources need to be considered. Likewise, the Constitution makes this consideration to PanSALB when the latter assigns the Sign language and the Khoisan languages promotion responsibility to the former (PanSALB). On the question of language units demanding budget, the DAC said that the PanSALB panel knows well that one does not always get the budget one wants. The same holds true for PanSALB, and this has nothing to do with policies; one has to look at budgeting beyond the issue of policy. But the issue of budget should not be discussed at this hearing. In response to the comment and question from the audience member, DAC said that it is one of 47 government departments to implement UOLA. After all PanSALB has only recently begun monitoring compliance with this Act; the DAC has however been performing that role.

**Conclusion**

It is true that DAC is one of those national government departments that submitted its documents early. There seems to have been some confusion with regards to fulfilling the prescripts of section 4(2)(3) and 5(a)(b) Act, 2012, though. That led to the unfortunate submission of a facsimile of the Languages Act, 2012 instead of a properly constituted multilingual language policy and the implementation plan detailing how the prescripts of the Act would be carried out. Thus, at the moment, DAC has no acceptable language policy, implementation plan and language unit.

Section 5.1.2 of the DAC policy document explains the work of DAC as developing, promoting and protecting the official languages of South Africa and enhancing the linguistic diversity of the country through policy formulation and implementation. This statement resonates with the provisions of sections 6(2-4) of the Constitution; 4(2)(3) Act. Ironically, DAC has English as its main language of business thus ignoring its own mandate and the obligations of the above cited legislation (cf. 8.2). There is no perceptible signal of how the rest of the official language would be incrementally introduced into the centre of running the departmental official business. Over and above that there are many contradictions, rendering the DAC policy document unacceptable at the moment.

It is hoped that on its next appearance before this hearing, DAC will submit properly formulated documents which elevate and advance the status of the indigenous languages by fostering the spirit of multilingualism among colleagues, within DAC premises, and in communication with the broader communities of South Africa it services – all these done in order to promote and respect multilingualism for social cohesion and nation building.
Day 1
13 February 2017

Department of Agriculture, Forestry and Fisheries
5.2 Department of Agriculture, Forestry and Fisheries

Representative: Mr Steve Galane, Director: Communication Services.

Presentation

The Department of Agriculture, Forestry and Fisheries (DAFF) expressed appreciation that the hearing would enable it, and other departments, to work from the same page regarding official languages policies. DAFF worked on the basis of the Constitution of 1996 and, as well as the Act’s regulations. This has allowed the department to do things differently, and it has seen the use of izimbizo moving to the provinces. When its principals go to the provinces, DAFF is able to use the languages of each province. The minister, deputy minister and director-general speeches are prepared by the department’s communication component, not only English but also the languages of the provinces where services are to be delivered. DAFF decided that it would gradually move away from the exclusive use of English. When it attends events, the use of regional languages is promoted, and interpreters accompany the department wherever it goes to service the people.

In terms of the language policy template provided to DAFF by DAC, the former decided that inter- and intra-government communication would be in English. It noted the comments made by the panel during the DAC presentation session that South Africa has other languages in common with its neighbouring countries. DAFF has decided on four departmental languages, which were determined by means of an open survey among its more than 6 000 employees in 2013 and 2014; the languages chosen were English, Afrikaans, isiZulu and Sesotho sa Leboa, with isiZulu representing the Nguni language grouping and Sesotho sa Leboa the Sotho grouping – for now. Documentation is made available in these four languages.

However, DAFF knows that, given the historical dominance of agriculture by Afrikaners, the majority of the correspondence it receives is in Afrikaans. This has been a challenge, as most ministers in this portfolio have not been Afrikaans-speaking. It has a unit of five people responsible for editing and, to a lesser degree, translation services. Communication with the public is mainly in English. It makes use of specialised translation services where required. With reagards to official publications intended for the public, the focus is on using regional languages, as well as MINMEC requirements. English is used for internal communications, and meetings with both internal and external stakeholders are conducted 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.

In terms of the its role of providing support to the African continent, external interpreting services are used when communicating with non-South Africans whose language of choice is not one of the official languages. Language is always a factor considered before engagement takes place. South African Sign Language interpretation is provided at all events hosted by DAFF. The Minister has adopted a school for the blind in the Groblersdal area of Limpopo, and visits it every quarter. This shows that the department takes language issues seriously. The department’s supply chain management processes also promise to take care of language-related requests from members of the public within 40 days. The Office of Support Services in the Office of the Director-General, together with DAC, will annually report on engagement with the public in terms of language use.

DAFF has not received any complaints about language use, but its language policy addresses how such complaints should be handled. The language policy was made official in 2016 and is meant to be reviewed every three years. It is in the process of implementing it, but insufficient budget constraint any efforts to capacitate the language unit.

Questions and comments

The panel thanked DAFF for its presentation. It stated that while UOLA stipulates that government departments choose a minimum of three of the official languages in which to operate, it would be more helpful to choose languages regionally instead of having four overall. In the Northern Cape, for example, isiZulu and Sesotho sa Leboa would not be particularly helpful. One panellist had attended many government-held meetings in Upington, where people were angered by the use of English only. Afrikaans cannot be overlooked. The prevalence of Afrikaans speaking community in the food production sector, particularly in the Western and Northern Cape, obliges that Afrikaans be a key considered for a multilingual drive. It is also known that the Department of Rural Development and Land Reform
plans to launch agri-parks in 44 districts around South Africa, in which poor communities will hold a controlling percentage. Food production will be more diversified, but the dominant languages of communities and the incoming/new agricultural players.

The panel’s main concern is that the DAFF submission does not clearly articulate its language policy. The latter adopted a layout the DAC language policy (cf. page 15 first paragraph and the last paragraph, which runs on to page 16 of the presentation). It did not design its mandate specific multilingual language policy. The language policy implementation plan was not submitted. Its review circle is thrillseshot. Three to five years is the ideal time frame. The panel wanted to know what the department means by “good language management”; meanwhile the DAFF oral presentation emphasised language management, its submission is mute on this concept.

DAFF was asked whether the department has a language unit, what it role is, how much budget it has and what powers it has within the departmental executive structure. The answer was a negation, which prompted the panel to advise that question of power is important because most departments will create a peripheral body to simply tick box as a mark of meeting bare minimum requirement –sheer malicious compliance. It was also noted that language choice for service delivery is skewed towards what the ministers and the associates principals of the department prefer instead of the departmental customers (cf. para: 2 page15). This is wrong and needs to be stopped immediately. Government ministers are people’s servants, and not the other way around. The panel hoped that more progress would have been made by the time PanSALB meets with DAFF again.

Response

DAFF said that when it engages with communities, programme directors are always members of the communities. It is fortunate that the minister and deputy minister, between them, also speak many of South Africa’s official languages. It conceded that it had used the Government Gazette format for drafting its language policy, but now realised that what it has is not a policy document. Thus, it would look into reworking the document according to its own mandate and in terms UOLA. It conceded that it does not yet have a language unit. Instead it established Editorial Service Unit to translate departmental documents from English and Afrikaans vice versa. DAFF’s attempt to establish the language unit was scuppered by a change of management – and then ran into budgetary problems. It however hopes that PanSALB would report back to senior management about the importance of a language unit and allocating budget to it. Regarding powers to promote its multilingual language policy, there are none.

Conclusion

Although some of the contents of the DAFF report displays a tinted whiff akin to promote multilingualism, there is nothing to indicate how it does so within its own ranks. The contents of its policy document marks of an overreliance on the set of rules and structure referred earlier with regards to the department already interviewd. much influence by the DAC, which is confirmed in the report (cf. p15 presentation). In short DAFF has none of the three-basic requirement of a multilingual drive: language policy, an implementation plan and a language unit adopted in terms of UOLA and the Constitution of the RSA. DAFF promised to rework its policy document and to establish a language unit and hand the document(s) over to PanSALB.
5.3. Department of Communications

Representative: Ms Mathope Thusi, Corporate Services, accompanied by Mr Tshegofatso Kgaborjang, Directorate: Legal Services, and Ms Ntombi Masakazi, Directorate: Broadcasting Policy.

Presentation

The Department of Communications (DoC) did not provide any documentation to the panel, other than its PowerPoint presentation. It stated that it is a newly established national government department, effective from 1 April 2015, following a Presidential proclamation of 2014 and a determination by the Minister of Public Service and Administration in January 2015. Its mandate is derived from the President’s pronouncement that entails: developing an overarching communications and broadcasting policy and strategy; providing information dissemination and publicity to promote an informed citizenry; and to brand South Africa abroad to assist the country in promoting investment, economic growth and job creation.

DoC’s mission, taken from its mandate, is to create an enabling environment for the provision of inclusive communication services to all South Africans in a manner that promotes socio-economic development and investment through broadcasting, news media, print media and other new technologies, and brands the country locally and internationally. Several state-owned entities report to DoC, 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). It is a small department that started with 27 employees, transferred from the former Department of Communications (now the Department of Telecommunications and Postal Services); 24 were line-function employees, and the remainder in corporate services. A further 47 posts were acquired from GCIS, and the current staff complement stands at 90.

However, there is no prospect of DoC growing further, or establishing a language Unit, owing to budgetary constraints. Since its establishment, the department has not received an increase in budget to grow capacity. It will regardless of its limitation strive to comply with the prescripts of UOLA and the Constitution of the Republic of South Africa. DoC said that it recognises that section 6(2) of the Constitution requires the state to take practical and positive measures to elevate the status, and advance the use, of languages. Although it does not yet have a language policy in place, it is trying to advance the use of official languages through its flagship programme, digital terrestrial television (DTT).

The minister launched the DTT public awareness campaign in July 2015, in the form of the minister’s izimbizo, door-to-door engagement, mall activations, taxi rank activations, roadshows, posters and pamphlets. Presentations have been made to schools, churches, tribal councils, and provincial and local government executives. As far as possible these activities are done using all official languages, taking into consideration the audiences. In trying to comply with the Constitution, DoC plans to develop a language policy, incorporating everything that is required. It aims at ensuring that the department’s director-general is advised on the implementation of such a policy.

Questions and comments

DoC’s short presentation did not indicate whether it is in the process of developing its language policy? UOLA emphasises the use of official languages to inculcate multilingualism in the national government departments, national government entities and the national government enterprises as service providers to the South African citizenry. That is, what the panel expected DoC would include in its presentation. It further, wanted to know what the DoC has done, since 2015, to promote the official languages, specifically the use of indigenous languages as prescribed in section 6(2) and 6(2)(b) of the Constitution as well as section 4(3) of UOLA. The panel recommended that DoC study UOLA and the provisions of section 6(3)(a)(b) and (4) of the Constitution so as to develop an appropriate language policy. It asked DoC to respond honestly on whether or not it would have initiated its language policy development process had it not been called to appear before this panel.

It offered guidance to the DoC on how to design a language policy and the implementation plan. It stressed that it is crucial that DoC establish a language unit, as prescribed in section 5(a)(b) of the Act. The key, DoC was told, is to create space for the indigenous languages within its business environments. It cautioned against either following the GCIS policy or using the headings provided in the UOLA slavishly; DoC needs to implement the Act according to its own departmental mandate. It stressed that DoC needs to study what multilingualism
entails and how to create space within its business operations for indigenous languages to operate.

Response

DoC repeated its earlier statement that it has yet to embark on the process of developing a language policy, but it does already use the official languages in its DTT programme. A plan is in place to kick-start the process; GCIS, with which DoC shares a building, already has a policy and language unit, and it will work with it to develop its own policy document and establish a language unit, as advised. It confessed that in all honesty, development of a language policy and establishment of a language unit had not been in its plans until PanSALB queried the matter.

Conclusion

DoC does have neither the language policy nor language unit, as per the UOLA requirement. It however promised address this matter and ultimately submit its document to pansalb for guidance.
The Department of Defence and Military Veterans (DoD) testified that it is departmental policy to devise a communication system in the context of multilingualism, in terms of the Constitution, the Defence Act (No. 42 of 2002), the Defence Review of 2015, and the Use of Official Languages Act (No. 12 of 2012). It aims at ensuring efficient administration, command and control by promoting the use of applicable languages for effective internal and external communication. Its policy principles entail:

- English is the operational language of the South African National Defence Force (SANDF), but all 11 official languages are respected as being of equitable status, in terms of section 6(3)(a) of the Constitution
- The use of other official languages in the DoD takes into account practicality, expense and available technical resources, regional language circumstances, and the balance of needs and preferences of the target population
- Non-discriminatory language practices
- Language diversity as an asset in dealing with officials and citizens
- Striving for effective and efficient communication in all 11 official languages
- The sharing of joint responsibility between the sender and the receiver to ensure that the message is understood
- Language intervention measures (including translation, editing, proofreading and interpreting) must support effective and efficient communication
- All language intervention measures must be done in the spirit of respect for cultural groups and equity, in order to enhance nation building and social cohesion
- Language and intervention measures to be used depend on the context or situation and/or the need to perform DoD tasks and conduct military operational missions successfully

The goals of the DoD language policy include enhancing effective and efficient communication among all DoD officials by recognising language as a basic human right; addressing communication needs for operations and defence diplomacy; ensuring that all languages are given due recognition in the military context, and for effective military communications; and ensuring a DoD language capability that supports translation, editing, proofreading, interpreting and training.

The current DoD language policy has been reviewed, and inputs received have been integrated in terms of the four relevant statutes. When complete the reviewed policy will be published on the DoD intranet and website. The reviewed policy is currently being translated into all the other official languages. Linguistic diversity and multilingualism interventions include the translation of important documents into the 10 other official languages in line with provincial linguistic preferences and departmental need. Interpreting services are offered during matters such as disciplinary hearings and medical consultations.

Language training is conducted in English and other official languages, as required and within means. Training is provided in English for communication and conventions of service writing. In support of overseas operations, training is given in French, Portuguese, Swahili and Arabic. A database of outsourced sign language service providers is maintained, and interpreters are provided within means. Elementary sign language training is also offered through an external service provider, allowing for engagement with people with special needs at DoD events such as conferences. The DoD Language Services Unit also participates in the DAC’s language forum, for planning and reporting purposes.

DoD was one of the first national departments to comply with the UOLA and its National Language Policy Framework by establishing a language unit in form of the Language Services Unit. This Unit has grown over time into a fully-fledged, adequately resourced entity that complies with DoD and national language requirements. It operates under the chief of human resources in the Chief Directorate: Human Resources Development with 27 qualified language practitioners. Its headquarters are in Pretoria, with a regional office in Simon’s Town and satellite offices in Oudtshoorn, Kimberley, Kroonstad and Potchefstroom. There are language unit support systems in all the arms of service: the SA Army, SA Navy, SA Air Force and SA Medical Health Service.
The roles of the Language Services Unit entail providing policy advice, doctrine and instruction for the DoD language policy; directing, advising and monitoring the provision of editing, interpreting, translation and proofreading outsourcing services; directing, advising and monitoring the development of education, training and development training (ETD) curricula and study materials; directing the provision of ETD training; accreditation requirements; direct, advise and monitor the provision of language education and training, and development; and ensuring the management of the Directorate: Language Services as a line function in DoD.

The Language Services Unit has several responsibilities, including language planning; language policy development/review, implementation and monitoring; a language advisory service; generic and functional language training; translating and editing DoD documents of significance; outsourcing of certain training courses and services; provision of interpreting services; terminology/lexicography development for DoD, and management of the DoD’s conventions of service writing standards.

Questions and comments

The panel thanked DoD for its presentation. It was clear that DoD made an effort. The main point of the panel discussion is specific: monitoring the observance of the Use of Official Languages Act, (No. 12 of 2012). It is about how the DoD promotes multilingualism within its own ranks and among the entire South African population it serves. Further, it establishes how DoD uses official languages, especially taking into account its obligation to take practical and positive measures to elevate the status and advance the use of indigenous languages of historical diminished use and status in accordance with section 6(2) of the Constitution and section 4(3) of the Act? In essence, its policy needs to bring redress in the imbalances of language usage in the past.

The panel also noted that DoD presentation was not in line with UOLA, particularly with regard to the nine indigenous previously marginalised official languages. The focus prior the South African democratic dispensation (1994) was on English and Afrikaans as main languages. Indigenous languages need to come to the foregrounded in significant formal context in the current era. Majority of defence force members, who serve their fellow South Africans, are speakers of the indigenous languages afterall. What the panel had expected was a presentation that explained how DoD goes about promoting the use of indigenous languages to play a significant role in mainstream departmental formal business milieu. What purpose does translation activities to previously marginalised languages serve if the translated documents are systematic deprived prominence within the formal departmental Business?

The panel wanted to know whether DoD developed its language policy, implementation plan and did establish language unit? It said the DoD policy needs to show how it encourages people to use previously marginalised indigenous languages, particularly among its staff members. Learning to speak each other’s languages ensures multilingualism, resulting in social cohesion and nation building. The panel asked, regarding the DoD presentation, what the abbreviation “PSO” means. It questioned a statement in the presentation that the DoD language policy was for “effective internal and external communications”, asking whether this related only to the DoD or the country as a whole. It queried whether or not the DoD conducted an audit of speakers of the previously marginalised indigenous official within its own staff members. Regarding the Language Services Unit’s satellite offices, it asked why there are no offices in KwaZulu-Natal and the Eastern Cape, as most offices seem to be in the interior.

The panel said that while DoD attempted to address the multilingualism, it is important to note that it cannot be business as usual. Plans should be devised to put the use of indigenous languages at the centre of its efforts. It asked as to what power the Language Services Unit has to call the department executives, minister, deputy ministers, Director general etc, to order when the multilingual code is broken, and to also claim budgetary resources for its work? It remarked that it was not impressed to see English dominating training and courses. Beginner courses are said to be in indigenous languages such as isiZulu and isiXhosa, but English dominates. This is why the idea of business unusual is important. Nevertheless, the DoD presentation was impressive, and hard work has been done. The agenda is at hand is a drive for multilingualism.

Response

DoD said it provides training in the official languages. SANDF members may request such training via the DoD internal administration system, where annual courses are advertised. Its draft reviewed language policy, which is currently in English, will be translated into all the official languages. Care has been taken to ensure that it complies with the Constitution and the Use of Official
Languages Act, and internally, the Defence Act (No. 42 of 2002), as well as the Defence Review of 2015. It promised that the properly formulated language policy document would be presented to PanSALB as soon as it is finalised.

It also said the Defence Minister has indicated that multilingualism is an endeavour of the entire DoD, and not just individuals. Departmental meetings are usually addressed in one of the Nguni languages, signalling that social cohesion is critical in every setting, be it at home, in the workplace or at social occasions. It noted that it is essential to give respect and recognition to individual official languages. They need to be treated equally, within applicable means.

The presenter also noted that the panel is correct to point out that DoD members go on deployment, where they engage using various official indigenous languages. In such cases DoD prepares survival kits for its members in various languages, enabling them to teach each other various official languages and entrenching social cohesion. The policy statement in its presentation referred to effective communications within and outside DoD. DoD’s point of departure, with regards to an indigenous language audit, has been to research language preferences, which it correlated with 2011 Census information. It then assessed proficiency among its members in various languages. At the beginning of each financial year the DoD conducts skills audit which goes hand in glove with its language requirements; this extends not only to official languages, but to all languages utilised by DoD. This information then informs language training requirements. There is a dire need for people to learn each other’s languages. One way of addressing this is blended e-learning, where people can access the DoD’s intranet at lunchtimes and learn other languages. Opportunities are being opened up, and language needs and achievements are reported in the DoD’s internal newsletter, The Soldier.

It said that when it comes to satellite offices, the Language Services Unit is one of the government’s oldest and has evolved over time, but there has been attrition and several of its language practitioners were either retiring or had gone elsewhere. This is why there are no satellite offices in some regions. Regarding its powers, the Language Services Unit follows a command line within DoD. It reports to the chief director of human resources development, who in turn reports to the chief of human resources. This chain of command then moves up to the chief of the SANDF, the deputy minister and the minister. Everything tabled in the department is escalated accordingly. Budgetary requirements are submitted each financial year. But the unit needs to transform to meet changing circumstances; for example, resources are being made available to effect e-learning. Translation software has been requested to streamline translation services.

In the reviewed language policy, each principal is assigned a task to ensure that multilingualism is entrenched. This helps to ensure that adequate funding and resources are made available. When there are national language and cultural events, which are celebrated in every department, the DoD ensures they are also marked in the SANDF. In short, the DoD will definitely meet the requirements of the Use of Official Languages Act, but the needs of the defence force must also be considered. In particular, because lives are at stake, instructions must be understood.

**Conclusion**

Much has been done with regard to the promotion of multilingualism at the DoD. The only challenge is that its language policy document is too general and not adopted in terms of UOLA. The aim of the hearing was to establish, monitor and investigate national government departments’ observance of the Constitutional provisions regarding the use of languages and the provisions of the UOLA, and further to monitor whether language units deal with implementation of the Act once established. DoD was advised to develop its policy and establish a language unit in terms of the prescripts of the UOLA. It was further advised to adopt a strategic bias towards entrenching previously marginalised official languages it formal daily business.
Day 2
14 February 2017
Department of Economic Development
5.5. Department of Economic Development

Representative: Mr Thembinkosi Gamlashe, Director: Communications.

Presentation

The presentation of the Department of Economic Development (EDD) was based on the language policy it had recently developed. It does not have a language unit, but this function is embedded within the EDD’s Communications Unit due to a severe staff shortage. However, its language policy was developed in terms of the UOLA- all government departments are directed to develop such a policy and establish a language unit, in terms of section 4 of the Act. The regulatory framework includes South Africa’s supreme law, the Constitution, the Use of Official Languages Act and its regulations, the National Language Policy Framework of 2003 and the National Communication Strategy Framework for 2014-2019.

The EDD’s Chief Directorate: Corporate Management is the custodian of the departmental language policy, which applies its stakeholders. The EDD adopted all 11 official languages, but within the department and in business dealings with other departments and institutions uses English as a lingua franca. Oral and written communication with members of the public will be in the official languages, as well as in official publications for distribution to the public, but inter- and intra-government communications, international communication and the EDD website will all be in English. Outreach is in English; and, depending on the geographical area, two alternate major official languages of preference will be used concurrently where feasible, and if requested. Public hearings and other official proceedings will be in English, but requests can be made to provide interpretation in any other official language. The EDD arrange South African Sign Language interpretation, and the conversion of text into Braille and audio. Regarding staff communication, EDD employees are permitted to communicate in the languages of their choice, provided that everyone understands the languages being used.

Stakeholders may request that written or published communication be provided in an official language; but they must do so in writing, at least 60 days before the information is required. Should a member of the public wish to communicate with the EDD in a non-official language, this must be done in writing and the department will give the request due consideration. Similarly, requests for communication in South African Sign Language must be done in writing, and the EDD will arrange for interpreting within a reasonable time. Regarding access to the EDD’s language policy, it will be translated and published on the department’s website in all official languages, and also be available in Braille and audio format. The English version of the draft policy, for which approval has been granted, will be published in the Government Gazette for public comment.

A complaints mechanism will ensure that any complaints regarding the policy will be directed to the Office of the Director-General of the EDD. The director-general is required to respond to the complaint within two months, or the matter may be escalated to the minister. As a relatively new department, development of the policy only started in 2016, following workshops presented by the Department of Arts and Culture. The policy was then developed and workshops with employees and organised labour, adopted by the department’s management committee and approved by the acting director-general (the EDD does not have a full-time director-general). At the time of the PanSALB hearing, the EDD was in the process of gazetting the draft policy by the end of February 2017.

Questions and comments

The panel commented that it is a pity that the EDD, one of the largest government departments, does not have a language policy and Language Unit. It also noted with regret that the presentation, which seemed to have been hurriedly compiled, mentions that EDD will adopt all 11 official languages in South Africa to communicate with stakeholders, but it rushes to choose English, said to be the lingua franca of the RSA, to be the language of operation at all levels, including within the precincts of the EDD. To use any other language, permission must be applied for 60 days prior to the event taking place. The presenter was reminded of the purpose of the hearing which, in the main, was directly opposed to the presentation, which was in conflict with the promotion of multilingualism. The presenter was also reminded of the expectations of the hearing which, among others, wanted to find out from national government departments what they are doing with previous marginalised indigenous official languages with regard to the prescripts of both the Constitution and the languages Act. What space are they being given, since they are marginalised? The main point at hand is redress for social cohesion and nation building. It was
also noted that section 5.2 of EDD language policy states that the department will use English as the official language internally and in communication with other departments. Two questions arise: what about the previously marginalised indigenous official languages used by the majority of South Africans; when will they be given space to perform in daily formal capacity? The panel reminded EDD that RSA communities often complain of a lack of service delivery, and the source could be the contents of the EDD so-called policy document on the use of official languages. It added that if people are forbidden to freely use their own languages and they cannot understand issues better because of the perpetuation of English, how does that help them? What about their rights? Language is a human right matter stated clearly in the Constitution. EDD must use previously marginalised indigenous official languages within its working environment. Translations into other official languages could be made but it is much better to encourage the direct use of previous marginalised African official languages to promote multilingualism with the EDD working environments. This should matter the most and always be on EDD’s mind when it establishes its language unit. It is a non-negotiable requirement, as per the prescripts of the Constitution of the RSA and UOLA.

The panel referred EDD to the presentation made by the Department of Defence and Military Veterans wherein specific aims and purpose were clearly articulated. By contrast the EDD’s draft policy (as had been the case with most of the departments seen so far) is a repetition of the UOLA instructions, and a misunderstanding of what must be done. EDD was advised to halt the gazetting of the draft policy. On completing the design of its multilingual language policy, it must draft a corresponding implementation plan. It current policy document states that the purpose of EDD is to “comply with the legislative and constitutional mandate for economic development”. This phrasing ignores the national multilingual agenda. It should instead be rephrased as follows, “the purpose of EDD’s policy is to provide economic development through multilingualism.

The panel pointed out that the EDD is a very important government department. South Africa does not have an inclusive economy for the nation. Food production is mostly controlled by the Afrikaans-speaking part of the country and mining and large industry by the English-speaking part. The nine indigenous languages, used by the majority of the South African population are surprisingly excluded from an economy developed by their speakers for centuries. Thought must be given as to how space is created for the previously marginalised indigenous official languages to thrive as mainstream form of business transaction. South Africa, the panel continued, is one of the most unequal societies in the world. This inequality is mediated linguistically. Among EDD’s main responsibility is to address this linguistically mediated inequality. There are plans to establish 44 agri-parks around the country, of which 70% of production rests within communities that speak the previously marginalised indigenous official languages. This production will be mediated through these languages. It is therefore imperative that they be given formal platform in agri-parks business so as to advance their financial value. EDD, the panel added, must design its multilingual language policy with clearly articulated objectives and with a time-framed implementation plan. It further enquired from EDD whether it would have considered introducing multilingual language policy within its milieu had it not been called to appear before this panel.

The panel questioned validity of EDD statement that it had adopted all 11 official languages. It made EDD to concede that it is irresponsible to use English as the only language of official communication and business transaction. EDD had not critically examined the framework it had been given by the UOLA. It was encouraged to promote multilingualism in carrying out its corefunctions. Systematic limitation of space accessed by the languages spoken by majority of South African citizenry in formal context undermines their chances to grow economically.

The panel noted with serious concern that the policy document presented by EDD is punctuated in future tense denoted by the recurring auxiliary verb “will”. This peremptorily denotes that, contrary to the claim current made in its presentation, EDD does not have a language policy at the moment. It is an anomaly EDD should explain to the panel.

A member of the audience lamented that EDD (and some other departments) always confuse South African Sign Language and Braille. The former is a language for deaf people to see and the latter is a system for blind people to read.

Response

EDD promised to increase the use of indigenous languages within its working environment. It has been using English in its meetings, for example, “because
there must be a common language". It however takes the point made by the panel for serious consideration. Although its language policy is framed in the future tense, work has already started in small ways to do what the panel proposed with regard to engaging stakeholders in previously marginalised indigenous South African languages. Documents are being prepared in the 11 official languages, and for now they have been done in English, Setswana, Sesotho, isiNdebele and isiZulu. When the department engages with the communities for whom those documents are intended, it ensures that someone who is fluent in those languages convenes meetings and speaks to people in their language (NB: unfortunately, this was new information, not contained in either the EDD language policy document or its presentation).

EDD agreed to stop the gazetting of its language policy. Instead it shall “re-examine” it altogether in accordance with its mandate. It used “the guidelines presented to it by the DAC”. It however considered language policy without preempting of an appearance before PanSALB. Language is often debated within the department, particularly because it cannot seem to obtain approval for the establishment of a language unit, and it does not enjoy the support it deserves from the superiors.

**Conclusion**

EDD will not gazette its language policy document as it initially planned. A review process of this document shall be commenced to align it with the advice proposed by the panel.
Day 2
14 February 2017
Department of Energy
5.6. Department of Energy

Representative: Ms Mpho Ndebele, Director: Community Upliftment.

Presentation

Established in 2009 The Department of Energy (DoE) is a relatively new department that split for the now defunct Department of Minerals and Energy. Its mandate is to secure sustainable energy provision for socio-economic development, with special foci on energy mix and security of provision. DoE drafted a language policy in terms UOLA. The policy is in the process of being gazetted. DoE hopes this will take place before the 2016/17 financial year-end. The majority of departmental brochures have been translated into indigenous languages: Tshivenda, isiZulu, isiXhosa, Sesotho sa Leboa and Setswana. These brochures cover a range of subjects, from basic fuel prices to nuclear energy and careers in the energy sector.

DoE has chosen English, isiZulu and Sesotho as its official operational languages. Because it operates in all nine provinces and interacts with various communities, it uses provincial languages, such as isiZulu in KwaZulu-Natal or Tshivenda and Xitsonga in Limpopo. It appointed a full-time sign language interpreter who works in all nine provinces, to ensure equitable communication for deaf communities.

It does not have a language unit yet but has received approval to establish it. It did not apply to be exempted from implementing UOLA. Making such an application is tantamount disengaging with the speech community it is destined to serve, DoE asserted. It intends to report on progress with regards to the implementation of UOLA to DAC.

Questions and comments

The panel requested DoE to confirm that it does not have either a final language policy or a language unit. Its draft policy is a replica of the Department of Arts and Culture template. It is yet to be converted into a language policy.

The panel pointed out that nine of the eleven official languages (barring English and Afrikaans) are indigenous languages, spoken by the majority of South Africans. The purpose of the hearing is to establish what the DoE is doing to develop and ensure the future of these languages, to support the spirit of multilingualism in the department.

The multilingualism brand must place high premium on granting value (economic, political, social) to previously marginalised official languages as the key driver of social cohesion and nation building among staff members at the DoE, and how that is transferred to the general citizens of South Africa it serves. In other words, how do the civil servants of the DoE take advantage of the wealth of the different languages they speak, learn from each other, and use among themselves and the civil society they serve? How does one prompt people to learn each other’s languages in order to share ideas and strengthen relationships within the DoE? How this multilingual intent enriches and advances the business of energy within the department and beyond.

The panel said the concept “energy” takes different semantic shades in different languages [indigenous languages], and it wondered how this process is handled within DoE to bring a pluriversal views that enriches “energy” as a business. Borrowing and transliterating is not the panacea of giving previously marginalised indigenous official languages value. DoE’s policy – and language unit – should focus on that instead of slavishly borrowing from English. The panel said renewable energy is the way of the future. The time had come for the DoE to focus on both rural and urban youth by involving them in renewable energy projects such as producing solar panels and wind turbines. That should, for instance, be reflected in the policy implementation plan, allowing space for the use of previously marginalised official languages in tuition and learning material development.

The panel was unimpressed that the DoE’s presentation was very short. It has no policy except but a draft piece based on the DAC’s template. It admonished DoE for submitting it documentation late - the day before it appeared before the panel. It suggested to the DoE that it would not have thought about multilingual language policy design and implementation had it not been called to appear before this panel. An exclusive communication in English only within multilingual context is a violation of linguistic right. DoE has no language policy and an implementation plan, it said. It advised DoE to create a multilingual language policy implementation structure that has power and standing to bring about multilingualism.

Member of the audience also raised their points. The first one who identified himself as a languages activist
averred that none of the presenters mentioned the national language policy. This is important, and should be made part of departmental language policy documents. He was saddened to see solanka – taking things for granted – with so many black faces presenting half-baked policies and defending the supremacy of English, which is not their mother tongue. He appealed for the issue of multilingualism to be taken seriously.

The second one, who professed love for South Africa’s indigenous languages, said the DoE representative had cited the UOLA, but he had the impression that previous speakers never bothered to look at it; none of them met its requirements. He said that this is a cardinal issue and needs to be taken very seriously; he suggested that the DoE employ legal minds when addressing legislation, in order to comply with all requirements.

The panel pointed out to the DoE that PanSALB has both national and provincial language structures, including its Lexicographic Unit. It suggested that the department get in touch with PanSALB for assistance in developing its own terminology for the indigenous languages.

It also remarked that the reason why the DAC language policy template had been copied by other government departments is that these departments may have not understood how to design a language policy. Latent policies abounded, but are not manifest into real policies; this is a general problem. The panel referred the DoE to the Department of Defence and Military Veterans, to see how the latter had handled the formulation of its language policy. It reiterated that appearing before PanSALB with a solanka attitude is both disrespectful and irresponsible. The hearing is of national importance and needs to be taken seriously. The mission involved is multilingualism, and it is mandatory, thus PanSALB would like to see DoE effects it without fail.

It concluded by pointing out that section 7 of the DoE’s draft language policy makes reference to advising the director-general on action. This stance dooms the department to ineffectiveness, because the person receiving the advice can choose to ignore it. The DoE is meant to serve South Africans, not certain individuals within itself. Thought should be given to the power dynamics in leadership: – how does one take the multilingualism agenda and place it within the nexus of power, in the executive of a given department? When the DoE next appears before PanSALB, it should expound on the hurdles passed and successes achieved.

Response

The DoE responded that there are words for energy in other languages, such as matimba in Xitsonga amandla in isiZulu and maatla in Sesotho. But the panel is correct: when the DoE was seeking to demystify nuclear energy in Xitsonga, Tshivenda and isiZulu, it struggled to find words for concepts such as neurons and even nuclear itself, and had to borrow terms. Correct terms certainly need to be investigated, and communities must be educated that energy takes different forms, and that understanding energy not only means conserving the environment, but also saving money. DoE gave an example of its programme around South Africa’s petroleum range, which educates people on how petrol prices are calculated. The DoE interacts with the community in the nine indigenous languages in this regard, and to ensure that people understand why the price changes monthly; English is not used at all.

Expressing gratitude for the hearing and the suggestions that have come from them, DoE said that the nature of bureaucracy means that change is difficult. One of its programmes is to get young people to come up with renewable energy projects at home, and present them to the department. They are encouraged to use their mother tongue, but one of the problems in this regard is a lack of terminology. If the department had a language unit, it could assist in developing terms in the indigenous languages; there is a serious need for this. It will report to its director-general, and hopes to revert to PanSALB with solutions in this regard. DoE asserted that is studied UOLA. It confirmed that it attended the language policy workshop conducted by DAC. It is in this workshop that DAC encouraged the departments to use its policy template. DoE did not have the opportunity to work out their own policies, because they were under pressure to comply with the legislation.

Conclusion

DoE does not have an acceptable language policy, an implementation plan and a language unit. It is a must for the DoE to fulfill its promises to PanSALB, by submitting properly constituted documents mentioned above.
5.7. Department of Environmental Affairs

Representative: Ms Nondwe Nkayi, Language Unit, accompanied by Mr Tshifhiwa Netshiukhwi

Presentation

The Department of Environmental Affairs (DEA) developed a language policy in terms of the UOLA. Following a survey done on its staff members, it chose isiZulu, Setswana and English as its official languages. The policy has been translated into Setswana and isiZulu though. It was gazetted for public comment in 2016. Public and staff comments were consolidated and gazetted for implementation. The language policy implementation plan is pending approval by senior management. It is due for such consideration on 20 February 2017 (eight days after this testimony was given).

The three-person Language Unit translates documents such as brochures, letters and notices into various languages, according to requests from departmental branches. Recruiting is currently in place for at least two interns, who speak isiZulu and Setswana respectively, to assist with translation.

Questions and comments

The panel asked if the policy document submitted to PanSALB was the final official policy or a mere draft; it had been presented in such a small font size that it was difficult to read. It wanted to know more about the language choices made by the department: UOLA grant at least three languages to be adopted by national departments. Is the effect not that the current system is structured for English to the imperial agenda subtly perpetuated as triusm? Was it the DEA staff members in head office who chose these languages? DEA is supposed to serve the entire country, and in some provinces people would not be able to understand what the department’s communications are all about if the preferred medium of both formal and informal communication is restricted to English only.

The panel said the main purpose of the hearing is to find out how far the department has gone in fostering multilingualism within its structures. Multilingualism goes a long way to foster social cohesion both in South Africa and within the department; close staff relations within the DEA’s working environment are crucial for sharing knowledge and understanding each other. UOLA, the panel continued, is very clear: it is about the use of official languages. There are nine previously marginalised indigenous official languages that have been marginalised. Thus, what had been expected of the DEA’s presentation has been an indication of what it is doing regarding promoting the spirit of multilingualism and developing the language referred above nine languages in particular. The panel asked whether the DEA’s choice of isiZulu, Setswana and English is not merely a thumb-sucking exercise in order to meet the UOLA requirements. It also noted with concern that DEA policy format DAC slavishly adopted without converting it into a language policy.

Nowhere in the document does it state what DEA is or what its purpose through a multilingual approach is. It scantily hinted its desire to, “to comply with the UOLA”. It is crucial that DEA demonstrates how it empowers other official languages. Concepts such as “atmospheric quality” and “biodiversity”, for instance, are not exclusive realm of English terminology but do exist across all official languages. Terminology development is a continuous process that applies to all living languages. DEA must design a language policy implementation plan wherein it indicates how it intends developing field specific terminology across its chosen official languages in pursuance of multilingualism. Furthermore, the panel observed that the policy document’s mandate and services note environmental education and awareness, management of oceans and the coast, air quality, biodiversity, heritage and conservation. It asked whether communities will be engaged in their own languages during green economy projects. Regarding environmental education and awareness, it asked: what has DEA done in the nine indigenous languages around the nation’s rights regarding health, wellbeing and the environment? What plans does it have to assist communities in their own languages?

It is crucial that government departments demonstrate a strong commitment to multilingualism. They are meant to give solid leadership that ensure coherent planning to advance equitable language use across the official. This does not seem to be case with DEA. The remedy is to adopt a business unusual approach. This about is not repeating what and how things have been done for the past 23 years, especially in the way the department reaches out to communities in their indigenous languages.
The panel asked why DEA Language Unit is comprised of three staff members only since 2014. It also wanted to know why the sole task of these staff members is limited to translations and editing. These two concepts are the hallmark of the proponents of functional multilingualism who implicitly truncated any attempt to create equitable use of all South African Official languages. It is bilingual syndrome akin to the apartheid government’s system that advances English and Afrikaans as the only languages that matter. It has a whiff of the current monolingual syndrome that ideologically advances English as the languages above other all languages.

A member of the audience commented that when the DEA says it is doing things “for now”, it is compromising indigenous languages. Its staff cannot choose English as an indigenous language, because it has never been one. It called on PanSALB to be firm, now that it is interrogating the use of languages in government. Another member of the audience asked whether or not the DEA is using national language bodies for developing terminology in the indigenous languages, and whether or not such terms would be included in those language dictionaries by the National Lexicographic Units (NLUs) which are PanSALB structures. A third member of the audience asked whether documents translated into indigenous languages are given to interpreters, in order to improve the quality of interpretation at hearings such as this one. The question was directed not only to the DEA, but all departments.

Response

DEA said the policy document it submitted to PanSALB is its final version, as gazetted. While it chose isiZulu, Setswana and English as its official business languages, this does not mean that people wishing to communicate in other official languages will not be catered for. Its policy states that other official languages can be used. Its departmental branches sometimes receive correspondence in other official languages, which are translated by the Language Unit so that the department can respond to them in the language of choice. People’s needs and requests in this regard are met. During izimbizo in various regions the DEA sees to it that interpreting service is done in preferred languages. It insisted that staff chose the three departmental languages, and they are mainly used internally. However, all the official languages will be used in serving communities – for example, isiZulu and other languages will be used in KwaZulu-Natal, and Tshivenda and Xitsonga in Venda – and the DEA’s language policy makes provision for all the official languages. It also said that so far it is trying to develop environmental terminology in isiXhosa, Tshivenda and isiZulu; these are the languages of the language practitioners currently employed by the department. This is what it is currently able to work with.

The DEA Communication Unit usually engages with communities. The Language Unit works hand in hand with Communications, so that people are engaged in their languages of choice. In terms of environmental education and awareness, different units request the Language Unit to translate messaging into requested languages. The draft implementation plan also suggests translating such documents in regional languages.

Regarding the fact that its Language Unit comprises of only three employees, DEA pointed to financial constraints. It said the Language Unit had often spoken about what more it could do besides translation, and wished that PanSALB and the Department of Arts and Culture could organise a meeting to explain the functions of a language unit. Things eventually reach a point where one does what one can, despite the circumstances. The question is, are people out there listening to what the unit is saying? It tries to push, but at the same time it has to manage relationships. Things are tough; DEA did develop a structure for a fully-fledged language unit, but a lack of budget has prevented its realisation.

Responding to the audience’s questions and comments, the DEA said that it had chosen isiZulu and Setswana as “its departmental indigenous languages”. But it is in no position “to leave out English, which is why it was chosen as the third language”. With regard to the development of terminology in indigenous languages, it said that while it has developed terms, these have not yet been submitted to language bodies for verification. It is aware that it can do that and has talked about it, but has not yet submitted any new terms. It ended its presentation by clarifying a point around the audience question on translations. It said that with only three people in the department’s Language Unit, it sometimes has no way of knowing whether or not translations done by external language practitioners have been done properly.

Conclusion

DEA does not have an acceptable language policy document with an implementation plan. It language Unit lacks capacity to carry out a comprehensive multilingual language agenda. It limited this agenda to a mere mechanical translation and editing exercise.
Day 2
14 February 2017

Department of Health
5.8. Department of Health

Representative: Ms Ria Grobler, Director: Internal Communication

Presentation

The Department of Health (DoH) said that it saw the hearing as an opportunity to “glean assistance and advice from PanSALB”, in addition to presenting to the panel. DoH has committed itself to multilingualism through its language policy, which was gazetted for public comment, approved by the minister and distributed to the public in August 2015. Its principles include the promotion of official languages to ensure constitutional language equity and rights, the facilitation of equitable treatment of official languages and ensuring equitable access to services, the promotion of good language management, and the prevention of use of languages for purposes of exploitation, dominance and discrimination.

The policy is based on the work of DoH, in terms of section 21 of the National Health Act. This entails implementation of national health policy, the issuing of guidelines for the implementation of health policy, and the issuing of – and promotion of adherence to – norms and standards on health matters. What this section does not cover, said DoH, is the provision of direct services to the public; DoH is not directly involved in the running of hospitals and clinics, and concerns itself primarily with policy formulation.

It has chosen as its three official departmental languages isiZulu, Sesotho sa Leboa and English. It strives to serve as many people as possible, with the choice of one Nguni and one Sotho language, but it is not limited to the three departmental languages. It uses English for international, and inter- and intra-government, communications. For corporate publications and official written communications with the public, it uses isiZulu, Sesotho sa Leboa and English. It noted that it struggles from a budget perspective to provide corporate publications, such as annual reports and performance plans, in all three departmental languages; by contrast, it is actually doing more in terms of written communications with the public, and is using all 11 official languages. In all oral communication with the public, public hearings (izimbizo, roadshows, and so on), health promotion and outreach and educational materials, DoH employs all 11 official languages. Regarding public hearings, regional language preferences are taken into account. For languages other than the official languages, such as for the hearing- and visually impaired, it acts according to request, considering usage, practicality and the availability of funds. DoH does not have a language unit, and the implementation of UOLA is included as a key performance area for the director of internal communication. It would like to have a separate language unit and is working towards that; it has tried several ways to access funding, but budget cuts have meant that this is not yet possible. At present, the Internal Communication Directorate is performing a language unit function, and finding ways around the lack of language practitioners.

Questions and comments

The panel asked DoH how it accommodates language issues, with the main focus on language promotion. How does it promote the use of official languages? It said that the emphasis throughout the Hearing had been on the nine indigenous official languages, because they have been marginalised for too long. They must be used. There is equally no platform DoH created for speakers of English and Afrikaans to learn the previously marginalised official other languages. It expected DoH to explain how it promotes multilingualism. It did not allude to this in the presentation.

Upon confirming that DoH does not have a language unit, the panel commented that such a unit is necessary to entrench multilingualism. With regards to the importance of multilingualism, it said that there was talk of social cohesion and nation building; but this cannot be achieved if people cannot understand each other or share information and ideas using each other’s languages. DoH was also reminded that it must draft a language policy, implementation plan and establish a language unit. The current policy presented to the panel is a set of instructions, from which a policy should be drawn to determines how, through language, DoH promotes health services; the focus should be on promoting health through the use of language, especially the previously marginalised indigenous official languages.

The panel pointed out that; meeting language requirements by translating from English into the indigenous languages is not enough – this merely subordinates these languages to English. Emphasis should be on using these languages (cf. 4(3). The policy needs to be completely rewritten, and then an implementation plan must be developed. Health terminology needs to be developed for the indigenous languages. It asked how hospitals and clinics are
separate from DoH, and whether the focus is more on prevention than cure. It noted that DoH still intends to establish a language unit, but the policy document – as with other departments – contains phrases such as “advise the director-general”, “monitor the use of official languages” and “compliance with the policy”. It asked DoH to explain how it addresses these things. It noted that the policy document – as with other departments – contains phrases such as “advise the director-general”, “monitor the use of official languages” and “compliance with the policy”. It asked DoH to explain how it addresses these things. It said it raised this issue because now, 23 years into democracy, the marginalised languages remain as they were before. A paradigm shift in the way things are thought of and done is needed. Budget constraints seem to be a familiar refrain; Is strong enough motivation given to those who control the purse strings? The issue is not about being popular among superiors but about doing things that are right for the nation because they are the right things to do. A vision should be created of where the department wants to go. After two decades of stagnation, multilingualism needs to be seriously and earnestly addressed. Language users are empowered by their languages; their mother languages are the vehicle upon which people form concepts and their understanding of the world around them. Bold steps are required, and a way has to be found to make a breakthrough to empower these languages.

The panel confirmed with DoH that there is a problem with English as the medium for inter- and intra-government communications. It reminded the department that it would need to draft a proper policy and implementation plans. It asked DoH to promise that it would act, and find the budget it needs for a language unit. It emphasised a word that is missing from departmental language policies: “empower”. Policies do not say that departments are implementing language policy to empower people through the use of their languages. Those who have been disempowered will be empowered by using their languages. Charity begins at home, and thus DoH should foster multilingualism within its own environments.

A member of the audience asked how language policy directs doctors and nurses who deliver services. The panel said that it is known that health problems and mortality rate increase are sometimes a result of instructions not being followed, because it has not been explained well to the patient in a language they understand properly. The DoH presentation ended with “homework”: the panel exhorted the presenter to speak to the minister, to make it compulsory for all medical trainees – doctors and nurses – to complete a course in an African language; people need to learn to speak languages used by their colleagues and subjects in order to strengthen interpersonal relations and promote respect for each other’s language and culture.

Response

DoH stated that it wants to comply with the UOLA. What it needs to do now is take the developed language policy template and adapt it according to its mandate and the prescripts of the Act and the Constitution. It conceded that the Internal Communications Directorate’s employees are communicators, not language experts. DoH would encourage multilingualism within its ranks, while continuing to fight for the establishment of a language unit. It clarified that it does not run hospitals and clinics, but it does develop policy guidelines for them. Provincial departments of health run those institutions and their nursing staff report to the provincial authorities. Although DoH engages with provinces on language policy for hospitals and clinics, the provinces ultimately determine this.

It agreed that its focus is on prevention rather than cure, through health education and primary healthcare. A lot of things are dependent on health promotion, and this is where language plays an important role because health promotion takes place in people’s homes by community health workers. That falls under the provincial departments. DoH said that is, at present, limited to monitoring and its focus is rather on numbers; for example, how many documents it can translate into how many languages. It conceded that translation work did little to promote multilingualism. But following the PanSALB hearing, it would look at different ways of monitoring multilingualism. Regarding the audience question, DoH said that provinces have clear language policies to assist people in their own languages, and are in many cases doing better than the national department in this regard. This is something it “can take up with the provinces, to see how this could assist on the national level”. Language is an issue in some clinics, and DoH would like to address. It conceded that proper patient instruction is of particular importance, especially when it comes to pharmaceutical services and instructions for using medicine.

Conclusion

The DoH policy document is not acceptable at the moment. It is without a language policy implementation plan and an implementation structure in the form a language unit.
5.9. Department of Higher Education and Training

Representative: Ms Mosima Maninjwa, deputy director, accompanied by Ms Khatija Okeke

Presentation

The Department of Higher Education and Training (DHET) drafted its language policy in terms UOLA. All its branches were consulted. The policy was approved by the minister and director-general, and gazetted for public comment. Such comments – mainly from Umulusi – were incorporated into the final policy. This copy is at the Government Printer. DHET hoped to have it gazetted by the end of February 2017. Once approved the language policy would be translated, placed on the departmental website and other place of contacts such as offices, reception areas as well as on documents such as Promotion of Access to Information Manual and other policies.

DHET chose the following three official departmental languages: English, Sesotho sa Leboa and isiZulu. It took into consideration factors such as language needs and cultural dynamics (both nationally and provincially), practicability and cost. Three or more official languages have been selected for provinces, with an additional reserve (alternative) language to be selected by each province. For example, in Limpopo Tshivenda, Sesotho sa Leboa and Xitsonga are the main languages. It does not have a language unit, but an implementation plan – approved by the minister – is in place. The unit is proposed at directorate level, and is incorporated into a proposed DHET organisational structure that has yet to be approved. The unit would not be established fully fledged, but expanded as finances become available. A positive point is that the minister has approved the implementation plan “and is therefore committed to the language unit. The proposed Language Practice Services Unit will have three sub-directorates: Translation and Editing; Policy Implementation, Research and Monitoring; and Quality Control”. DHET has promoted multilingualism internally since 2012, with its Learn the Language and Culture of Your Colleague @ Your Library programme, a platform meant for its officials “to learn each other’s languages”. This is not a formal programme that takes place during lunch time. Participants are divided into groups based on which language they wish to learn and teach others. It is premised on is learn and teach each other principle. The lessons begin with simple phrasing such as greetings and progress to full sentences. Participants “learn to read and write the languages and also learn about each other’s culture – such as cuisine, customs”. The intention is to to grow this project into a formal activity.

Social Inclusion and Equity in Education Unit has developed a language policy to guide higher education institutions in the public-sector education and training (P-SET) sector. The draft policy, which is focused on UOLA is nearing completion. It bears remembering that the various elements making up P-SET operate under different circumstances. Policies have varied between institutions, but this policy – which is envisaged to come into effect in mid-2017 – will create uniformity; the sector is not currently uniform. Universities are generally ahead of other institutions regarding language policy. Some provinces also have the advantage of fewer regional languages, such as KwaZulu-Natal. English and isiZulu used to be the main languages in this province but isiXhosa and Sesotho are increasingly making remarkable inroad. Because German missionaries have traditionally operated in the Midlands, German is an examineable language in KwaZulu-Natal; and for commercial purposes Mandarin was recently added, as has been one of the Indian languages (the department could not say which). KwaZulu-Natal has also produced graduates whose theses have not been in English; the first PhD in isiZulu was awarded two or three years ago.

Additionally, the technical and vocational education and training (TVET) sector, and the community education and training sector, have not been under pressure to implement language policy, unlike other sectors in the higher learning space. The local campuses of these institutions generally reflect the populations where they are situated, so language has not been a problem, except for students with disabilities. Braille resources, for example, have been in short supply in many such institutions, and a new challenge is that many blind students are not proficient in Braille because they would rather use computers.

There is a challenge when reporting on the P-SET language policy implementation, because every institution reports to the DHET at the end of the year. A system has to be introduced that flags certain issues, and reports need to be specific on which languages are used. For example, medical students at UKZN and UCT are obligated to to learn isiZulu and isiXhosa respectively, because their community programme includes areas where the language is almost exclusively spoken. It is easier in the Western Cape because isiXhosa is the third language there, but it is more challenging in
the northern provinces of Mpumalanga and Limpopo, where more than five languages are used. If one is seen to be favoured over the others, resentment sets in. For DHET’s transformation agenda, there is no doubt that national co-ordination of language exercises must be prioritised more than ever, or else reporting will be a challenge.

Questions and comments

The panel stated that it is always at disadvantageous receiving submissions late from departments. This does not give it the opportunity to study these documentations prior to the actual hearing for fuller and more meaningful interaction. This hearing is about multilingualism and how it is being promoted within the DHET. Multilingualism is important to everyone, the panel said. It contributes to social cohesion. It has been the expectation that the DHET presentation focused on UOLA and the constitutional requirement of multilingualism. That is, the provision of equitable space for all official language to perform any business.

The panel is disappointed that DHET, which is at the forefront of education, has no language unit. The overemphasis of English over the other official languages in the DHET presentation does not bespeak a serious commitment to equitable use of all official languages, particularly the previously marginalised official languages. English and Afrikaans have been afforded unfetted space at the expense the rest of the official languages. DHET should be at the forefront of the development and use of other official languages (cf. 4(3)). Further, it is important that indigenous languages do not matter only when speaking of translation exercise. They need to be used, spoken among staff members at all times, and not only during lunchtime as stated in the presentation made. It said the document the DHET used restricted its thinking about what it is and what it should be doing. The policy also needs an implementation plan. A policy cannot only exist merely to comply with legislation.

The panel, however, congratulated the DHET on its colleague-learning project. It viewed this as a bold step that promotes social cohesion and nation building. It asked DHET to expantiate on the three sub-directorates of its proposed language unit. Most departments that had already appeared before the panel cited financial constraints as an impediment towards adherence to the UOLA. They, including DHET, should purposefully formulate budget that bespeak of an inclination to run their business from multilingual front as defined confluent to the multilingual and multicultural nature of this country.

The panel said that section 9.1 of the DHET policy document states that the department has “adopted” three of the official languages for its business. It asked what this means, and how the department would use the three languages: interchangeably, simultaneously or selectively? The name of the proposed language unit – the Language Practice Service – relates mainly to translation and interpreting, said the panel; the name and scope should be widened. The panel also asked precisely what work the unit’s second sub-directorate, which encompasses policy implementation, research and monitoring, would do? Only five posts have been allocated to it, yet it is a national department. How could it be rendered exceedingly insignificant while it has a significant constitutional task at hand?

The panel said that the DHET language policy implementation plan should not be developed separately from the policy, lest it might not speak to the policy. The Panel wanted to know how far the language policy problems at the Stellenbosch Agricultural College, universities of Stellenbosch, Pretoria, Unisa and Free State are towards resolution and how much progress DHET is in ridding off the monolingual disposition in the Institution of Higher Learning? It therefore called on the DHET to inculcate multilingualism. It noted that all universities have language policies which fail to address issues of multilingualism. They should be obligated to do so. DHET is in the knowledge construction sector yet its language policy document is not of the expected high standard and quality. It is the same tick-box exercise adopted by the departments already interviewed. This is akin to malicious compliance. The panel advised DHET to read the Department of Defence and Military Veterans submission since it a better presentation so far. It is expected that the department’s senior management should appear before the panel in future instead of junior staff members. The panel asked for the proposed organisational structure that incorporates a language unit. Such a unit should wield power/authority rather than be an appendage.

A member of the audience said that in 1995 the University of the Free State established a unit that dealt with language facilitation, which has contributed to nation building in South Africa through the Truth and Reconciliation Commission (TRC); the country was able to talk to itself through that unit. Following the TRC, it developed a concept called tele-interpreting for the police, which was buried before its potential could be
realised. Then it established a training programme for national and provincial Hansard employees. “Seeing the poverty of multilingualism nowadays, I failed to understand why government departments were not able to tap into the wealth of knowledge around multilingualism, and why people who worked in that university unit are not asked to help DHET in particular, to help other universities”, the audience members wondered. More than multilingualism, he elaborated, the unit raised funds; it was paid by the TRC for its services, and was to be paid by the Department of Police, and people were employed as a result.

Finally, there was a pilot project in which the High Court was using simultaneous interpretation; the records showed that this worked far better than consecutive interpreting. This was a gift that South Africa had given itself but it is a pity that it was thrown away. DHET can expand this kind of work – which contributed to the fiscus – to other universities, as well as to itself. Students were also employed by the unit, allowing them to offset their tuition fees. This golden opportunity can help the country and the department to go further in terms of language.

The panel concluded with a final query on the DHET’s language policy document. It asked whether, in the section describing the policy’s purpose, the department had committed a Freudian slip in saying that “the policy outlines the reasonable steps that the DHET takes to ensure meaningful access to its services and activities by all citizens of the Republic and persons with limited English proficiency, in compliance with the Constitution”. Nowhere in the Constitution has reference been made to limited English proficiency, the panel stated, and it wanted to know where the DHET had come upon such a statement; this phrasing has appeared nowhere else, including in the language policy template shared with departments by the DAC. People and languages can be previously disadvantaged, but the phrasing “limited English proficiency” should not even exist in South Africa and should be removed from the DHET policy document.

Response

DHET apologised for the lateness of documents it shared at the hearing. However, it mentioned that it was unsure why the panel had said its presentation does not address the requirements UOLA. It conceded that it does not have a language unit. It is a matter of financial constraints, yet the DHET is aware that it must have a language unit. Arguments had been presented to senior management of the necessity of a language unit, not only for the sake of compliance but also to promote multilingualism. Admittedly, its language programme is small-scaled, but there is a desire to grow it. In addition, the DHET’s Khetha radio programme, which provides information about studies, bears mentioning in relation to engaging with the public in the nine indigenous languages, because it preceded UOLA and thereby showed prescience on the part of the DHET. The only language excluded from it was Afrikaans, and community radio stations were used. It was a very successful initiative that engaged with parents as well as prospective students, changing attitudes about matters such as those pertaining to TVET colleges.

DHET also said a language unit has been set up in its universities branch; one of the issues it is dealing with is the use of languages in the universities sector. It said “it was lagging with the establishment of an overarching language unit for the department”. It argued that with the #FeesMustFall protests of 2016 all funds had been directed to that issue. It expressed hope that in the next financial year funding would be made available for a language unit, and it would continue to push senior management to establish a language unit. It admitted that it had used the Department of Arts and Culture’s language policy template, as had others. But it took note of the panel’s critique of its policy, and it should perhaps send in its draft for review by PanSALB before it is once again published. The tasks of the three sub-directorates of its proposed language unit are as follows:

- Translation and editing (occupying most of the language practitioners): all documents to be edited and translated; assistance in terms of a particular language
- Policy implementation, research and monitoring: policy development, compliance, research, terminology development
- Quality control: quality-checking of documents

With regards the DHET policy document stating that the department had “adopted” three of the official languages, it said that for practical purposes one could assume that once the policy is finalised all communication with the public by the DHET will use the three languages. It could not say how they would be used, but presumably simultaneously for the most part, but perhaps selectively when addressing certain communities. In response to the panel’s comment on the policy implementation, research and monitoring sub-directorate of the DHET’s proposed language unit, the department said its duties would include policy development, implementation of the language policy,
research in terms of new terminology and technology, and monitoring throughout the department. DHET would, however, reconsider this sub-directorate and pitch it at directorate level.

The minister and the department had decided that language policy, especially for the purposes of tuition, is an issue on which there should be agreement, and managed by universities themselves. He met with the University of Pretoria management and student leadership, and asked them to agree on an inclusive language policy that is guided by the Constitution. But there is no policy directive on the matter of language policy for tertiary institutions. Rather than being irresponsible, DHET said, this is a “responsible abuse” of the flexibility that the Constitution provides; the Constitution did not at some point make a determination on languages of tuition. For example, decisions by governing councils as low as junior primary that exclude certain communities; there are such challenges. There are arguments that certain communities used this to reserve privileges and resources for themselves. So, in the case of universities, allowing them to decide on language policy appears to be a good deed, but it allows abuse of the flexibility provided by the Constitution. It is irresponsible of leaders not to instruct tertiary institutions to do the right thing. DHET agreed that this is a matter to be raised and frankly discussed, and it would do so.

It conceded the panel’s perspective that its language policy response is not of a sufficiently high standard, saying that it did not think that most departments had the correct impression of what was expected of them. The panel rightly pointed out the junior status of delegations before it, despite the seriousness of the matter; it noted that perhaps its head of department should have been the presenter at the hearing. DHET said that its organisational structure had been revised at lower management levels, with the routine understanding that there would be no further budget to give effect to it. That causes the tightening up of available posts to propose to senior management. It had not brought the proposed organisational structure to the hearing, as it is a massive document. It said that it is thankful to PanSALB for its insights about the department, which are correct. Taking issues seriously is a challenge, and it would appreciate working with PanSALB to unlock funding and make things happen. The hearing has been an eye-opener that has given the departmental delegation a voice about what should happen. It again expressed appreciation for the honesty with which the panel had dealt with it and shown its flaws, so that it is able to do the right thing. With reference the panel’s question about the reference in its language policy document to providing meaningful access to DHET’s services and activities for persons with limited English proficiency, the department said it believed that in this instance it was simply being government; it has a certain way of saying things, and it was probably informed by the fact that there are around three million adults who are illiterate.

**Conclusion**

DHET does not have a policy and a language unit. Its responses to the panel’s comments and questions were too general and unsatisfactory. As with some other departments before it, the DHET seemed to have lost track of what PanSALB’s invitation was all about. What is expected of it henceforth is to draft and implement a multilingual language policy.
Day 3
15 February 2017

Department of Home Affairs
In terms of its language policy, it has adopted all 11 official languages as its departmental languages. It considers several context-based factors when choosing an official language or languages, including usage, practicality, expense, regional circumstances, balance of needs and the preferences of people. It said that a citizen who wishes to communicate with the DHA in a language that is not one of the official languages must notify the DHA in writing. Likewise, a member of the public who wishes to communicate with the DHA in South African Sign Language must notify the department in writing; it does arrange for translation or interpretation, in particular at its Refugee Reception Offices. Inter and intra-government communication takes place in English. Written and verbal communication with members of the public, official publications for public distribution (that is, website notices, advertisements and signage) and public hearings (that is, izimbizo and other official events) are in all official languages. International communication is in English or the preferred language of the country involved.

The DHA language policy was gazetted on 1 March 2016; however, while it did not have a policy between 2012 and 2016, the department nevertheless complied with the UOLA requirements. It did not disadvantage people on the basis of language. Communication with the public – pamphlets, promotional material and information leaflets – is in all 11 official languages. Izimbizo and other official proceedings are held in all 11 languages, using the dominant language of an area. Areas with more than one dominant language are accommodated accordingly. Regarding hearing and sight impairment, DHA is busy training front office staff in basic sign language; but it does not have dedicated sign language interpreters. In receiving complaints, it has created an environment where people can communicate in their official languages of choice. It resolved to review its language policy every 10 years, or as necessary.

Questions and comments

The panel reiterated that the hearing is looking for is a language policy that is specific to the DHA mandate and how indigenous languages are used to carry out that mandate. Section 3 of the DHA’s document, titled “purpose and regulatory context”, states that the policy is required by section 4 of UOLA- which notes that every national department, public entity and public enterprise must adopt a policy on its use of official languages. But the DHA’s policy document is identical to those of other departments- a mere set of instructions on how to contruction a language policy.

Section 3.2 of the policy document reads that the department must in terms of section 3.2.1 identify at least three official languages to use for government purposes. Did DHA do that, why is it speaking of using all 11 official languages? In terms of section 3.2.2, it must stipulate how it will use languages within its own ranks and in communicating with the public. Has it met this requirement? The panel reminded the DHA that English and Afrikaans had previously been dominant; surely the emphasis should now be on indigenous languages.

The first place to start is government departments, even before engaging with recipients of its services – South Africans and foreigners – but the emphasis must be on the marginalised languages spoken and used by the majority of South Africans. The panel had wanted to see how the DHA creates value and space for the indigenous languages, and how it promotes their use within its workplaces. DHA stated that it uses dominant languages when it goes into certain areas; this is wonderful, but charity begins at home: the panel wanted know how DHA promotes multilingualism within its own working spaces. It confirmed with the DHA that the latter does not have a language unit. It also confirmed that the
department is still promoting English. It requested DHA to promise to establish a language unit. The panel said the basic requirement – the department’s language policy – is not met. All government departments other than one or two have incorrectly adopted the template provided by the DAC universally as their language policy. Resultently, what they have, including DHA, is a set of instructions and guidelines of developing a language policy. It is important that that the language policy of the DHA intends to carry out its mandate through the use of the previously marginalised languages. The main objectives should be contextualised within the DHA’s mandate.

Further, the panel argued, in reference to the Identification Act, the names and of most citizens speaking indigenous languages are misspelled in the Identity documents (ID) because the IT system (Computer keyboards) used at the DHA don’t easily feature the diacritic marks that are common with indigenous names. This brings about meaning changes that are anathema to identity. DHA cannot be transformative about the use of official languages if it hides behind “practicability and budgetary constraint” as main excuse of not implementing a multilingual language policy that advances the use of the marginalised languages. Escape clauses such as “reasonably practicable”, enlivens monolingualism.

It is also irresponsible to expect people needing to communicate in sign language(s) to notify the DHA in writing beforehand. Juxtaposing this with the department’s “We care!” slogan – which appears on the presentation – provides food for thought. In terms of inter- and intra-governmental communication, the panel pointed out that not all South Africans speak English; the DHA should consult the latest census results to see how many do. With regards international communications, it noted that South Africa shares languages with its neighbours, such as Botswana, Lesotho, Swaziland and Mozambique. The panel confirmed with DHA that the later does not have software that allows the easy use of the diacritics used in languages such as Tshivenda. Such technological aids should be made available to all to use.

The panel responded that this is heartening to hear, because it means that DHA already started the work that is supposed to be done by a language unit, but hastened to caution that focus should be on the development and use of the marginalised indigenous languages as well as the Khoi and the San and sign languages.

Response

Mr Evelyn Ferreira of the Afrikaanse Taal en Kultuurvereniging (ATKV), said his organisation is meant to promote Afrikaans in a multilingual context within a conviction that all South African languages are equal in line with the UOLA- this act is a law that seeks to treat all languages equally. ATKV would like to make balanced comment on the proceedings, Mr Ferreira said. He asked the following: if the hearing had interpreters, why is everyone speaking English? The panel itself had just asked whether this was merely providing further advantage to English. Yet another ATKV representative advised the hearing that, in the light of the panel’s complaint of the difficulty of keyboards not having the diacritic marks common to indigenous names, the DAC has software that allows the easy use of the diacritics used in languages such as Tshivenda. Such technological aids should be made available to all to use.

The panel said it appreciates the ATKV’s approach to multilingualism; it is something to be proud about. It takes the organisation’s counsel regarding speaking only English at the hearing, which it will try to remedy at its next occasion. The panel welcomed the ATKV to the hearing, but it also stressed that it must be recognised that English and Afrikaans are the empowered languages and the hearing is about uplifting the marginalised official languages, which do not appear in official documentation. The aim is to be fair to all the languages.

Another member of the audience, from the Learning and Development Academy of the DHA, said the department is trying very hard to introduce other languages. There is a cadet programme, in which unemployed educated young people are trained on the DHA’s products and taken to the borders, where they speak local languages. They have been very helpful to the department. The academy has been training DHA staff in sign language, as well as in Portuguese and Mandarin.

The panel responded that this is heartening to hear, because it means that DHA already started the work that is supposed to be done by a language unit, but hastened to caution that focus should be on the development and use of the marginalised indigenous languages as well as the Khoi and the San and sign languages.
it was dealing with “the state wage bill”. Appointments have been suspended until budgets are allocated. But the executive committee of DHE identified the need to create the language unit using its current staff complement.

Responding to the panel’s request and encouragement for a promise to establish a language unit by the end of February 2017, it said it might be able to do so by the end of the current quarter, but certain procedures need to be followed first. DHA thanked PanSALB for its invitation to the hearing; it was a way to sensitise the department, and keep it on its toes. Sometimes it does relax after creating a policy, believing it has complied, but this opportunity had created more sensitivity of multilingualism. It did not regret attending the hearing, which has picked up gaps in its approach and provided advice. It would open discussion and engagement once more on its language policy, and hoped that the next time the department appeared before PanSALB, it would provide better feedback.

After the panel exhorted the DHA to withdraw its current language policy, the department asked that a directive be given to the DAC via PanSALB to have all departments withdraw those inadequate language policies that had already been gazetted.

**Conclusion**

The DHA does not have a language policy, an implementation plan and language unit.
Day 3
15 February 2017

Department of Human Settlements
5.11. Department of Human Settlements

Representative: Ms Queen Mathebula, Director: Communication, accompanied by Mr Xolani Xundu, Chief Director: Communication, and Ms Mmuso Ntlema, Deputy Director: Library Services.

Presentation

The Department of Human Settlements (DHS) said its vision is of a nation housed in sustainable human settlements. Its mission is to facilitate the creation of sustainable human settlements to improve the quality of household life. Language plays a role in improving the lives of people, so that they can understand the products and programmes that the DHS offers.

The DHS language policy function was initially managed by its Library Services Directorate, and handed over to the Communication Directorate in February 2016. The departmental staff tried to put their heads together to ensure that the policy is implemented. A draft policy has been gazetted and published on DHS website for public comments. It has also been sent to the department’s senior management, to ensure their buy-in. In order to comply with requirements for multilingualism and cultural diversity, DHS’s national call centre has employed 18 personnel who speak two or three languages each. There are officials stationed in the call centre, looking at how best the department can respond to public complaints or queries. These are frontline officials who interact with the public.

DHS looked into the translation of departmental publications. It tried to translate its Human Settlements Subsidy System, through which people can ascertain their housing application status by using various official indigenous languages. The PAIA Unit, a department programme that promotes information, has the Promotion of Access to Information Act (No. 2 of 2000) in six indigenous languages. A consumer education booklet which informs citizens about all DHS programmes has been translated into various languages. A booklet on economic opportunities other than housing has also been translated. Braille publications in a system that assists blind officials within the department have been made.

An SMS system used to communicate with communities employs various languages. A TV programme meant to educate communities also uses various languages is established, and viewership is high across language groups. DHS also uses industrial theatre to explain policies to communities using drama. Consumer education uses various languages. When it takes izimbizo to provinces, DHS makes sure that it uses the dominant languages of those areas.

On Human Rights Day, the Human Rights Commission is invited to the department to make presentations on the rights of citizens. Heritage Day and Freedom Day are also celebrated. Regarding the promotion of linguistic diversity, DHS uses English as its operating language, with isiZulu and Sesotho sa Leboa representing the Nguni and Sesotho languages respectively. Blind staff members are provided with a computerised Braille reading system. Cultural diversity information sessions are held on a quarterly basis. DHS Organisational Transformation Unit ensures that cultural diversity is respected. Its Library Services Directorate provides reading material in various languages; people have access to the local library. Publications in various languages are available to people when they visit the department.

DHS language policy is still in draft form and has yet to go through certain processes. The final stage is for the policy to be approved, so that it can have an implementation plan. The Constitution and Labour Relations Act will both help the department to comply with its language policy. DHS has challenges in setting up a language unit. It has since not established this unit. It is currently undergoing restructuring, but for now the language function lies with the Communication Directorate. It conducted a workshop on sign language that targets all staff, strategic documents are translated into various languages, internal communication is done in various languages, and various forms are available in different languages. There has been a proposal to present the department’s website in various languages, because it is a public platform. Marketing material is translated into six languages. There is a proposal to translate billboards into various languages. DHS target audience include the South African public, five housing institutions and civic organisations. Its language policy should cater for all stakeholders, so that it can communicate to the entire citizenry.

Questions and comments

The panel said it sounds as if the DHS is progressing well in meeting UOLA, but it wanted to know why it is taking the department so long to formulate a proper language policy designed according to the DHS mandate, AOLA
and the constitution. It asked how the DHS intends to align its mission – to facilitate the creation of sustainable human settlements to improve the quality of household life – with the UOLA requirements. DHS should rework its draft and not gazette it until it is sure that the suggestions above have been met. Emphasis should be on giving value to the previously marginalised languages to ensure their use in departmental daily official business, among its staff as well as the communities they serve. In other words, their policy should spell out how DHS intends using these languages to do the business of human settlements. The draft language policy is too long, and the template should be discarded as it is incorrect.

The department was also critiqued for frequently using the word “stakeholder”. In terms of what both the Constitution and DHS itself say, the Constitution is rights-based: it is humanistic. But the word stakeholder suggests competitiveness rather than humanism. The department does not also talk responsibly in using the term economic empowerment. The rights-based Constitution of Brazil, for example, speaks of conditionality with rights: there is a responsibility that goes with every right. Stakeholder implies everybody trying to grab what they can. The use of words is critical to describe what is being attempted: if words are simply taken and used without being unpacked their semantics and their objectives, they become obfuscated.

The panel then asked if the word stakeholder exists in any of the other official languages. It disagreed with the DHS that its meaning is closer to participant, asking why that word is not used instead. And when it is translated, would it mean “participant” or “stakeholder”? These are two different concepts. The point is, the panel said, translation from English to another language is not the way to empower the other language: one needs to access the correct meaning in that particular language. DHS has its own field specific terminology that are English based, which needs to be translated and used in the previously marginalised official languages. The panel wondered whether DHS clients would readily understand the meaning of the Estate Agency Affairs Board in these languages. How could previously marginalised languages be empowered to describe the board in their own words? Therefore, in efforts to promote multilingualism, an attempt must be made to uplift people’s self-image; people who have been marginalised have a poor self-image. Handing over a house to people in terms of their language and culture, and in their way, is a healing and restorative process. The panel would appreciate the DHS giving serious attention to multilingualism, which should be an empowering process.

It again took DHS to task for using a cut-and-paste template for its language policy; this is not good for its image. That the locus of DHS language policy implementation has been moved around in the department meant that it does not have the necessary status and authority, and the panel wanted the department to think about where to locate its language policy implementation structure. It should have an executive voice when serious decisions are taken; it makes no meaningful impression in its current form. The panel further asked DHS whether it would have planned to do anything about multilingualism had it not been called to appear before this panel.

After eliciting clarity that English is DHS’ business or operating language the panel questioned how the department had obtained the sense that English is a business language. It is sad that the DHS conducts its business in a language that it prefers, but that the people it serves do not. Business is a concept, which does not have a language; it can be done in any language. In doing this, DHS is advancing English monolingual society. Thus, English is projected as the ultimate language of science, business and spirituality – to a point that this language is regarded as the only one that God is speaking and understands. Multilingual language policy implementation cannot be delegated to any Tom, Dick or Harry. It is a specialised area that requires appointment of qualified and able professional in the field. An equal mark of seriousness should be displayed by any department that appears before this panel. It is out of order and antithetical to professional character to put together in a rush a multilingual language strategy two weeks before the hearing. It is sheer disrespectful to South African citizenry, the constitution and the Pan South African Language Board. Multilingualism matters. DHS should redraft language policy, implementation plan plus establish implementation structure. In the main, the Constitution and UOLA should be followed assiduously.

A member of the audience asked how the DHS accommodates sign language within the department, and how it serves deaf members of staff. Another one explained that he assumed that when a department decides on three departmental languages, as per UOLA requirement, research has been done. He agreed with the panel that this cannot simply be decided upon in the name of people. It must be the languages used by a department’s clients. Research is therefore necessary.
He also complimented the DHS for mentioning in its presentation that its call centre will assist people in all languages; this is apart from its choosing its three departmental languages.

Response

DHS said the language policy matter formerly resided with the Library Services Directorate, and only passed over to the Communication Directorate in February 2016. It said later in its response that there has been a struggle within the department with ownership of the matter before the Library Services Directorate took it over. Then, it was a matter simply of compliance with UOLA by developing a language policy, before DHS management committee handed the matter to the Communication Directorate.

On the question of aligning the DHS’ mission with the requirements of UOLA, DHS said that when it gives a citizen a house, it is an investment. So, it ensures that it makes people understand that having a title deed is economic empowerment, and it uses various languages in consumer education around taking care of their houses as part of improving their quality of life. It promised that it would finalise its language policy. A language unit will be a key priority area in the restructuring of the department. It will be able to present more on its implementation plan at the next public hearing. It asserted that the language policy would need to be revised at a higher level. The department will certainly look into this and improve on it.

In response to the panel’s question on whether or not DHS would have done anything about multilingualism, the DHS representative said that the responsibility of language policy matters was not initially hers. She only assumed it lately. The department is currently busy with the matter; she was awaiting feedback from a meeting on the progress made in establishing a language unit. On the audience’s question of accommodating deaf people and sign language within DHS, the response was that it currently asks any member of staff who is conversant with sign language to assist when need arises. However, provision of sign language will be formalised once a language unit is established. It agreed with the panel that the current situation is not acceptable. On the audience comment regarding call centre staff speaking all official languages, it said the centre serves the entire country. Staff can each speak more than three languages.

Conclusion

DHS policy document is still in a draft form. It will thus have to reformulate the policy in terms of DHS’ mandate, the Use of Official Languages Act and the Constitution.
Day 3
15 February 2017

Department of Labour
5.12. Department of Labour

Representative: Ms Janie de Wet, Deputy Director: Media Production in the Chief Directorate: Communication.

Presentation

The Department of Labour (DoL) apologised for the absence of its director-general who was attending to official business in Cape Town. But the Chief Director: Communications, Mr Teboho Thejane, was in attendance. DoL gazetted its language policy on 26 February 2016, following consultation with the Department of Arts and Culture (DAC). A structure and job profiles for a language unit have been created during an organisational review process but have not yet been approved. As part of the implementation of DoL's communication strategy a submission will be made to the minister for the approval of a language unit. Its proposed structure includes one deputy director and three assistant director posts; the unit will focus on editing and translating publications and other published content.

Currently, DoL said, it uses the DAC and external service providers on an ad hoc basis. But this process is drawn out and cumbersome, and does not allow for jobs to be translated in a short time. Lead times are normally two to three months, which its internal clients don’t plan for.

Questions and comments

The panel presumed that DoL was aware that it should made its presentation on multilingualism in its working environment and with its clientele – South Africans and their 11 official languages – with priority given to indigenous languages. How does it accommodate the nine indigenous languages as a way of encouraging multilingualism? Multilingualism goes a long way to promote social cohesion and, eventually, nation building. Historically, the nine indigenous languages were marginalised. Having been granted official status constitutionally, they must be given equitable space that was ushered to English and Afrikaans. It asked DoL – which deals with workers – to explain how it will do this. It asked DoL to explain how its language policy is in line with UOLA and the Constitution.

In its policy objectives, the document states that DoL is to regulate and monitor the use of official languages in government. That is exceedingly inapt. DoL is expected to show how in the main it promotes the use of the marginalised, indigenous official languages 22 years since the dawn of the democracy and four years since the promulgation UOLA. The panel asked whether or not the DoL understands the obligations of this Act. DoL’s intent should be to empower all South Africans through the use of previously marginalised languages. It should enhance these languages in the socio-economic development of labourers. The heading for scope was unnecessary. The policy should simply contain the department’s policy statement and objectives, and thereafter an implementation plan.

When DoL does create a language unit, it should not just be a translation unit; it should not simply translate English and Afrikaans words into various indigenous languages. DoL needs to acquaint itself with the content of sections 5-8 of UOLA so as to be able to establish a worthwhile language unit. It should not just borrow words from English; this actually denigrates the previously marginalised official languages.

The panel asked DoL to explain what the phrase good language management, contained in its language policy document as an objective, meant. It views this phrase as both fluffy and clichéd. DoL, however, relates with workers, provides a comfort zone for them and bridges the many difficulties they have in the workplace. Therefore, the department needs to understand the important role it shoulders in society. Respecting language and culture goes a long way to heal wounds in society; the DoL is in the forefront of providing the healing that society needs. One way to do is to create able opportunity for the previously marginalised language for multilingualism to provide the needed healing.

The panel also asked DoL whether it prepared its presentation the morning of the hearing, quipping that it was still hot. It drew attention to a sentence in the DoL’s language policy: “It is still the prerogative of staff and clients to use any other official language to communicate and for the purposes of conducting meetings or performing specific tasks every effort must be made by Departmental officials to utilise language facilitation facilities such as translation and/or interpreting (both consecutive and simultaneous, as well as whispered interpreting) where practically possible.”

This sentence is convoluted and at worst does little to regard multilingual language policy among the key departmental priorities. Because the language policy document presented was done in a rush, DoL should throw it out and start again. The panel further pointed
out that the current document valorises English consequently sealing the fate of the indigenous official languages. Labour is about people, who speak many languages, so proceeding with English as the only official medium of communication and work serves neither labour nor the nation properly. Rather than speaking about operating in nine provinces, DoL should rather tell the panel what it is doing in its head office to promote multilingualism and how this is carried down to the provinces.

Referring to another phrase in the DoL’s language policy document, a functional programme of multilingualism, – the panel said the concept of functional multilingualism no longer has currency, because it is past its sellby date. It maintains the status quo with regard to English and Afrikaans. “Functional” will be linked with “practicability”, and previously marginalised languages, which are the official languages of the majority citizens of the RSA, will be thrown out. DoL should appoint people who are qualified and understand issues of language politics, and not only translation and editing.

One sentence in DoL’s language policy document reads: “Where the effective and stable operation of government at any level requires comprehensive communicated information …”. This is dangerous, as it places the department in a subjective position; it suggests that African languages cannot deal with comprehensive communicated information. Yet another sentence reads: “The selection can be made out of at least one from the Nguni group, at least one from the Sotho group, Tshivenda, Xitsonga, English and Afrikaans.” The panel said that it is DoL that must make this selection, and not use the DAC wording: it must say which languages it will use. It must think about the strategic level of power and authority its language unit would command in the DoL’s organogram. Currently, it does not have an executive voice in the department, which means that issues of language, especially the previously marginalised official languages, will not be heard because it does not have sufficient authority.

DoL must take the use of previously marginalised indigenous official language seriously. They are languages of the majority. Whoever is placed in the language unit must be a champion of multilingualism, because it is a national agenda. The department’s business must be run from a multilingual perspective, because the humans it serves speak different languages. It is out of order, and out of synch with reality, if it insists on using English only. The panel understands the pressure the department faces, and its concerns with regard to whether language will generate money or be a priority, but it should fight on regardless. The panel noted that the presentation made by the DoL is an eyesore. It is hoped that DoL would do better in future.

A member of the audience, Mr Thomas Baloyi, asked DoL what timeframe would set itself to revert to PanSALB, given the different language-speakers it serves and the volume of advice it is meant to give to its client. He noticed a lack of timeframes with several government departments. He asked what DoL’s focus would be in promoting languages: would it be lexicography or translations or interpretation? What kind of service is being given to people? Is there satisfaction that what they have been told is correct? More often than not, people consulting the DoL have been told that they have won (monetary) awards and then payment is not forthcoming; and one wonders then if the people had understood what they had been told. The panel concluded that DoL policy document should be withdrawn in its entirety.

Response

DoL is a national department, existing in all nine provinces. It has a myriad of clients to which it offers a basket of services. The regional and provincial contexts of those clients are taken into account; for example, in the Western Cape English, Afrikaans and isiXhosa are predominantly spoken. Client service officers will thus be proficient in particular languages. With regard to DoL activities, it strives to produce leaflets and flyers in predominantly used languages, so that its clients are able to understand the content that is shared with them. With stakeholder engagements DoL ensures that if the chairperson is not proficient in a number of languages, it will provide interpreters over and above sign language interpretation. It confirmed that it has a language policy which has been gazetted in February 2016 following consultation with the DAC. It used the legislative framework to guide it in its policy development, but had not produced a policy that was dependent on the DAC. But it noted the panel’s dissatisfaction with its language policy. It understands the phrase good language management to mean the concept of information that is acceptable, and getting it to the end user.

It denied the charge that it prepared its presentation on the morning that it appeared before PanSALB. To the contrary, it had worked on it the moment it received the board’s invitation. It conceded that since the gazetting of its language policy in February 2016 it has not worked as rapidly as it should have on putting the policy and a
language unit in place. It stated that the comments made by the panel will assist it to make headway; it is better equipped in terms of what is expected, and it will take the panel’s advice about engaging with other government departments. It will also look at the clustering of languages. If one lifts out some of the issues in the policy document, DoL will be able to produce a policy that is at least 80% of the way to what is expected of it. DoL also conceded that its language policy document had been finalised three days before the Minister of Labour’s deadline, failing which she would have been reported to Cabinet for non-compliance. It was rushed through, worked on with Legal Services to make it appear legal, and submitted to the DAC’s process, which approved it but provided no further comment. Reports would be made after meetings with the DAC on the urgency of establishing a language unit, as the DoL is only adhering to UOLA in part. There is, however, no champion for languages within the department.

Conclusion
The last paragraph of the DoL’s “response” says it all, confirming the panel’s observation that the DoL’s work was rushed and thus not properly constituted. Reasons therefore are also well spelt out. Now the department knows that it must develop its policy document including the implementation plan. It should also establish the language unit.
5.13. Department of Justice and Constitutional Development

Representative: Mr Tshilidzi Ramathikithi, Director: Legal Services, accompanied by Advocate Bonolo Madiba, Policy Unit, and Ms Mary Makgaba, office of the Deputy Director-General: Court Services. Apologies were proffered for Advocate JB Skosana, who was not present.

Presentation

The Department of Justice and Constitutional Development (DoJ & CD) said that it does have a language policy, but it is still in draft form. Nevertheless, the department is very busy when it comes to language services, as interpreters are needed for any court matters; it is the largest employer of interpretation services, and it takes this matter very seriously in order to ensure that justice is accessible through language services. A lot of foreign nationals also appear in South African courts, so it also has an obligation to provide non-official language services.

The DoJ & CD’s language policy, which has yet to be signed off, went through vigorous internal processes that proved challenging, including consultation with various stakeholders. This involved buy-in from the judiciary (magistrates and judges), the Department of Public Service and Administration, which had laid out various requirements to be followed, and other stakeholders. It was then presented to the department’s Policy Coordinating Committee, which outlined what needed to be incorporated into the policy. What has delayed the signing of the policy is the issuing of a certificate that outlines the process to be followed. That process also has to be costed, which means it speaks to the departmental budget to roll out the policy; the DoJ & CD’s Human Resources Directorate was tasked with determining costs. But the department assured the hearing that as a result of following this process, its draft policy is one of the best.

It said one of the projects on which it has embarked is on the use of indigenous languages in courts. Where one would find areas dominated by a particular ethnic group (there are 32 project sites) and for example the magistrate and prosecutor, as well as the complainant and investigator, are all Batswana, proceedings will be in their language. There are some challenges, such as language, terminology and jurisprudence that need to be adapted. Another challenge is when a matter is taken on appeal or review and needs to be translated into English because it is moving to a higher court, and sometimes words are lost in translation; perhaps the higher courts need to also use indigenous languages.

DoJ & CD vision is to ensure an accessible justice system, which promotes the constitutional values, including issues of redress, which requires a language policy that addresses the linguistic imbalances of the past. Before 1994 English and Afrikaans were given first-class status, and there is a need to elevate the other nine official languages to an equal level. The department’s mission is to provide transparent, responsive and accountable justice services.

South Africa is diverse and multilingual, with its 11 official languages and the non-official Khoi and San and sign languages, which must also be respected. Official recognition of English and Afrikaans prior to the advent of democracy had given these languages elevated status, but section 6.1 of the Constitution lists all of the official languages. DoJ & CD respects not only the official languages but also Khoi and San and sign language speech community. When it works in certain areas it employs the predominant languages spoken there, and it makes use of sign language interpreters.

The objectives of DoJ & CD’s language policy include compliance with the Constitution; to promote multilingualism and respect for all African indigenous languages used in courts, especially at service points (for example, state attorneys and court services such as maintenance, family law services and small claims); to address linguistic inequalities and past imbalances; and to embrace South Africa’s linguistic diversity. The guiding principles and values for its language policy include commitment to Constitutional values; elevating historically disadvantaged languages; equity and non-discrimination on the basis of languages; transparency; inclusiveness of all languages; and Batho Pele principles. DoJ & CD adopted all 11 official languages as departmental languages; all must be embraced on an equal footing. But in order to take practicality into account it is guided by a survey which it conducted in 2016 on the predominant languages of the various provinces, and also by census reporting, desktop research and the dynamics and complexities of each province. Nationally, however, it uses all 11 official languages. This is how the DoJ & CD uses languages by province:

- Limpopo: Sesotho sa Leboa, Xitsonga, Tshivenda, English and Afrikaans
• Gauteng: isiZulu, Sesotho, Setswana, English and Afrikaans
• Eastern Cape: isiXhosa, Sesotho, English and Afrikaans
• Western Cape: isiXhosa, English and Afrikaans
• Northern Cape: Setswana, Khoi, San, English and Afrikaans (Khoi and San are not official)
• 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

Sign language is also included with the provincial languages depending on request, although it is not an official language, the DoJ & CD said. In court cases, Braille is also used for blind and partially sighted people. Progress has been made with the DoJ & CD language policy, although it has not yet been signed by the Minister, including that its Legislative Development Branch translates legislation from English into alternative languages (the other official languages in turn); the Justice College capacitates court interpreters and others; an expression of interest was published in newspapers in March 2016 for the provision of high-quality South African Sign Language services; public education and communication on multilingualism, which involves three languages per province for publications; and the naming of projects in the various languages to promote multilingualism.

DoJ & CD restated its commitment to regulating and monitoring the use of official languages, especially in courts or service points. It said it has taken a further step, by promoting multilingualism in courts. This is a herculean, costly exercise, it said, but it needs to build confidence in the criminal justice system through language usage. It then made a further presentation on research it has done on the use of indigenous languages and mother tongues as languages of record in the courts, with a view to transforming the judicial system and rendering it politically more legitimate than before. In this research, it had examined legislation including sections 6.2 and 6.4 of the Constitution (around language rights), section 35.3(k) of the Constitution (which deals with language usage in criminal court proceedings) and section 6.2 of the Magistrate’s Courts Act (No. 32 of 1944), and had considered court judgements and lessons learned.

The point of the study was to examine the use of official languages in particular to determine the most appropriate policies to satisfy speakers of all language groups in terms of the administration of justice. The most appropriate policies would be the ones that safeguard the rights of people appearing in court (in various capacities), the promotion of the smooth and effective administration of justice, and the protection and promotion of the country’s indigenous languages. It made the distinction that in court, “official” language referred to the case’s language of record, and “non-official” language to different languages spoken in oral testimony, which would have to be translated into the language of record. It highlighted section 25.3(k) of the Constitution, which 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. If evidence is given in a language that the accused person is not sufficiently conversant with, then it must be interpreted.

It referred to judgments, including S v Pienaar, where a conviction and sentence were overturned because the Afrikaans-speaking accused person had been denied the right to legal representation, after his English-speaking attorney withdrew from the case and he was compelled to defend himself; and Mthethwa v De Bruin NO, involving an isiZulu-speaking accused person was denied an application to have his trial heard in isiZulu. In the 32 sites which the DoJ & CD has designated for hearing trials in indigenous languages, cases have been heard in Setswana and Sesotho.

Lessons learned include that as much as the DoJ & CD wants to promote the understanding of court proceedings, at times it has to look into whether or not the state actors (presiding officers and prosecutors) are conversant enough in certain languages. Secondly, there are cases related to the court roll where different presiding officers hear a case and one is conversant in a language and the other not; this raises issues of translation and protracted proceedings, and they would automatically switch to English to expedite the matter. Regarding civil litigation, there is no view about clear evidence per se, which includes documentation and legal representation, but the DoJ & CD will arrive at one eventually.

Questions and comments

The panel thanked the DoJ & CD and noted how far its endeavours have advanced, particularly on the use of official languages, and encouraged it to keep up its
efforts. It said it is worried that DoJ & CD spoke so much about the Constitution, when the hearing was specifically concerned with the Use of Official Languages Act and the use of official languages, in particular the marginalised (indigenous) languages. It was nevertheless good that the DoJ & CD recognises the need to promote them. It wanted to know how DoJ & CD goes about the promotion of the use of the indigenous languages, which had been marginalised for so long. English and Afrikaans have had more than their chance, but indigenous languages are still lagging even though they are constitutionally on a par with those languages.

The panel asked how DoJ & CD promotes multilingualism within the department. Does it encourage multilingualism, such as staff members greeting each other in different languages? It further asked what DoJ & CD’s language unit does to implement the Use of Official Languages Act. Do staff members use indigenous languages among themselves? It noted that the DoJ & CD’s language policy is not yet complete and gazetted. The fact that English will be the main language of DoJ & CD is of great concern to the panel. It wondered whether previously marginalised indigenous official languages will ever be given chance to perform this duty? It urged DoJ & CD plan and implement the realisation of this. It wanted to know as to when DoJ & CD’s language policy would be ready. It would like to be intimated of DoJ & CD’s rational behind choosing the three languages as prescribed by UOLA. It enquired whether DoJ & CD has a language unit. The panel noted with concern that the draft language policy is identical to the template given to every other departments by the Department of Arts and Culture (DAC). Thus, what it has is not a policy. It advised further that it is the UOLA that guide the department as to how to write its language policy in fulfilment of its mandate.

On page 6 of the policy is a headline: the “Constitutional and legislative basis for the policy”. This, said the panel, is not part of a policy; it is the background to a policy. Its purpose includes “to regulate and monitor the use of official languages for the department”, “promote and develop the use of indigenous languages within the DoJ & CD and all of its clients”, and “address issues of promoting parity of all languages …”, all of which suggest that while the department is going to regulate but has not developed a policy. How can it regulate what it does not have? This should fall under the evaluation section of a policy. The section that covers DoJ &CD objectives of the policy is simply a repetition of UOLA.

The panel raised several words in the language policy that it wished the department to take note of when reworking the document. One is stakeholders – do they know what it means? Justice falls within the humanities, which contain social conditions associated with values and structure that often rest on intangible norms and cultural factors. How does the concept of a stakeholder fit in with this? The word is problematic – a stakeholder is concerned only with his or her interests, and not the community. It has been used so commonly that it has lost its meaning. Another word is structures. The meaning here, too, is unclear, but possibly organisations or systems. Is the department referring to a committee? There is a need to realise multilingualism in a tangible way, with evidence to show the DoJ & CD is serious about empowering people in their language and culture, and afford them respect and acknowledgement in the process. DoJ & CD has been invited before PanSALB to walk the important extra mile for multilingualism. A letter the panel had received from DoJ & CD had stated that it would provide PanSALB with the department’s language policy; was there a reason why this had not been done?

The panel concluded that the DoJ & CD should construct its language policy anew.

It said the DoJ & CD’s intention to use all 11 official languages is too good to be true, a point the department conceded. The panel said it wanted the department to retain all 11 languages, but show how these would be packaged and used. It should disrupt the way things are done, so that they can change. It should think about its organogram: that whoever is responsible for language would have an executive voice when there is debate about budget and planning, whether there would be “a multilingual voice”; would the matter be placed at the periphery of the department, as an appendage with a tiny budget that functions only to translate and edit? The panel concluded that the DoJ & CD should construct its language policy anew.
A member of the audience expressed a concern. He said that in 2008, when he was interpreting in Parliament, there was a debate about the Constitution referred to as an Act. It is subsequently no longer an Act; it is the Constitution of South Africa. A second audience member asked, regarding South African Sign Language interpreting services in courts, how are requests for this service handled and is there a way to monitor the quality of the sign language service provided? The third audience member, who said he works for the DoJ & CD, commented that the last sentence of section 6 of the Constitution speaks of the promotion of non-official languages such as Greek and German. But DoJ & CD does not provide for interpreters in those languages for the Small Claims Court, that the speaker felt is a time bomb and requested that such issues be addressed.

The panel then said that in planning on a strategic level the DoJ & CD should find out how many advocates and magistrates there are in South Africa, check linguistic profiles in the High Court to see if they are bilingual or multilingual, and progressively act to assist those who are monolingual to learn a second language and then a third, and so on. Getting them to learn and use more indigenous languages would really be a strategy.

Response

DoJ & CD confirmed that its language policy is still in draft form. It had also touched on the issue of costing the policy, which required the involvement of the department’s Human Resource Unit. It advertised posts in national newspapers, and identified seven or eight language practitioners and their responsibilities. But its biggest challenge is that it had had to trim its budget, which affected the speed with which a language unit would be created, but it was hopeful that it would find budget in the next financial year for its plans for a language unit. It encourages people to converse in the indigenous languages, and teach people each other’s languages. Some believe meetings should also be held in indigenous languages. It acknowledged that OULA tallied with the issues the panel raised. Once a language unit is established, DoJ & CD would be able to start rolling out innovative ways to implement the indigenous languages. It holds cultural days, during which staff members learn about each other’s cultures and languages.

It further said it would take back the issue of English solely being used as the department’s main language. It needs to interrogate how best to accommodate the languages spoken in South Africa. This is why it promotes specific languages in different provinces. There are challenges, but it must continue to promote the indigenous languages, and develop jurisprudence in courts where those languages are being utilised. A communication plan for popularising the language policy is in place. An implementation plan is attached to the policy. The documents are now in the office of the director-general for signature, and for ministerial approval. It expected the language unit to be established in the 2017/18 financial year. A language unit has been created; it is just not yet operational. Posts created include a director, three deputy directors, three assistant directors, a secretary and eight language practitioners. The posts were advertised, but owing to budget cuts it did not proceed with shortlisting candidates.

DoJ & CD said it understands that the Use of Official Languages Act requires it to finalise its language policy and create a language unit. Once a moratorium on expenditure has been lifted, it assured the panel, everything would be put in place for 2017/18 and the candidate shortlisting would proceed. It noted the panel’s comments regarding words such as stakeholder and structures. It mentioned prosecutors and the judiciary as examples of its internal stakeholders. It took the word to mean a person who has an interest, while the panel argued that it had a more combative connotation. DoJ & CD conceded that interested party might carry a closer meaning.

On why DoJ & CD had not provided PanSALB with its language policy the department said it had provided the document before the hearing. The personal assistant to the director-general had sent it. Receipt of such could not be confirmed. The department conceded that court interpreters who are attending training at the Justice College on cultural diversity, multilingual and multicultural courtrooms are taught in English. It asked for guidance on a proper structure for its language policy in accordance to the Use of Official Languages Act; in that sense, it was glad that its draft language policy was not yet final. Regarding the audience member’s question on the quality control of South African Sign Language services in courts, DoJ & CD said there is a tool that monitors the quality of sign language interpreting. Sign language interpreters are accredited, and accessed through a database. Deaf SA and other organisations provide interpreters.
5.14. National School of Government (Palama)

Representative: Ms Mary Ledwaba, Head: Communications and International Relations, accompanied by Ms Dikeledi Mokgokolo, Director: Communications, and Ms Malebo Ralehlaka, Deputy Director: Communications.

Presentation

The National School of Government (NSG) is a national department in accordance with Proclamation 46 of 2013. It falls under the Ministry of Public Service and Administration. Its mandate is to improve capacity for service delivery and build a capable development state, as envisaged by the National Development Plan.

It offers training courses to government in four streams:

- Leadership: These courses develop public servants into leaders who care, serve and deliver, building leadership capacity across all in the public service
- Induction: These courses give effect to the induction and orientation of all public servants in line with public service determinations, Constitutional requirements, and the values and ethos of the public service
- Administration: These courses improve the administrative capacity of the state
- Management: These courses focus on technical skills for generic management competencies, covering financial management, human resource management and project management

During 2015, the Department of Arts and Culture (DAC) as the custodian of the Use of Official Languages Act approached all departments and parastatals regarding the development of departmental language policies. The NSG language policy was subsequently developed, in March of the same year. It applies to all NSG employees, clients (mainly public servants) and members of the public. It has, in terms UOLA, adopted three official departmental languages: English, Setswana and isiZulu, 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. It communicates with citizens and clients in English, unless the initiator of communication prefers to use Setswana or isiZulu. When it is required

the NSG will also make available services to communicate in sign language and Braille. All forms of learning and development (curriculum material, course programme facilitation, quotations and invoices, certificates, etc.) are provided in English, as are all public notices. It uses its three official languages for signage at its premises. English is used as primary language for all official publications. All its hearing and other official proceedings are conducted in English unless the use of any of the official languages is required as determined by the presiding officer.

In terms of progress on language policy, NSG policy was gazetted in August 2015 for public comment; no comments were received from either the public or staff. It continued to educate internal staff members about the policy, in workshops and its newsletter. The policy itself is currently going through internal human resources processes for endorsement, after which it will be implemented according to internal guidelines for policy implementation.

Questions and comments

The panel commented that besides the many language choice contradictions, NSG made an effort that is unfortunately not in line with the requirements UOLA. It also wanted to know how the NSG promotes the use of the 11 official languages, in particular the nine indigenous official languages, which are the least developed; the developed ones are the English the NSG emphasised in its presentation, and Afrikaans. Attempts must be made to bring them on board and for them to become popular languages. The starting point for developing the previously marginalised indigenous official languages lies in government departments, which should encourage them in the spirit of multilingualism.

The panel requested NSG to clarify what its purpose statement means as in “to define the official communication, including the use of other languages, sign language and Braille, as well as the promotion of good language management for cost-effective and efficient learning and development of public servants”. It further requested NSG to explain how it addressed the need to create equitable place to all official language. It also wanted to know whether NSG has a language unit. The latter confirmed that it did establish the unit. The panel found the preamble of the NSG language policy unclear, “The use of all languages in the public service has been and continues to be a barrier towards improved and efficient service delivery, in the sense that
The panel suggested that a reworked policy should contain statements such as that it “intends to improve capacity for service delivery and build a capable developmental state, as envisaged by the National Development Plan, through the elevation of previously marginalised languages to the level of other official languages; in order to facilitate communication between government and the public in official languages and encourage multilingualism”.

The latter part of the statement exists in the current policy document, but the policy does not seek to implement it. The NSG PowerPoint presentation states that UOLA “encourages communication between government and the public in preferred official languages and encourages multilingualism”. The word preferred should be dispensed with, as it means the opposite of what the NSG intends. Furthermore, the text in the PowerPoint presentation that made reference to the training courses offered by the NSG (see above, under the “Presentation” heading), could be adapted and used in the NSG’s language policy to describe its objectives, but centred around the use of previously marginalised languages. Under management courses, the text should state: “…to emphasise the use of previously marginalised languages as we focus on technical skills for generic management competencies”.

The panel recognised that the NSG is a relatively new government department, and it needs to “crawl before it walks with regards to matter of language policy”. That said, it has a very important mandate: to improve service delivery. Everyone is aware that the country is currently experiencing moment of poor leadership, and there is a need to use personnel knowledgeable in language matters to train strong, ethical leaders to correct the wrongs in society; that makes the NSG a very important institution. Training is skills empowerment. Considering that South African multilingual and multicultural country it is more meaningful and beneficial if it is approached from multilingual perspective. It is thus prudent that indigenous marginalised official languages are given a role in the NSG training.

On drafting language unit, NSG should keep in mind that the function of this unit is not merely to translate and edit documents. It is meant to implement the NSG’s trilingual policy in totality, of which translation and editing make up only a tiny fraction. People who know language and language matters and can push the language agenda must be appointed to the unit. They should disrupt the status quo, and create space for multilingualism. NSG language policy statement that reads, “NSG may, over time, establish such unit and/or make arrangements to incorporate the language management function within the broader communications function of the NSG” is problematic. The words “may” and “over time” constitute are non committal construction escape clause not helpful to foster multilingual language policy implementation. The panel said again that the NSG should withdraw its language policy and start afresh. It should also examine its training staff and see how many of them can speak more than one language, and then drive a process in which they can learn more languages. Senior managers who will make language matters matter in the running of the NSG must be appointed.
Mr Evelyn Ferreira of the Afrikaanse Taal- en Kultuurvereniging took issue with the use of the 2011 Census to determine which three languages the NSG had chosen for its operational languages. Neither English nor Setswana is among the most spoken languages, he pointed out; isiZulu is, with 22% saying it is their mother tongue. Only 9.6% of South Africans identified English as their mother tongue, and only 8.5% said Setswana is their mother tongue. In fact, the census results showed that Afrikaans and Sesotho sa Leboa are in the top three and four respectively. The question, however, is: how are the three languages that UOLA requires departments to adopt chosen? When looking at language choices, he said, departments should look at the percentages of the clients they are serving. He added that while a language unit’s purpose is to manage the implementation of UOLA, it is also important that its activity is sustained and grows, rather than simply comply with the Act.

Another audience member, Ms Annelise de Vries of Afriforum, said she completely agreed with the panel’s contention that new words must be created by language practitioners in each of the indigenous languages. Such words and jargon must be standardised in each language’s lexicon, she added. A third speaker, Advocate Martin Malapane of the Department of Public Enterprises, said the panel had previously mentioned that people should not be deployed to give effect to language policy requirements, but appointed. He asked how, bearing in mind current employees, departments can ensure that existing employees are proficient in the chosen departmental languages as well as new employees.

The panel said that it would respond to Mr Malapane during his department’s presentation. On Ms De Vries’ comment about creating standardised terminology in indigenous languages, it pointed out that PanSALB has a structure, the National Language Bodies (NLBs), that authenticates new words and verifies that they are in line with languages’ orthography.

Response

NSG has a national office, with a footprint of independent trainers in the provinces. When placing trainers in the provinces, it looks at the indigenous languages they speak, for suitability in the areas where they offer training. Its mandate is to train on a national and provincial level, but it is not prohibited from training local government officials. There is also a need to train officials in the languages of the African Union: French, kiSwahili, Portuguese and others. This is why it phrased its purpose the way it did in its language policy: its activities are spread throughout the continent.

It said that it does not have a language unit, as it is a very small government department, comprising 200 employees. It does therefore not have a language department, but there is a person in the Communication Unit who is responsible for the language policy and ensuring that the official languages are implemented. It wished that PanSALB would write to the NSG’s director-general, requesting that the capacity be created to establish a language unit. Pleas from within the department had fallen on deaf ears. Regarding the question whether NSG’s language policy preamble says that a lack of the use of all languages is a barrier to service delivery, or the actual use of the languages, it said it believed it had meant the former and would correct the statement. NSG said that the panel’s suggestions for improving its language policy had identified gaps; it is almost a policy. It agreed that it needs a language unit. In order to provide training in all eleven official languages, it will need capacity. It really appreciates the inputs that it received at the hearing, and it will use them to come up with a proper language policy that will meet requirements.

Conclusion

At the moment NSG does not have an acceptable language policy document. It has been advised to redevelop its language policy. With regard to NSG’s plea for PanSALB to write a letter to its director-general, the advice is: it is not for PanSALB to persuade the NSG’s director-general, requesting that capacity be created to establish a language unit. The NSG agenda which s/he is driving is not personal but national, meaning that all deployees have to abide by the laws of the RSA like any other citizen. NSG had to comply with UOLA. After all, in the next round of the hearing, PanSALB will be calling on all the national government departments’ directors-general to appear before it, to account on the Use of Official Languages Act.
Day 4
16 February 2017

Department of Public Works
5.15. Department of Public Works

Representative: Mr Mashite Mogale, accompanied by Mr Ernest Mkhwanazi, both of the Language Policy Implementation Unit.

Presentation

The Department of Public Works (DPW) said it drafted and gazetted its language policy for public comments in 2015. The comments received were considered and incorporated into a final policy, which has been approved. It is currently in the office of the director-general, in anticipation of being gazetted for public knowledge. DPW conducted a technical workshop on UOLA, as well as a language awareness seminar, in an effort to capacitate the four entities that report to the Minister of Public Works— to develop their language policies. These four are the Construction Industry Development Board, the Independent Development Trust, the Council for the Built Environment and Agrément South Africa. Roadshows are also taking place across the 11 DPW regions; the inland regions have already been covered. The coastal regions will be covered before the end of the 2016/17 financial year.

In terms of the DPW language policy, the department has adopted Sesotho sa Leboa, isiZulu and English as its official departmental languages, based on the 2011 Census report. It has made provision for the remaining official languages, including sign language and Braille as well. Its policy seeks to promote multilingualism among both its own staff and external stakeholders. It advised the four entities, based on their capacity and budget, to adopt at least three languages themselves, and not just those of the department, in order to promote diversity and representivity of official languages. Unfortunately, it has been unable (for lack of capacity, as its Language Policy Implementation Unit only employs two officials) to do a language audit and discern the most suitable official languages to adopt, hence its reliance on the census.

While English will always be the DPW’s source language, it said, it will always be alive to the idea that there are not only bilingual alternative languages (Sesotho sa Leboa and isiZulu), and a decision had been taken to cater for all the official languages, including sign language and Braille. DPW has created a database of qualified professional translators, with the emphasis on individuals rather than companies as they are easier to work with. This database is held by the Treasury under the Central Supplier Database.

It established its Language Policy Implementation Unit as a sub-directorate in 2011. The unit falls under the Communication and Marketing Chief Directorate, and reports to the director of internal communication and mobilisation, head of one of three directorates in the chief directorate. The unit seeks to offer translation, interpreting, terminology development, Braille services, sign language, language policy development, advice on language training and language awareness. But it has not yet fully implemented these services, such as Braille or sign language. It has, however, committed itself to translation of all official documents such as brochures and information leaflets, and it translates its internal newsletter and requests from other directorates and the regions. A challenge is that it does not have capacity to translate DPW’s annual report.

It can also not offer interpreting services, or terminology or terminography development. However, it has begun compiling a list of words so that when it is able to conduct terminology development it will have a basis from which to work. It hopes to reach the stage where it can compile dictionaries. The minister uses Braille business cards. Sign language is a service offered as and when required. It had also recently been decided that the DPW’s receptionist should learn sign language.

DPW has attempted to develop a language policy. DAC along with external stakeholders such as PanSALB have guided it. It involved the regional offices of PanSALB and the DAC, in its roadshow. The exception with PanSALB was in Nelspruit, which was not available. The Language Policy Implementation Unit advises DPW staff on language training, along with the department’s Human Resources Development Unit. Anyone wishing to learn the basics of another language can register for a course. The Language Policy Implementation Unit identifies a suitable, qualified service provider. In this way, staff members are being equipped in other languages. Staff is encouraged to engage with each other in various languages in the working environment to promoting social cohesion.

Within budgetary constraints, the unit also observes language awareness celebrations, including Mother Tongue Day (21 February), International Translation Day (in September), and a “language of the day” during Heritage Month. It includes articles on multilingualism in the DPW monthly newsletter; moreover, multilingual articles in English, Sesotho sa Leboa and isiZulu, and other languages, are published in the newsletter. It would like “to offer other services”, but there are always issues of budget and structure. It continuously strives to
carry out its mandate, with the support of its director nevertheless. Current challenges include a lack of personnel (with only two in the unit), insufficient budget, and the location of the unit within a directorate instead of directly reporting to the director-general. DPW is keen to promote multilingualism and cultural diversity. It applauded PanSALB for its monitoring and evaluation role in the implementation of UOLA. It hoped that PanSALB will support the unit in its efforts to be taken seriously. This includes budget and the Language Policy Implementation Unit’s location within DPW.

Questions and comments

The panel commented that it is pleased that the DPW has yet to gazette its final language policy, as it is now going to advise it not to do so. The language policy document is not ready. The department has to go back to the drawing board and draft a fresh policy that is not too general in its scope and that adheres to the prescripts of UOLA and the spirit of the Constitution.

The order of the revised language policy document should be as follows: background, a preamble or problem statement, then the policy goal or statement. The policy should also include a statement on the job the DPW does; its job description is diffused throughout the document. It should also state that the DPW “intends to conduct its business efficiently and effectively for all South Africans, by elevating the previously marginalised languages (PMLs) to the status of other official languages”, and “and as the driver of the national goal of job creation ... commit to executing the same by consciously implementing, across the board, all PMLs to the status of other languages”. The format provided by the DAC gives departments instructions on how to construct language policy.

DPW does well to create employment for people from poor communities, but it is necessary to empower those people in their languages and cultures, from where they derive pride. There is a need to restore what was taken away from these communities their languages and cultures. The ultimate goal is to restore people’s self-determination, which is about doing things for oneself and making one’s own decisions. This is achieved by promoting respect for them and their cultures.

“The panel said the DPW needs to make serious changes to its language policy. It stated that the emphasis of English only in communications is contra multilingualism and therefore out of order. Phrases such as “where practically possible” and “on request” and “where it is not possible” are popular avoidance strategy used strategically to rationalise the unwillingness to implement multilingual language policy. They reinforce monolingualism. Language policy, and its implementation, is about a lot more than translation and editing.

Response

DPW may not have complied with UOLA fully, but the unit is trying its best to offer language services within the context of the DPW’s situation. It representative in the hearing had done this on his own, until a second person was appointed in 2015. It thanked the panel for all its constructive criticisms and inputs. While it had taken notes, it would appreciate the hearing notes, so that it can take corrective action.

Regarding how to practically realise its intention to promote multilingualism and cultural diversity, DPW said that it wishes its internal and external staff to access its information and services in many languages. It appreciates that people come from different cultural backgrounds. With the guidance of PanSALB and other language experts it is keen to ensure that all languages are spoken, written and displayed across the department. This ensures cultural sensitivity.

Conclusion

Comments and responses to questions asked should help DPW to develop an acceptable language policy document and to establish a language unit that would assist it to implement the policy objectives.
Day 4
16 February 2017
Department of Public Enterprises
5.16. Department of Public Enterprises

Representative: Ms Monica Kokela, Communications Unit, accompanied by Ms Amanda Mali, Communications Unit, and Advocate Martin Malapane, Legal and Governance Unit.

Presentation

The Department of Public Enterprises (DPE) said its draft language policy had been approved by its director-general and gazetted for public comment. The policy has enhanced the implementation UOLA. It is applicable to the DPE’s main stakeholders: its staff, the public and state-owned enterprises within its portfolio. The choice of the department’s official languages was informed by the languages predominantly being used in the SeTshwane/Pretoria CBD and the surrounding townships of Mamelodi, Atteridgeville, Soshanguve, Mabopane and Ga-Rankuwa. These were identified as English, the Sotho dialects (Sesotho sa Leboa, Sesotho and Setswana), Afrikaans, isiZulu, isNdebele, Xitsonga and Tshivenda. DPE does not currently have a language unit due to “capacity restraints”. It was initially decided that the language function would reside in the Communications Unit with the support of the Legal and Governance Unit. Due to limited resources, they assist each other in implementing the most easily achievable tasks, as outlined in the language policy, and those which do not require extensive resources. There are challenges such as a budgetary constraint and limited expertise in linguistics that empede the establishment of a language directorate. Even though activities reside in the Communications Unit there is a need for more resources. DPE tried to comply with UOLA since 2016: the language policy was approved on 8 September 2016, and gazetted for public comment on 23 September. The policy is being implemented within the department. All languages are being used in the department’s marketing collaterals, in some instances depending on where they will be used. The policy has been published on the DPE’s intranet and website. DPE ensures that communities are addressed in their relevant official languages during public participation programmes. It uses the services of interpreters and sign language interpreters when necessary.

Questions and comments

The panel asked if DPE can categorically say that it has a language policy and a language unit that specifically focuses on development, adoption and implementation of its policy. The question was prompted by the realisation that none of its representatives do have background in languages studies. For instance, if the panel were to ask how the department goes about interpreting UOLA the answer will definitely be “I or we are not sure”. This act is focuses on the usage of official languages, among these are the nine previously marginalised indigenous official languages that need upliftment by DPE staff members in servicing the nation. These languages embody the speakers’ identities and cultures. Yet, 22 years into our democracy, the emphasis remains on English. Thus, the panel was interested to know how DPE language policy outlines its intentions to implement the instructions UOLA. Government departments, the panel reckoned, must ensure that indigenous languages are used. It would be gald if the extend of how these are used with within the DPE working environment is explained in full detail.

The Act requires the establishment of a language unit, to develop and to implement the Act. As that has not been done, the question is: how soon will this take place? The public expects it to do the right thing by delivering the services it has been mandated to deliver using the previously marginalised languages. It is disconcerting that DPE is resigned to the fact that it will not have a language unit in the foreseeable future. Some of the definitions included in the DPE’s language policy document are hardly relevant and should be dispensed with. This document is not yet at language policy stage. still a mere template and set of instructions. Nowhere in the document is it stated that “the language policy of the DPE, in its mandate to drive investment and productivity through the State-owned companies, intends to accomplish its business by elevating previously marginalised language to full, official status of other languages,” said the panel. The point is that previously marginalised languages remain marginalised, and the question is what the department will do to remedy this.

The explanation of what DPE does in its mandate section of the policy document can be turned into objectives, with each objective linked to the elevation of the previously marginalised languages to full official language status. The Constitution requires all official languages to be afforded parity of esteem and equitable treatment. It is a Constitutional requirement that the nine marginalised languages be brought on par with English and Afrikaans. DPE needs people with woema (oomph) who are committed to equal treatment of all official languages, people who will go the extra mile to bring about parity of esteem for the nine marginalised
languages. It is important to reflect on the seriousness of the matter: it is about empowering those who have been left behind and marginalised, they are disempowered, they are disrespected. Their dignity must be restored.

DPE should accept that its language policy document is inapt. It must construct a language policy and an implementation. It must establish a language unit that would implement the plan. It must initially analyse its working environment and plot areas where the languages it has chosen are constricted from appearing and functioning. Those areas must be opened so that these languages exercise their right to an equitable official/business use. It is a concern that DPE sent “juniors staff” members are who cannot speak with authority. They confessed that “the decision to design and implement language policy is a matter of the executive”. This confession is an expression of helplessness. It is prudent that staff members dealing with language policy must be able push departmental language policy debate toward the executive level. They should not be mere language practitioners but individuals who understand language and politics, language and power, and language and strategy.

The PanSALB wishes to awaken a sense of identity and responsibility. It does not agree well when people pray eloquently in English but cannot do same in their mother languages. This inculcates, implicitly yet effectively, the common-sense assumption that God do not understand eloquently in English but cannot do same in their mother languages. This inculcates, implicitly yet effectively, the common-sense assumption that God do not understand eloquently in English but cannot do same in their mother languages. This mentality swiftly crucibles and fossilises previously marginalised in negative terms. It is thus projected as natural and obvious that they are increasingly set as unsuitable languages to mediate the sanctity of deity and “holy” spirituality. They are thus systematically ejected from the popular platform of clean/holy spirituality.

Point of fact, communities of believers would rather invest in King James Bible version (English) rather than a Tshivenda translated version, for instance. The world is undesirably becoming monolingual; people are fallaciously told that one language is closer to business and science, and the rest are not at all; yet business and science are concepts that can operate in any language. Previously marginalised indigenous official languages are equally crucial medium of epistemic and ontological process. Any design to sideline these languages is both unthinkable and unthinking.

Referring to statements by the panel that people should be “appointed” to language policy implementation positions rather than “deployed”, DPE asked how such a culture can be inculcated and how people with woema can be employed. The panel argued that no one can be neutral on the issue of language policy; people should take a stand and make their preference known; multilingualism is not a popularity contest. A half-hearted commitment is not acceptable. A full-bodied commitment by critical citizens is desirable. Strategic people should be appointed to strategic positions, and reasons given. Multilingualism is serious national agenda.

A member of the audience from one of the Department of Environmental Affairs boards said the lack of use of African languages is a critical point in keeping Africa, and South Africa, from developing. People are being cut off from indigenous knowledge systems and cultural values and norms; the forthcoming generation is being confused because nobody aspires to take an African language as a second language: they prefer Afrikaans and English. As a result, future leaders will be devoid of indigenous knowledge systems of their own. She appealed to PanSALB to conduct deep consciousness-raising programmes, so that broader society can become actively conscious of the importance of languages. As an example, she referred to the pangolin and the rhinoceros– the struggle to conserve these animals would go differently if science was integrated with indigenous languages.

Another audience member, Ms Olga Blose of PanSALB, advised and encouraged all government departments to make specific reference to South African Sign Language, as different countries used different versions of sign language. A third audience member said he was pleased to see PanSALB taking a stand on multilingualism, but the board is not available whenever he tried to engage with the board, nobody responds to requests for assistance on matters of policy. Perhaps it should have a sub-unit to ensure that issues around languages are dealt with.

A fourth audience member, Ms Amanda Mali, said that she was shocked to discover that departments do not actually have language policies. Departments thought they had complied with UOLA. It was personally shocking for her to note during this hearing that they actually do not have acceptable language policies. She asked how PanSALB would work with government entities such as the DAC to prevent such situations in future. She agreed that multilingualism is not a popularity contest; it requires a mind shift, from the top. She called on PanSALB to conduct workshops, dialogues and programmes with departmental heads and not
merely officials. Change starts at the top and trickles down, she said. PanSALB has been under new management since July 2015, and is in a rebuilding process, the Panel pointed out. The current hearing process is among plethora activities meant to make things right. The directive is grounded on the current five-year strategic plan. PanSALB is a constitutional institution that is not aligned to any particular government department. DAC is tasked with implementing the UOLA. PanSALB, on the otherhand, is overseeing the process. Whilst DAC trained departments on implementing the Act, and the board checks that this is aptly done. Should it be inapt the board is obligated to intervene. This hearing is therefore not a vendetta against departments. It is a principled act that seeks to monitor how the departments run their business from a multilingual perspective. PanSALB will not mince its words; its recommendations are binding on departments. Regarding a request from the DPE delegation that PanSALB engages with departments’ top executives, the panel said that it is planning engagements with departments’ directors-generals.

Response

DPE said that it does not have a language unit. It relies on its Legal and Governance Unit to assist so that it complies with UOLA. It asserted that “indigenous languages are used in the workplace”. It does not employ language practitioners. It is currently using contractors, but the services of some of them are not being renewed. It is going to be difficult to establish a language unit going forward, DPE entoned. It said that it is a shareholder department for state-owned enterprises. Some of the big entities, such as Eskom and Transnet, do assist it to meet its commitments. It is unsure when PanSALB would engage with those entities and be given the relevant details. It is not “closing the door on complying with the UOLAbut would engage with its superiors around the fact that there is legislation to comply with”. It appealed to PanSALB to engage with government departments on an individual basis, and meet with senior executives and junior officials responsible for language, “in order to deliver constructive criticism on issues before the powers that be”. This would enable language practitioners’ work to be taken more seriously and not be an afterthought.

Conclusion

The DPE must redevelop its language policy and establish a language unit. It should not rely on its Legal and Governance Unit on matters of language unless they are empowered in that regard. Confirmation that indigenous languages are used within the DPE workplaces should evidenced by both its language policy and implementation plan. It is irresponsible for DPE to categorically say that it is going to be difficult to establish a language unit going forward. The establishment of a language unit is mandatory.
5.17. Department of Rural Development and Land Reform

Representative: Ms Dorothea Samaai, Deputy Director: Print Production.

Presentation

The Department of Rural Development and Land Reform (DRDLR) stated that it does not have a language unit. It has however made provision for the establishment of this Unit in its departmental organogram. It is set to be housed in the sub-directorate of the Communication Services Directorate, with provision for a deputy director and two assistant directors. It is envisaged that it will be responsible for the regulation and monitoring of the use of official languages by the department and its entities; the adoption of a language policy by the department; the establishment and functions of language units at provincial offices; language technology; translations; interpretation and terminology development. Currently, these functions are outsourced because of lack of staff.

A language policy, based on two surveys done within the department, one at senior management level and the other at levels 1-12, has been drafted for gazetting. English, isiZulu and Afrikaans have been identified as departmental official languages. However, English will remain the department’s official business language, with all official publications translated into isiZulu and Afrikaans, along with other languages in rotation. For internal, inter-departmental and intra-departmental oral communication, consensus was reached by senior management that the three languages will be used, unless other rules apply and on the proviso that no one will be prevented from using the language they prefer. This would mean that interpretation services (into English) would have to be outsourced.

External oral communication “must take place in the language of the target audience, with the assistance of interpreters and/or translators and technical means such as simulcast and subtitling. External written communication will be in the language of the citizen’s choice”. Should the department initiate communication; the language of the target audience will as a rule determine the languages to be used. Also, subject to periodic language audits, departmental publications will be issued in the language(s) of the target audience. International communication will normally be in English or in the preferred language of the relevant country.

The DRDLR’s presentation also stated that language units will be established at national and provincial level, to deal with specific issues arising from its language policy, and to liaise with other departments on language matters. The intention is that the language units will report on an annual basis to the Department of Arts and Culture via the department or province, and to PanSALB. It also encourages and supports the development of language technology for South African languages.

Questions and comments

The panel was unimpressed with the DRDLR’s presentation. It asked the presenter if she worked with languages in the department and has language qualification background. The answer was in negation. She works in print production within the Communication Services Directorate. She takes care of the non-existent language unit, with its three vacant posts. She is not the relevant person to address appear before this hearing, the panel reckoned. It asked whether DRDLR could confidently demonstrate that its commitment to UOLA. It further wanted to know how DRDLR inculcates the spirit of multilingualism; advance the use of the nine indigenous languages in its workspace. The fact that its language policy is in a draft stage and is yet to be approved by the minister and be gazetted is not good enough.

Nowhere in the draft policy is it stated that DRDLR language policy is to empower South Africans through the use of the nine previously marginalised indigenous official languages. Its departmental mandate is not spell out at all.

The purpose statement in the draft policy document should be the policy statement, but then the document subsequently falls apart. It needs a statement of objectives and then its mandate, showing due respect to the implementation of the previously marginalised languages; it must state how it will use these languages. In its introduction, it should elaborate why it is doing this: in other words, granting the nine indigenous languages equitable space currently afforded to English and Afrikaans. It should make the scope of its work part of the introduction. What is yet at issue is that the document currently states that it applies only to the entities reporting to the minister, when it should apply to everyone in the department who interact with South Africa’s citizens.

Ultimately, the draft language policy is restating what DRDLR was told to do, as opposed to explaining its language policy. As such, it can excise the
“Requirements” section of the policy, as it repeats the template instructions, as well as the “Official languages to be used” and “How DRDLR will use selected languages” sections. What is listed as an implementation plan is not one as such, and should also be dropped: what are required are timelines and objectives. Sections on publication of and access to the policy, complaints and review should be removed. The panel said that at this stage, there is no policy to review. The panel stressed that the department’s language unit should not be a mere translation unit only. DRDLR faces massive challenges regarding multilingualism. The department has started a very important project, to restore agriculture to the rural poor around the country: 44 agri-parks are being established in districts countrywide. However, in community meetings English is being used although most attendees don’t understand the language. For example, Afrikaans is dominant in the Northern Cape. It does not make sense making address in English for in this context. For the project to succeed, the DRDLR must take multilingualism very seriously. The structure of the agri-parks is to provide opportunities for rural communities to produce food, add value to products and distribute food to communities in districts.

But immense harm will be done if justice is not done to local languages; the agri-parks could be negatively affected if people are not engaged in their mother tongues and in their cultures. The minister and the department’s top structure must thus take this matter seriously. Promoting the nine marginalised languages will contribute immensely to rebuilding South African society and enabling it to become a productive society that produces food for itself, eliminates hunger and promotes goodwill. Section 7.6 of DRDLR draft language policy is incorrect. DRDLR language units report to the department’s top management not to DAC. The three language unit posts to be created are minuscule to carry out a massive and strategic language policy implementation. The two-year policy review cycle is too short. Five-year period is an acceptable standard. DRDLR claims to be financial incapacitated to establish a language yet it is currently outsourcing its language service. This is an expensive exercise that could instead be done cost effectively inhouse by the language unit. It is prudent that DRDLR get its priority right. The panel wondered whether it (DRDLR) would consider compliance to UOLA had it not been called to appear before this hearing. The latter confirmed it would have honestly not thought of this act.

Response

DRDLR admitted that it has not been taking UOLA seriously. It is, however, ensuring translations and outsourcing functions that can be given to external providers. Its language policy was drafted in 2015 by the presenter alone but only endorsed in November 2016. It has repeatedly been taken off the departmental agenda. It is still in draft form, awaiting ministerial approval before it is gazetted. The department therefore “has nothing in hands”.

In reference to the statement made in its presentation that a language unit would deal with “specific language issues”, DRDLR meant activities such as translation, and interpretation or simultaneous translation at events hosted by the department. It conceded the panel’s point that translation makes up a small part of a language unit’s functions. On whether or not it would have thought through its language policy was it not for the PanSALB hearing, the DRDLR that said it would have sent its draft policy to the DAC for examination and guidance. The document had been drafted by the presenter, who is not a language practitioner, without the necessary tools or background to do so. It is a “start for the department, so that something can be done about language policy in the department”. The problem all along has been that nobody is taking responsibility for language policy, and nobody cares about the matter. It also has had to be undertaken over and above normal work responsibilities. The post of Deputy Director: Language Services had been advertised in 2015, but the post has still not been filled, and there is now a moratorium on appointments. Currently DRDLR has an oversight committee on the appointment of all staff; if it decides that a post is not a priority, then it cannot be filled. Written representations to the committee have been made but there has been no response.

Conclusion

DRDLR must rework its language policy and establish a language unit as a matter of urgency. It must take the matter of language seriously and use indigenous languages within its own workplaces and on delivering services to the people. The fact that previously marginalised official languages are still marginalised 23 years into our democracy is not a joke, but a painful reality.
Day 5
17 February 2017

Department of Science and Technology
5.18. Department of Science and Technology

Representative: Mr Veli Mbele.

Presentation

The Department of Science and Technology (DST) has had a language policy since 2004, administered by its Knowledge Information Resources Management Unit (KIRMU). The latter develops and monitors language policy and reports to the Department of Arts and Culture (DAC). The language policy drafting process was originally the responsibility of the Science Communication Unit, but was later handed to KIRMU. KIRMU has the following responsibilities: develop, review and co-ordinate the implementation of the department’s language policy; monitor and assess compliance with the language policy; promote the use of indigenous languages; and report to the DAC on language policy implementation and other activities.

DST official languages have been identified as isiZulu, Sesotho sa Leboa and English. The choice was informed by 2011 Census data. Although the department is a national entity only, it is aware of provincial language dynamics and other languages will be used where necessary. It listed several key projects and communities, and the languages used to communicate with or about them:

- Astronomy project: Setswana (public) and English (professionals)
- Khoi/San group: Afrikaans
- National Science Week (radio broadcast and promotional materials): all official languages
- Calls for nominations for the Board of Science: English
- Official reports and publications: English (isiZulu and Sesotho sa Leboa summaries)
- Indigenous knowledge systems at DST conferences and workshops: English and language of choice for main address
- Sign language and Braille: made available upon request
- PAIA Manual: all DST official languages

These communications are not done in isolation. The National Research Foundation, which reports to DST, has a body that communicates around science and technology named the South African Agency for Science and Technology Advancement (SAASTA), which communicates in all languages as a matter of practice. It uses the services of the DAC’s National Language Service in case it does have internal capacity. It gives people access to its language policy.

Questions and comments

The DST presentation is trifle short. It hardly indicates how it implements UOLA. It has neither a language unit nor an acceptable language policy. It is unacceptable that regardless of the fact that UOLA was promulgated in 2012 DST has hardly moved towards implementing this act. The panel advised its representative to its principals to budget accordingly so that compliance to this act is met. The language policy documents presented restate UOLA’s instruction on the need to develop a language policy. It emphasises English at the expense of the previously marginalised indigenous official languages. The legislative mandate section is however acceptable. But it should also have an introduction, and include a statement on why the policy exists. It should state: how, in accordance with UOLA, DST “intends to create a prosperous society that derives enduring and equitable benefits from science and technology, through the elevation, through usage, of previously marginalised languages to the status of other official languages”. Further, the policy should include objectives that will be achieved through the conscious development and use of the previously marginalised languages.

But the policy should exclude a variety of points that are contradictory, such as not saying that it does not engage with the public when in other statements it does serve the public. A statement that it will review its policy every two years is up to the department. While a statement on access is acceptable, the complaints mechanism section of the policy should be removed from the document. A language policy implementation plan, with timeframes that are linked to the language policy objectives should be included in the policy document. The envisaged language unit should not simply be a translation unit from English to other languages. This is particularly critical with regard to the sciences: the department cannot borrow English words but must create neologisms in the previously marginalised languages. There is no substance to the DST’s claim that some terms are untranslatable.

The DST language policy contains fractured, illogical and convoluted language: Point of fact, “Owing to the international nature of science, and as English is the language of common use in Parliament, the department and other government departments and the public
entity reporting to the minister of science and technology, one of the three official languages used by the DST is English.” It asked what this statement meant, and said long-windedness immediately suggests that it is hiding something. Why does it not say simply that it uses English? The text of its policy needs to be shorter and crisper, and clear in its meaning. Another point of concern imbedded in the DST policy document, section 5.1, is its plea “financial constraints”. The panel said it should be deleted. DST must simply be budgeted wisely. The “Function multilingualism” it pontificates is an outmoded idea that perpetuates monolingualism and ensures that other languages will never catch up.

Section 5.2 of the policy document states that isiZulu and Sesotho sa Leboa “should be used to communicate” when it should actually read “are to communicate”; but even worse, it goes on to suggest that isiZulu cannot be used as a language of science. That is a myth that must worthy to be discarded: DST must demonstrate how through language policy implementation isiZulu will be elevated to a point that it is a part of science. It must develop its own terminology and jargon, as this is not the responsibility of the DAC. According to Section 5.6, DST annual reports will be published in English because of the prohibitive high translation cost. DST should appoint language specialist to write such documents in their own languages.

An audience member said that she writes books for children. She tried to include science in her work. With no support from DST nothing progresses. Within the knowledge- and science-based society one cannot add value to the country’s natural resources if the majority of people are marginalised from a scientific perspective. She encouraged DST, of all government departments, to take the matter seriously as it is most important. Ms Boshego Motlou, of the African Diaspora Foundation, told the hearing that in Senegal science is taught in the local Wolof language; if South Africa needs an African success story in this regard Senegal is the place to go.

Mr Mr Evelyn Ferreira of the Afrikaanse Taal- en Kultuurvereniging touched on the point in the DST’s presentation that the department recognises provincial language differences. This is an important statement, he said: people and their languages are dispersed all over South Africa, but there are still very distinct language breakdowns; the 2011 Census is useful in determining languages in regions. It does not help that he speaks about what UOLA says and that he wants something else, but the fact that the Act requires government departments to adopt a minimum of three official departmental languages is incorrect. How does one choose them? Why not his language, He asked.

According to the census, departments would have to always choose isiZulu, isiXhosa and Afrikaans, which are the majority languages in South Africa. The departments should go to each region, and choose three languages for that region. And one does not have to choose only three languages. He said he hopes that eventually the importance of all 11 official languages will be acknowledged, and it is a pity that currently, choices have to be made.

Response

DST conceded that it does have neither a language policy nor the language unit. It acknowledged the policy document it presented can not be regarded as a language policy. In response to the panel’s question on why certain languages have been allocated to specific projects DST said that the projects use languages in terms of the constituencies they serve. It representative expressed its honest appreciation of the feedback of the panel. He may not be a language expert, but he is engaged in language policy matters because of his passion and desire for transformation. He has a standing meeting with DST director-general, and will raise four points: make the language policy neater; look at an implementation plan with timelines; prioritise the establishment of a language unit; and prioritise the development of a glossary that speaks to the needs of communities in their languages. UOLA is attractive because it aims to “raise the esteem of indigenous languages”. There is a deep appreciation of the ideological, historical and power relations that are implicit in this. The department assured the panel it would convey this to the minister.

He acknowledged that there is a need for critical and honest dialogue in a wider discussion about language, heritage and natural resources. It would include the issue of storytelling in its report to the department. DST International Relations Unit, through the SKA project, does work with several African countries, including Senegal. The possibility of exploring options on the continent will also be included in its departmental report. He concluded that it is a pity that multilingualism has to be furthered by means of legislation and policy, but if one considers the damage that is being undone, damage that was not caused in a neat way, some degree of revolution is required; things cannot be corrected without disruption. Some people will have to be made uncomfortable and things said that others are afraid to utter, otherwise progress will not move an inch – and this is about Africa’s survival.
Conclusion

DST does not have an acceptable policy document developed to serve its national mandate in terms of the Act. It must establish a language unit to be able to develop and implement the obligations of the Act and the Constitution of the RSA.
Day 5
17 February 2017

Department of Small Business Development
5.19. Department of Small Business Development

Representative: Mr Cornelius Monama, accompanied by Ms Nomvula Makotlo.

Presentation

The presenter, Mr Cornelius Monama, said he had developed the Department of Small Business Development’s (DSBD) language policy by himself, and he is neither a language activist nor practitioner. It was a question of using policies of sister departments, in some cases cutting and pasting content. He had deadline pressure. The language policy seeks to indicate and outline how the DSBD will comply with the provisions of the UOLA. The department’s director-general approved it on 23 February 2016, just over 18 months after the department was established in July 2014.

Among its key provisions are that DSBD has adopted all eleven official languages as its departmental languages. It committed to using all official languages where feasible, and as and when requested by members of the public; it conceded that this may have the effect of marginalising languages because of the feasibility element of the statement, and that English may take precedence. Factors considered when choosing which languages to use are regional circumstances, practicality and the preferences of target audiences.

Languages will be used in the following ways:

- Inter- and intra-governmental communication: English
- Official written communication with members of the public: all of the official languages, according to budget and the factors listed above
- Oral communication with members of the public: all of the official languages, according to budget and the factors listed above
- Official publications intended for public distribution: English and, depending on the audience, two alternative major official languages where feasible, as and when requested
- Outreach engagements: English and, depending on the geographical area, two alternative major official languages that will be used concurrently, where feasible, as and when requested
- Public hearings and other official proceedings: English, but requests can be made to provide interpretation services in any other official language
- Communication with the hearing- or sight-impaired: the department will facilitate South African Sign Language interpreting, and conversion of text into Braille or audio upon request
- International communication: English
- Website: English

DSBD does not yet have a language unit, nor does it have a departmental language practitioner; this means it does not have the capacity to analyse or review its language policy, nor to check it compliance to UOLA. Responsibility for the policy is located in the understaffed Chief Directorate: Communication and Marketing, which has only six staff: a chief director, an administrative assistant, an assistant director, a communication officer and two call centre agents. This arrangement is impractical.

Efforts to promote marginalised languages are made through DSBD outreach and imbizo programme, where local languages take centre stage. The minister and departmental officials are regularly interviewed on community radio stations, where they speak to people in their languages. Staff members are also encouraged to speak in their own languages, even in unit meetings. English remains the department’s dominant language regardless. DSBD listed as its challenges the lack of dedicated human resource capacity to implement and monitor its language policy; a lack of awareness and consciousness about language issues, which means there is no drive to ensure that there is capacity for language issues; and the general assumption in society is that English is “the language of business” and the other official languages are not. Everything is generally done in English, and translated.

There is a need, DSBD said, for awareness and consciousness of language issues within the department. It therefore requests PanSALB to visit the department and make a presentation to the management on the matter. It made the point that the DSBD is a relatively small department, with 193 staff members and limited budget, yet it needs to establish a language unit in compliance with UOLA should budget and resources permit. A language unit to be established must review the current language policy, and develop an implementation plan in line with the overall objective of promoting the use of marginalised languages.
Questions and comments

The panel thanked the DSBD for its honesty throughout the presentation. It requested DSBD to rework its language policy within the context of its mandate. It also needs to establish a language unit. On the implementation of the Act, the panel said the statute’s name reflects the use of official languages. Of the 11 official languages, nine indigenous languages have never been developed, be it during colonialism or the apartheid era or the 22 years in which Africans have been in power. They are still not being taken seriously, yet they are spoken by the majority of South Africans and the panel would have expected them to have been taken seriously by now. Multilingualism engenders social cohesion and nation building.

DSBD should create a language unit that will serve the needs of communities which it serves. In so doing it will be required to pay attention to details. The policy documents presented is a mere set of instruction on how to draft a language policy. It is a template obtained from the Department of Arts and Culture wherein department are expected to fill in their information under the headings provided. DSBD was told to remove many of the items (headings) from its language policy document. The introduction can stay; however, numbering every paragraph in the document should be avoided as this is unnecessary. The introduction should be followed by policy statement on mandate. Importantly, it should note that the DSBD “intends to create a conducive legislative and policy environment for small, medium and micro enterprises (SMMEs) and co-operatives, through the elevation of previously marginalised languages in all its core business”. Then under objectives, which are still part of the policy statement, DSBD should state that it “intends to support and increase the participation of SMMEs and co-operatives in the mainstream economy by the constant usage of previously marginalised languages”. Under every point in its job description, it should mention that will carry out its function by the elevation of previously marginalised languages in its core business. That would be its language policy. This would include the development of terminology in the previously marginalised languages; “SMME” is an English acronym that would not be the same in other languages. Business has its own terminology, such as “stakeholder” and even stokvel. The DsBD will have to develop its own dictionary to meet its needs, which it can have checked with PanSALB for standardisation purposes.

It should retain its section on a regulatory framework in a simplified form. The scope of the policy can be left as it is. The statement on the use of languages is contradictory. Eleven official languages are adopted as departmental official languages but three are meant to be “use constantly”. It can also remove the section on complaints and public access, which are not relevant to a policy. Further, it should remove references to activities being done when resources permit this. It should simply make resources available – it cannot say it does not have them, when each year, unspent budget is returned to the Treasury. The language policy implementation unit – the language unit – should not be advising, but rather reporting to, the director-general on progress around language policy implementation; in this way, the unit will be held accountable for progress.

Moreover, the policy must include an implementation plan, which the panel recommended should include three- to five-year timeframes. It should examine the environment in which it operates and identify the areas where the previously marginalised languages which it has chosen do not have space and cachet. DSBD was criticised for simply copying parts of its language policy from elsewhere; for example, did the department understand what “language management” means? A table enumerating purpose and languages to use is useless and should be removed. DSBD’s e written notification for language services is reckless and therefore unnecessary. For example, the PanSALB hearing offers multilingual interpretation without this having been requested, because that is the responsible thing to do; it costs money, which PanSALB will find regardless. It creates employment in the process. This inspires language users people to speak and work in indigenous languages. The panel concluded: “When you do that, Africa comes back.”

Response

Regarding the panel’s suggestion that half of anyone’s schooling should be in their mother tongue, the department said that it held the (non-expert) view that it should be compulsory for children in their formative years to be taught in their mother tongue. This would give them a firm grounding of concepts in their own language. DSBD said that while it has no formal programme to promote multilingualism in its workspace, it does encourage staff to speak in their own languages. In job interviews, candidates are permitted to make points in the language in which they are
comfortable. Otherwise, there is no campaign to improve or promote the use of languages.

Conclusion

The DSBD does not have a language policy developed. It also does not have a language unit. It must employ language practitioners to deal with language issues. Language matters are serious for service delivery to the nation and need to be taken seriously and in terms of the laws of this country.
Day 5
17 February 2017

Department of Social Development
5.20. Department of Social Development

Representative: Mr Michael Machubeng.

Presentation

The Department of Social Development (DSD) began by apologising for submitting its supporting documentation to PanSALB at a very late stage. It said that there had been a communications breakdown within the department. It explained that its mandate includes the following:

- Managing and providing oversight over social security, encompassing social assistance and social insurance policies that aim to prevent and alleviate poverty in the event of life-cycle risks such as loss of income due to unemployment, disability, old age or death
- Providing developmental social welfare services that provide support to reduce poverty, vulnerability and the impact of HIV and AIDS through sustainable development programmes, in partnership with implementing agents such as state-funded institutions, non-governmental organisations (NGOs), community-based organisations (CBOs) and faith-based organisations (FBOs)
- Facilitating the implementation of appropriate policies, strategies and programmes aimed at promoting sustainable livelihoods and human development
- Providing leadership and government-wide co-ordination of population development, including the national disability rights agenda. This is a key departmental issue, and Cabinet has just approved a national disability policy that speaks to access, including of language and for people with sight issues; the DSD is expected to lead by example in this regard
- Providing entity oversight and support to entities that report to the minister of social development, including the South African Social Security Agency, National Development Agency, Central Drug Authority and Disaster Relief Fund

It admitted that it has made little progress in implementing UOLA. It began drafting its language policy in late 2015 following a Parliamentary question to which nobody wished to respond. Following an internal policy forum process involving all officials’ inputs and engaging with external stakeholders such as NGOs a draft policy was gazetted in December 2016/January 2017. A problem during this process was that the deputy director-general who had overseen the process was seconded to the National Development Agency, leaving the process without a management champion and causing stagnation around approval. However, the inputs of the minister were obtained and she raised concerns, as there are communities with which the department engages that do face discrimination around language, such as the Khoi and San in the Northern Cape. This is an area that still requires attention.

All inputs following the gazetting of the draft policy have been incorporated into the final draft policy, and the DSD is in the final stage of having it approved by the director-general. It has the opportunity to also correct grammatical and content errors in the earlier draft. Despite not having an approved language policy, DSD is applying the provisions of UOLA. Whenever it stages izimbizo, for example, it uses local languages. If the person addressing the community is not fluent in the language it speaks, interpretation services are arranged; sign language interpretation is also provided, to accommodate deaf people. Some of the documents it produces are in different languages; before it was sensitised by the language policy process, the department had relied heavily on the Promotion of Access to Information Act (No. 2 of 2000), which states that access to official documents must be in at least three languages. DSD does also not yet have an approved language unit in its structure, but it has been proposed so that it can be created. Currently its functions fall under the deputy director-general for strategy and organisational transformation. The DSD plans to build language services capacity over time.

Once the language policy is approved, the department will conduct research into language usage to monitor whether it is relevant and speaks to language usage in the department. It will conduct sessions with communities to ensure they are empowered and aware of their Constitutional rights around the use of languages. It will encourage officials to provide service in requested languages. It encourages its officials to learn other languages; it has a project that involves officials going into communities and learning their languages. DSD asked PanSALB to recognise the little progress that it has made regarding language policy implementation.
Questions and comments

The panel thanked DSD for being honest by admitting that its language policy is not ready. It placed too much emphasis on the Constitution rather than UOLA. The panel advised DSD: to remove the definitions contained in its draft policy, because they are incorrectly expressed; revise its list of abbreviations; retain the content of its legislative mandate; remove the objectives and regulation of UOALA as well as the objectives of the PAIA Act (No. 2 of 2000); remove a section on the purpose and regulatory context of the policy. The section titled “Principles” should be made the policy statement; importantly, this should include a statement that the DSD “intends to manage and provide oversight of the delivery of social assistance, by social security and social insurance, to further the alleviation and prevention of poverty by overall elevation and implementation of previously marginalised languages”.

It also recommended that DSD revise the language contained in the policy, which it described as far too bombastic. Its mandate needs to be broken down further, into different objectives. It also needs to break down how it plans to assist NGOs, CBOs and FBOs on use of UOLA. In addition, the panel called on DSD to develop its own field specific terminologies for official languages. The panel further said that sections on DSD language unit, assistance to DSD employees and official languages of the DSD be condensed into one. Importantly, the policy must also have an implementation plan: the DSD had spoken in its presentation about what it does with regards to language, but it must state in an implementation plan how it is using languages to do its work and raising the nine previously marginalised to the level of English and Afrikaans. The panel was also not happy with section addressing UOLA which records that in all instances English will be used. This is contra multilingual ethos espoused by both the constitution and the UOLA. The definitions section refers to the Minister of Arts and Culture, instead of the DSD minister. This might be the case of cut and paste exercise.

The policy also states that the DSD organisational structure does not make provision for a language unit and that an interim language unit will monitor and assess the use of official languages by the department. It is important that DSD explain how it will monitor and assess compliance with UOLA; how it will promote parity of esteem among all the official languages. It wanted a clear implementation plan. It appears, the panel said, that the DSD presenter had been thrown in at the deep end regarding language policy. It is very important that he surrounds himself with people who are both knowledgeable and passionate about language matters, game-changers and that will take the DSD forward, so that its next report on language policy implementation shows progress. Further, the panel asked what the phrases “interim language policy” and “interim language unit in the draft language policy means”. Upon hearing that an interim body comprises six DSD officials the panel said that it has a massive responsibility and requires more personnel.

One thing that impressed the panel is that it appears based on the DSD presentation that the latter intends to place its language unit in a very strategic position, under the deputy director-general for strategy and organisational transformation. This deputy director-general could have a key performance area that measures language policy implementation; the issue of multilingualism would have a voice in executive decision-making process. It reminded DSD that language policy is not only concerned with translation and editing.

Response

DSD said that “interim language unit” was used in its draft language policy because, in the absence of an established language unit, an interim body would carry out its functions. It does have an interim language unit, comprising of six officials.

Conclusion

The DSD language policy document is unacceptable. It must establish a language unit. The use of the previously marginalised languages is a must within the national government departments working spaces and in delivering services to the nation in the spirit of multilingualism. DSD is advantaged because its mandate fits well with the provisions and obligations UOLA as it develops South African society, the majority whose are speakers of the previously marginalised indigenous official languages. It is incumbent that it takes positive measures to elevate the status and advance the use of indigenous languages of historically diminished use status.
Day 5
17 February 2017

South African Police Service
5.21. South African Police Service

Representative: Captain Christelle van der Colff, accompanied by Lieutenant-Colonel Ilse-Mari Visagie and Captain Mercy Nevhulaudzi.

Presentation

The South African Police Service (SAPS) provided a highly detailed explanation of its language policy and implementation. It declared its the purpose of its policy as “the establishment of an acceptable and equitable operational language dispensation that is economically feasible for the SAPS, by:

- 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, and between, the police service’s different sub-structures
- 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 life
- 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 with the organisation

The legal framework underlying the SAPS language policy includes the Constitution (1996), the PanSALB Act (No. 59 of 1995), the PAIA Act (No. 2 of 2000), the Public Finance Management Act (No. 1 of 1999), the South African Police Service Act (No. 68 of 1995), the Statistics Act (No. 6 of 1999) and the Use of Official Languages Act (No. 12 of 2012). Its fundamental principles are 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, irrespective of ethnic origin, gender, race or religion, equally and without prejudice; and the Batho Pele principles, which include consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money.

The current SAPS Language Management Unit structure includes a head of communication (vacant post); head of organisation communication; acting commander of language management (vacant post); sub-section head of the English and Afrikaans Sub-section; sub-section head of the African Languages Sub-section; Support Sub-section; and language planner (vacant post). There are three English and Afrikaans language practitioners; in the African Languages Sub-section there is one language practitioner each for Tshivenda, isiZulu, isiXhosa, Xitsonga and Sesotho sa Leboa. There is a vacant post for a Setswana language practitioner. The unit has four interns, whose terms were due to end at the end of March and April 2017; five interns have been interviewed for the 2017/18 intake. As a microcosm of South African society, SAPS is linguistically and culturally diverse; hence language management is meant to ensure effective service delivery—communicating effectively with both internally and externally clients.

The overall function of language unit is to render an effective language service to the SAPS in all SA Official Languages. These include: translation; editing; proofreading and checking; interpretation; transcription; conducting and facilitating language training; providing a language advisory service; answering questions and complaints around the SAPS language policy; and developing terminology. The Support Sub-section handles all administrative duties, so that the language unit can focus on its core functions. In-house, the language unit caters for English, Afrikaans, Tshivenda, isiZulu, isiXhosa, Xitsonga and Sesotho sa Leboa. Services around all other official languages, and foreign languages, are outsourced.

The roles and responsibilities of the SAPS language unit within the SAPS 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.

In terms of the SAPS language policy, plain English is the main working language of the police service. In promoting the use of the indigenous languages SAPS takes into consideration a rotational principle with all the official languages and applicable foreign languages at head office. Foreign languages and all languages not catered for are outsourced, following set prescripts such as the realistic turnaround time to render a service and the availability of freelance providers.

If reasonably practicable, the SAPS may adopt working languages based on the preferences of employees, simultaneously honouring the spirit of the Constitution by making provision for the use of additional languages, in particular domains of use; for example, written communications such as newsletters, instructions and conditions of service, interpreting services in disciplinary hearings, interaction with the public and certain meetings. The nature of the message and the language proficiency of the audience are the main considerations in choosing a particular language in order to communicate with an entire audience as effectively as possible.

Documents produced in more than one language are made available in three languages immediately, beginning with English and the additional languages added as soon as possible thereafter, but no longer than six months later. If required, provincial offices obtain additional translations of documents to provide for the requirements of their target audiences. Verbal communication, meetings and instructions are in English and the applicable indigenous languages, as provided for in the SAPS language policy and in the spirit of functional multilingualism. This also applies to radio communication, but employees must ensure that the transmission of a message over radio is understood by all employees for effective and efficient service delivery. All requests for editing, translating, interpreting and transcriptions, in official and foreign languages, should be referred to the language unit’s national office. International communication is in English, or the preferred language of the country in question. Whenever a written submission or other document is in a foreign language translation services should be used to reply in the relevant language. SAPS provide for communication with people with language disabilities. Employees and clients of the SAPS who are blind or have hearing impairment must be provided for using sign language or Braille in all major projects, where practicable and in collaboration with the SAPS Employee Health and Wellness Services Section and the SAPS’ disability management component. All signage at the SAPS head office and in provincial buildings is based on allocated languages as provided for in the SAPS language policy.

The Language Management Section at the SAPS head office is responsible for the implementation, monitoring and evaluation of the SAPS language policy, in collaboration with all divisions and clusters in the police service. Its policy implementation plan and market awareness plan of the policy are in the process of being drafted. Capacity building at the Language Management office is also in the pipeline; once it has been capacitated, and provincial offices established, more resources will be directed at clusters and police stations where greater challenges are likely to be experienced. Stakeholders who will assist in this process have been contacted in order to create a task team to draft the language policy implementation plan.

The implementation plan will focus on the purpose and provisions of the language policy and implementation plan; working languages; communication with members of the public; fundamentals of implementation; contextual analysis and phrasing in the language policy; and the benefits of the language policy to the SAPS. It will also focus on implementation structures; mechanisms; budgetary implications and establishment; and challenges and mitigation strategies. SAPS said its language strategy will be implemented in four phases across five financial years, as approved by the Acting National Commissioner:

- 2016/17: The SAPS language policy is marketed; capacity is built at Language Management head office
- 2017/19: Establish language units at all provinces; advising provinces on policy matters and capacity building
- 2019/20: Effective monitoring of the implementation of the language policy
- 2020/21: Reviewing the policy every three years

Questions and comments

The panel commended for clearly outlining its progress in implementing UOLA. The imbalances between indigenous languages and English and Afrikaans must be
addressed. It is important that SAPS demonstrates succinctly how it encourages and promotes the use of indigenous languages in the spirit of multilingualism. The language policy section on purpose should reflect the SAPS’s purpose. The panel was satisfied with the legal framework text. But the document does not contain a policy statement, or the mandate of the SAPS, which should explain that the police service is executing its functions by elevating the previously marginalised languages. The SAPS should not forget to include a policy implementation plan: the SAPS’s policy document reflects its activities.

The panel briefly reflected on the South African pre-democratic era that is marked by an acrimonious relationship between the Police and the general public. The emphasis on the use of both Afrikaans and English as language of drafting case statement and as sole media of communication worsen the situation. This did not do justice to complainants who did not comprehend these languages to a point that they lost cases they would otherwise won had they been given the opportunity to express themselves in their mother languages. Although the situation is gradually improving more effort effort need to be made so that, for instance, languages other than the two cited above used. It is very important that the SAPS language unit provides for nation building and social cohesion by respecting the use of all official languages and cultures. The panel therefore strongly encouraged the SAPS to seriously promote multilingualism at all levels in the police service.

Turning to the SAPS’s organogram, reflected in its presentation to the hearing, the panel said that the SAPS should ensure that its language unit is given a distinct space and does not disappear into the communications department. It warns of lumping together of English and Afrikaans on the one side and African languages on the other in a language unit sub-section as it is done at universities. This is counter production to equitable use of all official languages. The panel pointed to a photograph in the SAPS presentation of a police vehicle and asked whether or not vehicle markings can be in various languages. SAPS must have a strategy for signage. In many police stations, statements are written only in English and Afrikaans, and cases cannot only be opened using these languages. Similarly, crime reports cannot only be written in Afrikaans or English.

The panel said it is impressed that the SAPS has an implementation plan; so far, the SAPS has been the only entity to appear before the panel and talk about having an implementation plan. One can see where the SAPS is going: it plans to market, implement, monitor and review language policy. There is life in its language policy. A member of the audience lauded SAPS for making such a comprehensive presentation but was concerned that there is evidence in the language policy implementation endeavour of SAS of obliging the Afrikaans and English police officer to learn any of the previously marginalised official languages.

Mr Evelyn Ferreira of the Afrikaanse Taal- en Kultuurvereniging agreed with the panel that the SAPS is one entity that can make a large contribution to nation building and social cohesion in that it accommodates all the languages. The SAPS will radiate a positive image if it makes an effort to accommodate the official languages. He stated that SAPS had testified that it adopts working languages based on the preference of its employees: should that not rather be the preference of the public? This is not about what the SAPS can offer the public, but about how it can serve the public.

Another member of the public wanted know: the criteria that SAPS uses to appoint language practitioners; how come SAPS has one language practitioner per indigenous language; and how does one quality assurance? Quality assurance is very important if one is serious about treating languages equitably. She also asked how practical language rotation is in this circumstance: is it working for the SAPS; how will the SAPS ensure that rotation is fair and that it really happens; what its language of operation is. She also said that SAPS needs to make multilingualism more visible, starting within its own workspaces. Finally, the panel thanked the SAPS for its honest presentation, and the earnestness with which it is approaching the matter of language policy and implementation.

Response

On how SAPS promotes the use of indigenous languages, the police service said that it does have language practitioners in quite a few of the indigenous languages. Its Language Management Unit has functioned for many years, providing service in quite a few of the indigenous languages as well as in English and Afrikaans. It did not understand how the requirements placed on the unit differ from the requirements UOLA but believed that its language unit is in line with the Act and will be able to carry out its mandate.

It said that large-scale restructuring is happening at its head office. It had only received the invitation to testify before PanSALB a few days before its appearance.
Therefore, there may be some gaps in its presentation. It said that it had a challenge in its language unit in that it had had a commander who is not a language practitioner. An effort was made to engage with the National Commissioner “to say that the unit did not want to be led by someone who is not a language expert”; the appeal was heard and the commander was removed. This is why the commander’s post is currently vacant. It is very important to support multilingualism. Everyone, not only language practitioners, should try to learn another language. It is privileged to be an organisation in which many different languages are spoken, and has language practitioners who can do the job. That is the point of the language policy: to get more language practitioners. For quality control, it is good to have more language practitioners; however, budgetary constraints are a reality. It pointed out that its language unit does not only have external clients.

It concluded by stating that it will use all eleven official languages. Moreover, the SAPS top structure had indicated that there will be two language practitioners per language. Regarding the use of specific languages in the province the SAPS had enlisted the assistance of PanSALB to identify specific languages in specific provinces; this is why in Limpopo, for example, it will use isNdebele, Sesotho sa Leboa, Tshivenda, Xitsonga, English and Afrikaans.

**Conclusion**

SAPS has made an effort. It deserves commendation. What it must do is refine its policy document in line with the advice given under comments and questions above, as well as the prescripts of UOLA.
Day 6
23 February 2017

State Security Agency
5.22. State Security Agency

Representative: Mr Jake Diseko, General Manager; Corporate Services, accompanied by Mr Mxolisi Dlamini, a manager, and Mr William Lucky Masango, a general manager.

Presentation

The State Security Agency (SSA) is responsible for security and intelligence collection in South Africa. The agency was founded in 1994, with the amalgamation of various intelligence services from the Bantustans, the intelligence organisations of the apartheid regime and those of the non-statutory forces: the ANC and the PAC. The agreement then, in the absence of laws on language practices and with the conglomeration of various organisations, was that English would be the language of communication. This has been the practice ever since.

Since the promulgation of the UOLA and the need to practise all official languages, and following a restructuring in 2012, SSA started to develop policies in line with the law. But, the agency conceded that it has proceeded very slowly and has been in a comfort zone. It only began policy development following its most recent engagement with PanSALB. Another measure it has taken is that it has asked the intelligence management of every province to adopt at least two official languages, according to the province. So, for example, in KwaZulu-Natal it will be isiZulu, English and Afrikaans; in the Eastern Cape it is isiXhosa, English and Afrikaans. In provinces with diverse languages, such as Limpopo it will be Sesotho sa Leboa Tshivenda and Xitsonga, the province is permitted to choose either along with English and Afrikaans. SSA emphasised that its slowness in embracing all languages is because it does not engage directly with the public on a daily basis. It engages only with its clients, who are policymakers and those making decisions on its mandate. It is only the Ministry of State Security who engages with the public.

SSA requested that PanSALB assist it in its efforts to develop a coherent language policy in accordance with UOLA. It has developed a draft language policy, which is still going through agency processes before it can be approved. It appearance before the hearing is timely, as this can assist the agency to make the policy as correct as possible, but it believes that it is on the right path already. It has submitted its draft policy to the Department of Arts and Culture. It shall be gazetted and placed on the SSA website on approval. A language unit will be established following a needs analysis, because the SSA does have a foreign language unit but not one for official South African languages. The analysis will determine whether the agency requires a separate unit, or should expand the current one. The agency will then promote the language policy and educate its members about UOLA, “emphasising that if someone writes to the agency in a specific language the response should be in that preferred language”.

Questions and comments

The panel confirmed that SSA only has a draft policy, and has not yet established a language unit. It stressed that UOLA is concerned with the use of the official languages, and that it has been in effect since 2013. SSA is expected to have a fully-fledged policy and language unit by now.

Before the advent of democracy in 1994, South Africa had two official languages; its indigenous languages, which are now official languages, were marginalised. The Act is focused on the promotion of multilingualism, because to continue using English as the language of choice is unfair to the languages used by the majority of South Africans. There is a need for them to be used in all government departments, which serve all South Africans. A start must be made in workplaces, the panel said, but are indigenous languages given the space they need? Are they recognised and promoted by the SSA? To promote them is first to acknowledge that they are languages of the majority, which must be elevated through use.

The panel said the SSA draft language policy does not have policy statement. It said that the format used is not a policy but a restatement of what is contained in UOLA. For example, the purpose of the policy is precisely contained in the Act. The SSA can retain other elements of the draft policy, including the preamble, the preface and structures, the legislative provisions, principles and review period. It must drop the scope of the policy since the policy provisions simply repeat what is in the Act; it should also remove the section on service delivery. After enumerating principles, the SSA should explain its policy goal. It may choose to be vague on the section dealing with the context of the agency of the essence of its secret service. It should insert the following text: “In the process of conducting the business of state security, the [agency] will elevate previously marginalised languages to the level of other official languages, as far as is practical”. It should include its objectives and how it will use language to achieve them – again, however vague it
It needs to state how various official languages will be promoted by using them in its offices. There is a need to see how in conducting its business the agency will implement UOLA. A policy statement which refers broadly to the purpose of the language policy within the SSA environment is currently lacking.

The panel said that the SSA has a foreign language unit so it might as well have a language unit to address UOLA as well. It said the SSA uses at least three languages, the ones most widely spoken, in each of the provinces; since it gathers information on the security of the country, from the people with whom it engages. It is very important for its staff to understand the eleven official languages well. Information gathering is in the language, which need not be a colonial language; it could just as well be the indigenous languages, which are widely used.

The panel therefore encouraged the SSA to establish a language unit for all nine indigenous languages, for its members to be fluent in most if not all of them; in order to assist staff the agency should have dictionaries and information about the languages in its offices countrywide. PanSALB will assist the SSA in this regard. The fact that monitoring and oversight of the language policy is set to rest with the deputy director: corporate, means that there is not yet monitoring and oversight. This will presumably be remedied by the establishment of a language unit. Any combined language unit, it said, should focus on indigenous languages, with a minor component dedicated to foreign languages. Indigenous languages should be given space. ISSA would find holding intelligence meetings in indigenous languages, advancing their presence. At first, it would have to bear the cost of interpretation, but it could focus on appointing multilingual people and write reports in indigenous languages. Writing a report in isiZulu, for example, is completely different to translating the report into isiZulu. Intelligence gathered and reported in isiZulu, for instance add credence.

The panel advised SSA to be positive disruptors to infuse multilingualism within its structures. If people are not prepared to be disruptors, the status quo will remain and English will continue to be used as if other official, indigenous languages do not exist. The panel conceded that it is out of order for conducting its hearing in English, when it could be doing so in isiZulu and isiNdebele (the presenters’ languages); but it hoped that it would do so in its next session. It pointed out that the phrase to enhance readability is confusing, and wanted the SSA to explain what it means. Elsewhere, the panel noticed SSA’s frequent use of the term advice as in “the language unit would advice the minister”. This term does not exude authority at all. An advice is not obligatory. A language policy is an implementation structure and should command authority enforce compliance. The absence of this never binds executives to consider the principle of multilingualism in their daily decision-making process of their institution. Whoever is responsible for language policy should be able to call the director-general to order for flouting the policy, not merely give advice.

The SSA draft language policy section on on “the utilisation of official languages in SSA” is unacceptable because it maintains the status quo wherein English is solely used in inter- and intra-governmental communication. The panel said that it appreciates SSA’s honesty in that its “lacks of progress on language policy”. It wants SSA to fast-track the matter.

Response

SSA thanked the panel for its comments. It said that it initiated the language policy process after it was engaged by DAC. There is no way that it would, as a government department with such a serious mandate, undermine the implementation of government policy. It saw fit to interact with PanSALB regardless of “its dilemma about appearing in public”. It was “uncomfortable to appear on camera, but prior arrangements were made on how it should appear before the panel”.

It has positively received the guidance that it has received from PanSALB. But it is not only on language policy that it needs to be seen to be championing government policy, as it is government’s chief risk department in terms of identifying policy non-compliance. It will do its best to be an exemplary department and set up a language unit as soon as possible because language plays a crucial role in terms of its recruitment policies. It thanked the panel for helping it to see the bigger picture in terms of moving forward on the practice and promotion of indigenous languages. It would push much faster towards developing and implementing language policy based on the guidance given. It said it trusted that PanSALB would keep its door open and yet the SSA’s final language policy so that it can be as correct as possible. It assured the panel that it takes its comments seriously.
Conclusion

SSA need to redraft its language policy document anew. It has not as yet established a language unit. These two elements are crucial. While it is understood that SSA is waiting for its “needs analysis process to be completed”, the understanding should be that adoption of a language policy and the establishment of a language unit can unfortunately not wait any longer. The two documents are a requirement and should be developed and established in terms of the prescripts of the Use of Official Languages Act (No. 12 of 2012) supported by Section 6 of the Constitution of the Republic of South Africa.
Day 6
23 February 2017

Department of Sport and Recreation
5.23. Department of Sport and Recreation

Representative: Mr Alec Moremi, Director-General, accompanied by Mr Manase Makwela and Ms Nnaniki Malesa, Director: Marketing and Communication.

Presentation

The Department of Sport and Recreation (SRSA) said that it has practised multilingualism for prior the promulgation of UOLA. It conceded that it could have done much more than it has. It has an approved language policy, and its language unit will be run by its Marketing and Communication Unit, which will further develop and execute the policy.

The SRSA said it is all about social cohesion and that it believes strongly that the use of African languages in the sport and recreation environment is integral to what it does. It is cognisant of the fact that mother-tongue communication is important in the early childhood development (ECD) environment, where children play and sing in their own languages. Majority of children are unaffected by the dominance of English and Afrikaans during the stage of development. Playgrounds therefore provide a solid environment for the development of African languages. This needs to be reinforced because it “enhances culture and a culture of sport in South Africa” among other things. SRSA understands that UOLA mandates it to promote multilingualism and elevate indigenous languages on the “various platforms that it uses for communications”. It has therefore developed its language policy and adopted four languages other than English –i.e isiZulu, Sesotho sa Leboa, Xitsonga and Afrikaans. It will promote these languages depending on budget and cost factors. The policy stipulates how language will be used, such as in official notices, publications and, importantly, marketing and communication.

The department has developed a proper organisational structure wherein it placed the language unit within the chief directorate responsible for Marketing and Communication Unit. A full-time language practitioner has been appointed. The unit also provides South African Sign Language interpretation at official events. Other, related work that SRSA is finalising are the Indigenous Games Manual, a rulebook in all official languages for games such as dibekte, kgati, kho-kho, lintonga, diketo, morabaraba and jukkei. It has also just finalised the Playsport manual, a teacher resource toolkit for ECD learners to help them develop motor skills. The majority of sporting codes be it golf or baseball or cricket, require children to acquire motor skills – such as hand-eye co-ordination and ball skills – at this formative stage. The best example, it said, is learning how to ride a bicycle and mastering the balance required; once the neural connections to do this are made they are acquired for life. In addition, research has shown that children who learn in their mother tongue perform much better at school, which is why the Playsport manual is so important to SRSA: if children between the ages of two and five are not taught these essential motor skills, one might as well forget about them as future athletes. The manual, which features rhymes in African languages, is being translated into the department’s four languages, and will be distributed in April 2017.

SRSA made indigenous language compulsory for all youth games, especially team sports as early as 2016. All official team call signs were done in African languages at the Africa Youth Game in Team Sport; they are now officially done in isiZulu. Since democracy English has been used, “but most opposing teams also use English, which defeats the purpose of secret signs”. In rugby, Afrikaans has traditionally been used for call signs, because opposing teams such as Australia and New Zealand do not understand it. But all national teams are “now using isiZulu, even the Springbok rugby team and other languages will be added in time”. Much like the All Blacks’ haka war cry, the Springboks, who previously would do nothing, now counter this by being ushered onto the field by a Zulu impi accompanied by the Johnny Clegg song Impi.

SRSA showed a portion of a TV commercial campaign that centred on the Springboks, the Bafana Bafana football team and the Proteas cricket side, featuring the use of African languages and the music of indigenous artists. This campaign was launched after the 2001 Ellis Park Stadium disaster, to encourage sports fans to buy match tickets and arrive early. Almost all of the SRSA’s campaigns are named in indigenous languages, such as the Siyadlala mass participation programme that has now been adopted by SuperSport. Indigenous languages infuse youth camps, and are used in campaign taglines (such as the 2010 FIFA World Cup South Africa’s “Ke Nako”) and on social media. The department also hinted at a forthcoming boxing campaign that uses indigenous language. It said it also uses sign language interpretation at events. It also spoke about its language policy implementation plan, saying that its policy has been translated into all official languages, and is in the
process of translating documents such as fact sheets and popular brochures from English into indigenous languages; for the first time, job advertisements have been done in English and Sesotho sa Laboa. Work has also begun in producing collateral in Braille.

SRSA has a sporting ambassador programme using indigenous language: for example, its Womandla campaign featured Olympic gold medallist Caster Semenya speaking entirely in Sesotho sa Leboa. In that vein, more and more sports ambassadors will be involved, speaking in African languages so that young children can look up to them and know that they can be successful, and proud of identity. Plans are underway to start observing language-related days internally where in the past it has focused on sport-related anniversaries.

Questions and comments

The panel was impressed with the SRSA’s presentation, saying that the department seems to have understood the contents of UOLA. In the past only English and Afrikaans had official status, and with the advent of the new dispensation the indigenous languages were given official status; but in reality, the nine, after being marginalised for so long, have still not been given the chance to be on an equal footing with English and Afrikaans. SRSA needs to be thanked for the strides it has made in promoting the languages in sport and recreation. The Act is a plea for the indigenous languages to be given a chance, in the spirit of multilingualism. The first place for them to be used is in workspaces within government departments; the panel said it is confident that, should it visit the SRSA, it would find the situation as described. The department is telling a good story, and that needs to be encouraged.

However, the panel said also that the SRSA’s language policy does not at all speak to what it had presented, and must be withdrawn. Like every other department that has appeared before PanSALB, SRSA has used a template provided by the Department of Arts and Culture. If this was a test, the department has passed with flying colours for copying; but it is not a policy, it is a regurgitation of the Use of Official Languages Act. But some parts of the policy document can be redeemed, the panel continued. Parts of the introduction can be retained, the legislative framework can be retained, and what the SRSA has written as its work can be relabelled as its goal: “to maximise access, development and excellence at all levels of participation in sport and recreation”. This is followed by its specific departmental objectives, achieving each one “through the elevation of previously marginalised languages to the level of English and Afrikaans”.

Purpose and regulatory context can be removed from the policy, as they effectively repeat the instruction the department was given in drafting the policy. The principles outlined are the same as those contained in the Use of Official Languages Act and should be taken out. The panel said that the policy’s implementation plan needs timelines for objectives to be met. It noted that SRSA spoke in its presentation about neural connections and quantum and motor skills in young children, and it asked whether there equavalent terms in say Tshivenda? It called on the SRSA to develop its own field specific terminology in previously marginalised indigenous official languages. Sport is all about competition and spiritual preparation of players. Song and dance are part of spiritual preparation. These are more meaningful when be done previously marginalised indigenous languages. SRSA is currently doing very well in this regard.

The panel was impressed with the Indigenous Games Manual. Sometimes it is better to speak tsotsitaal (street language), as it speaks to people’s hearts; it repeated the Nelson Mandela quotation that if one speaks to someone in a language he understands, one goes to his head, but if one speaks to him in the language he knows, then one goes to the heart. It is important that the manual is used to promote indigenous languages. Turning to the SRSA’s language unit, the panel said that it is important that the language unit is realised at the level of its target audience. Something that is sometimes missed is that when people are spiritually prepared and trying to connect with their spiritual ancestors they will not be speaking English, that is is a taboo. Thus, the promotion of all the marginalised languages is important, as is the development of technical words in those languages. The panel further said that it noted with appreciation the good done by SRSA so far. It is an indication that the latter is serious about promoting languages. However, after getting the department to agree that it does not actually have an acceptable language policy, it noted also that the policy implementation structure makes sense when the department speaks about itself, but its written implementation plan is scattered. Furthermore, the table in the language policy document showing the contexts in which languages will be used is problematic, because in nearly all cases preference is given to English for written and oral communications. And the department is forceful in that it says English “will” be used. Conversely, the section on roles and responsibilities of its language unit says the unit will merely “advise” the department’s director-general. The
person who heads the language unit must have the power to advance strategy on multilingualism and should have an executive voice within the department. Developing multilingualism is a national agenda.

The panel appreciated the fact that the SRSA’s presenter is the only director-general to appear before the hearing. Over and above that, the fact that he ferociously took notes during in this proceeding indicates that he is taking these hearings seriously. SRSA indicated that its Marketing and Communication Unit would take responsibility for its language policy. The panel asked how much executive power does the unit wields? SRSA’s quotation of Noam Chomsky: “A language is not just words. It’s a culture, a tradition, a unification of a community, a whole history that creates what a community is” is aptly chosen. It could have been more forceful had it been cited in it complete form. It is important not to follow the monolingual route; therefore, the use of an isiZulu war cry for all sporting codes is unacceptable. The department should think about this and plan progressively so that all languages can move forward. The SRSA’s implementation plan is trifle short. It should contain everything that the department intends to do using previously marginalised languages (PMLs), with timelines for each activity. Its mandate has two aspects: what it is going to do, and how. Responding to the SRSA’s contention that it had followed the Department of Arts and Culture’s policy template to avoid eliciting objections from that department and other bodies, the panel said that the UOLA requires SRSA to have its own policy, not a generic one. SRSA should place high premium on budget limitation at the expense of drafting an appropriate implementation plan. Financial cost implication was neither a prerequisite nor precondition for South Africans to wage war against apartheid.

Response

SRSA sincerely thanked the panel for its comments and affirmed its commitment to getting the language policy job done. The spirit inculcated within its milieu is such that the Constitution, the law and Constitutional institutions are respected and complied with. The panel’s comments are thus accepted with open hands and open hearts. It conceded that its language policy implementation plan is not as comprehensive as it should be. It will amend it accordingly. Although it reviews its policy and its objectives annually, this will “force it into a systematic way of thinking and help it achieve its objectives”. It used to be a sub-directorate in the DBE before it become, over time, a fully-fledged department. But it remains a small department. Its budget has been reduced to only cover a team of 192 staff members. With severe budget cuts, it is not able to do what is required of it, and this has been testing. The problem is exacerbated by regulatory and government demands on staffing and organisational structure matters.

To illustrate its budget situation, SRSA said it has an annual budget of R998-million, of which R537-million goes to the provinces as conditional grants; because six of the nine provinces do not budget for sports programming, sport will not be played if that money is not transferred. A further R180-million goes to sporting codes, large and small, leaving the balance for use by the department to do all the work it must do. It is not practical therefore to ask a small department such as this to elevate certain key responsibilities. It can only make do with what it has.

It agreed that it needs to restructure and improve its language policy. It had based the current policy document on the template provided by the Department of Arts and Culture, and was told that the policy had to be formulated in the way it was. If the policy deviated from that template, it would be deemed non-compliant. It knew what it needed to do regarding language policy, and simply wrote the policy in that way to avoid repercussions; but it is more than willing to redraft it as the panel suggests.

Conclusion

SRSA has so far presented the closest to the expectation of a well-developed language policy for a national government department in terms of the Use of Official Languages Act (No. 12 of 2012). The only problem was the template it was given by another department to follow without fail. Given the above comments and advice, it is hoped that it will be guided by its own national mandate and the prescripts of the Act, to come up with a relevant language policy document and also establish a formidable language unit.
5.24. Statistics South Africa

Representative: Mr Motale Phiriwa, Chief Director: Publication Services, accompanied by Ms Lufuno Netshitomboni, Director: Publishing Services.

Presentation

Statistics South Africa (Stats SA) said that its Publishing Services Directorate is responsible for its language policy. It was excited to receive the invitation to appear before the panel. It hoped that for the first time in a long while something was happening in the language space. At times, it could be thought that nothing was being done, which was frustrating; it appreciated PanSALB’s effort in this regard. It said that its policy takes into account the language stipulations enshrined in the Constitution together with the requirements of the Use of Official Languages Act. Stats SA operates in a country that is both linguistically and culturally diverse, and the need to communicate and be better understood is important. Accuracy in the collection of data and credibility of statistics are very important, because everyone accesses them. Another aspect is the standardisation across languages of the concepts that it uses, especially in surveys.

Stats SA believes therefore that multilingualism would improve the quality of statistics. The legislative framework under which Stats SA operates includes the Statistics Act (No. 6 of 1999), which refers to ensuring access to statistics for all. This means the Publishing Services Directorate has a mandate to improve access to statistics, and it does that through multilingualism, as well as the design and printing of information for communities in their languages. It does not do so perfectly, but it strives for that goal. Other legislation that is relevant is the PAIA Act (No. 2 of 2000).

The Stats SA language policy was first approved in 2011 and then again in 2013, and it is currently being revised based on the requirements of UOLA which compels government departments and entities to publish their language policies for public comment, then make amendments and publish the final, approved policy. It gazetted its revised policy on 22 July 2016. The document has been presented to internal structures and will be forwarded to the Bargaining Council and then the Stats SA executive committee for approval. Not much has been revised in the language policy, except to include reference to UOLA, job titles and an annexure required by the entity’s internal policy co-ordination unit. The core of the policy has remained the same. The policy adopts a functional multilingualism approach. Instead of choosing only three departmental languages as official resorted to all eleven official languages. English is the language of communication within the department, but people may request to be served in their language of choice and interpretation services will be offered upon request. Written materials for external audiences, especially publicity for major surveys such as censuses, are produced in all eleven official languages, because the entire country is involved. Sign language interpretation is also offered for the deaf, and audio and Braille documents for the blind, but this is done on a very limited scale.

Progress on multilingualism includes terminology development, with a multilingual guide first published in 2009 and a second edition made available in 2013. The Methodology and Standards Unit identifies concepts and drafts definitions; equivalents are then formulated in each of the official languages, along with a variety of stakeholders ranging from banks to provincial legislatures and universities. This work is critical as it informs the consistent translation of questionnaires by outsourced translators. Stats SA’s language unit does translate materials into Afrikaans and isiXhosa, but only up to a point, as the unit has dwindled to only three employees and cannot cater in-house for all the official languages. So it outsources translation of products, including publicity materials (which are key), questionnaires and surveys; it struggles to translate survey results, but it did succeed in publishing the 2011 Census results in all eleven languages. It offers sign language interpretation for meetings because it does have employees with hearing impairments. It does not yet offer audio or Braille for blind employees, but its lifts do include Braille.

The Act requires government departments and other entities to consider national language statistics in the census in determining the languages which they adopt for official use. Stats SA is confident that it is fulfilling the role of providing such language statistics for policy developers to use in determining their language policies; it is an enabler of evidence-based decisions. The 1996 Census made provision for all South African and foreign languages; the 2001 focussed on the official languages, and sign language was included in the questionnaire in 2011. The 2016 household survey went further and included Khoisan, which is also an indigenous language and needs to be developed in terms of figures. Language statistics are made available down to municipal level, because even municipalities are supposed to develop language policies. The challenges that Stats SA faces
include a shrinking language unit, which means “translations are difficult; thus, there are delays in translation work, which slows multilingualism; a lack of demand for translated materials; a scarcity of Afrikaans sign language interpreters; and a lack of Braille resources (to remedy which it is considering a partnership with the South African Council for the Blind”). Stats SA serves the entire country, and it cannot achieve this without acknowledging all of its languages. It still has a long way to go in promoting multilingualism, it conceded.

Questions and comments

The panel requested Stats SA to explain in details how it places the marginalised South African in the mainstream business operation. It is not sufficient for it to overemphasize translations over the other crucial multilingual tenets. The purpose and objectives need not be a restatement the instructions captured in UOLA. The mandate of Stats SA should be outlined clearly. The panel complimented Stats SA on its multilingual terminology guide, but it pointed out that the question now was how to get people to use the terms it lists. The way to do this, it said, is to create space for languages as Stats SA communicates internally and externally. Multilingualism must be the daily driver of its business, and everything should be done from a multilingual perspective. Noting that the policy states that its implementation will be monitored by Stats SA’s Publication Services division, and in the light of its repeated statements that levers of power are needed to ensure compliance with language policy, – the panel asked whether this was sufficient to compel the minister to act according to multilingual concepts. If not, then this provision must be re-examined. In response to Stats SA’s contention that one cannot legislate about getting people to greet each other in different languages, it said that the question is about making languages part of officialdom. Talking about it without making it official will not help.

A member of the audience, Ms Olga Blose of PanSALB, who is deaf, advised against referring to people as “hearing-impaired”; rather, the phrasing “deal” or “South African Sign Language user” is preferable. The panel noted that phrasing must be chosen carefully as sometimes it can be politically correct but still be insensitive.

Response

Stats SA carry out the panel’s recommendations, particularly as its language policy is being revised. It remains a challenge in any organisation to promote communication in various languages. Multilingualism should be integral to any organisation internally, and there should not be a law around greeting each other in, for example, Tshivenda or Afrikaans. But how can it promote multilingualism? How does it internalise learning several other languages in individuals? No amount of legislation can develop such skills. Nevertheless, Stats SA said, the hearing had given it food for thought around promoting multilingualism in its collection and dissemination of information. Regarding its multilingual terminology guide, it said it is considering sharing it with universities, but realises this may not be enough. It will explore other options, as it is a resource that belongs to everybody. It promised to dispense with phrases such as where practicable and on request out of its language policy now that it grasps that these are “comfort words for the language policy implementers”.

Conclusion

Stats SA does not have an acceptable language policy document at the moment and has not as yet established a language unit as per the prescripts of UOLA. The next time Stats SA appears before PanSALB hearing its language policy and presentation documents should explain how it fosters multilingualism through the use of the previously marginalised languages – internally, among staff members, and externally, when it interacts with the nation. Instead of questioning the legitimacy of both UOLA and the Constitution, its presenter did during his response to the panel’s questions. Stats SA must just do the right thing: employ knowledgeable language to champion this crucial multilingual national agenda. PanSALB is ready to assist should it experience problem.
Day 6
23 February 2017

Department of Telecommunications and Postal Services
5.25. Department of Telecommunications and Postal Services

Representative: Ms Thuli Manzini, Deputy Director-General: Government and Administration, accompanied by Ms Kirthi Pillay, Chief Director: Communications, and Mr Thulani Ngubane, Director: Communications.

Presentation

The Department of Telecommunications and Postal Services (DTPS) did not have a presentation to submit, as it hoped that PanSALB would only comment on the language policy it had submitted. It declared that it is a very new government department that was the last to submit the language policy. The policy has been gazetted for public comment. No comments were made the public, though. DTPS does not have a language unit. The three departmental representatives indicated that they try between themselves to promote the issue of language. Whenever there is any form of communication, such as an imbizo or a meeting, DTPS ensures that any documentation or materials are in the relevant language. However, English is its main departmental language.

Its approved language policy makes provision for the establishment of a language unit but there are no staff employed as yet. However, the organisational structure that DTPS is developing, which must be submitted to the Department of Public Service and Administration for approval, considers the creation of a language unit. This unit will translate the data generated by another unit within the department which concerns itself with research and works closely with Statistics South Africa. The DTPS was assisted in developing its language policy by the Department of Arts and Culture (DAC), on which it will also rely in terms of implementation and compliance.

Questions and comments

After confirming that the DTPS has a language policy but no language unit, the panel said that the main issue revolves around multilingualism. It asked how the department ensures its employees use official languages internally and with the general population. Each department should use its specific mandate for its objectives. It should use the action word to, to outline what it will do, as in “to do this and to do that” in order to elevate the previously marginalised languages. The panel admonished DTPS for not making a presentation. This is a blatant disrespect for the hearing, the panel reinforced. DTPS does not have a language policy and it displayed utter disregard UOLA and the national multilingual agenda. It is simply in a tick box exercise. It encouraged the department to take the comments made in the hearing and incorporate in its language policy process. The panel noted that DTPS policy document says that management will be advised on language policy, when it should actually be giving direction. It is unacceptable that the document says that communication will be in English. Relatively few South Africans speak English as their first language, and serving them in that language subverts the principle of batho pele (people first).

Response

DTPS thanked the panel for its comments, but it disagreed with the panel that it does not have a language policy. It had followed the prescribed process, producing a document on which it had consulted and which it had gazetted, and it said it would like clarification on this matter so that it can do the right thing in future. It also apologised for not making a formal presentation to the panel, as it did take the hearing seriously.

Conclusion

At present the DTPS does not have a language policy. It is a repeat of the prescripts of the Act. Advice was given as to what it needs to do. The DTPS does not have a language unit, and it is a requirement for it to establish one. Once more, the DTPS should take issues of multilingualism in South Africa seriously.
5.26. The Presidency

Representative: Mr Nazeem Mahatey, Chief Director: Communications.

Presentation

The Presidency began by saying that it was wonderful that PanSALB is undertaking this work; it is a sign of recognition of the importance of language in the country, and in government specifically. It explained that its work encompasses serving as a centre of strategic leadership and co-ordination in implementing government’s programme of action namely, oversight of and ensuring policy coherence across government; performance monitoring and oversight of government policies and programmes; and promoting national unity and social cohesion within the country, to which it is Constitutionally bound. The Presidency observed the following five principles in developing its language policy, which followed the guidelines of the Department of Arts and Culture (DAC):

- As the highest political office in the land, it could not prefer certain official languages over others, and it is therefore committed to all eleven official languages in order to promote multilingualism, ensure language equity and promote the exercise of linguistic rights as prescribed by the Constitution
- It recognises multilingualism as a positive resource in its own right to encourage collaboration and partnerships in nation building, inclusive economic development and social cohesion
- It needs to promote good language management by the Presidency to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the Presidency
- It must enhance a people-centred service delivery approach by recognising and addressing the interests, needs and aspirations of language groups through ongoing dialogue and debate
- It recognises the role of the Presidency as the apex government structure to lead by example to promote multilingualism in a highly pluralistic society

Factors that the Presidency takes into account in arriving at its choice of official languages for each context include geographical usage, practicality, expense, regional circumstances, and the balance of the needs and preferences of the public it serves.

For inter- and intra-government communication, it uses English. For written and oral communication with the public, as well as official publications for public distribution (website notices, advertisement, forms and building signage) and official proceedings, it uses all official languages with regard given to the abovementioned contextual criteria. Upon request the Presidency accommodates hearing- or sight-impaired people by providing sign language interpreting and conversion of text into Braille or audio. For international communication, it uses English or the preferred language of the country concerned.

The Presidency has not yet established a language unit, because of funding constraints. Language policy management and implementation is assigned to its Internal Communications Unit. Translations of speeches and other messaging are mostly achieved through leveraging intra-governmental resources (such as the Government Communication and Information System, and the Department of Arts and Culture). Other translation is outsourced to translators on an ad hoc basis. However, it said there is the possibility of establishing capacity through the internal transfer of personnel in the near future.

It said that its language policy has been fully implemented since mid-2015, following approval of its implementation plan. Notifications and advertising of the President’s State of the Nation address (Sona) are translated and uploaded onto all Presidency social media platforms (its website, and Twitter and Facebook accounts) in all official languages. All the President’s Sona and Parliamentary addresses are translated into all official languages and uploaded onto the Presidency website, and since June 2016 all Cabinet statements are translated into all official languages and uploaded onto the Presidency’s website. It showed the panel examples of translations on its website, and in its internal magazine (with embedded “symbolic” translations of sections of text) and internal updates.

In the context of a lack of resources and personnel the Presidency makes symbolic use of one non-English language in every edition of its internal staff magazine, of which there are ten annually. Ad hoc translations are also done of sections of the daily internal electronic newsletter. All mass events addressed by the President (such as izimbizo, Operation Phakisa and unannounced
visits) are serviced by translators appropriate to the context. While a complaints procedure is contained within its language policy and is available on its website the Presidency has never received any complaints.

In conclusion, the Presidency noted that outsourced translations are costly and time-consuming, given the procedure for procurement of services (such as obtaining three quotes: this complicates matters, and imposes limitations on what it can achieve). However, in the future it hopes to provide more translations in its daily electronic newsletter and on its internal electronic billboards (television screens that are used to communicate with staff).

**Questions and comments**

The panel commented that the primary focus of the PanSALB hearing is the Use of Official Languages Act. It wanted to know exactly what the Presidency has done about implementing the Act. Its title – the Use of Official Languages Act – is instructive; and it invites questions on what the Presidency is doing to encourage multilingualism. Taking into consideration the nine marginalised official languages it asked how it provides equitable space to perform the function enjoyed by both English and Afrikaans. The Presidency does not have a language unit. The panel expressed concern that the highest office in the land still talks of financial constraints as a criterion for the use of official languages. It presentation was not specifically addressing UOLA. It would have been helpful for the Presidency to have detailed expressively how it implemented multilingualism. As to why it foregrounded the use of English at the expense of the rest of the official languages is disappointing considering that it should, as the highest office in the land, be the leading example of advancing equitable platform for multilingualism. In constructing the policy, the Presidency should President must contextualise it language policy within its mandate. It would need to list the Presidency’s goals, to be achieved through the implementation of previously marginalised indigenous official languages. Its objectives, such as leadership in government, should be framed in terms of the development, activation and implementation of all previously marginalised languages. Instead, the Presidency has regurgitated the instructions of UOLA.

What is needed is a preamble, legal mandates and then statement of its policy, which determines what it does. It needs to explain how its language unit will work. The policy does not need the fifteen items it currently has. As to why language unit merely advise the director-general on the development, adoption and implementation of the policy instead of direction his/her how do do this an element of wonder. The concept advice should be replaced with more of an action statement. Given that the Presidency is the highest political office in South Africa, there is a need for it to promote social cohesion and nation building. This is done through promoting multilingualism and showing respect for all the marginalised cultures and languages and treating them equitably. It is imperative that Presidency takes take the matter of multilingualism seriously.

The panels indicated that an apparent tension between departments and Treasury, which controls the budgetary purse strings, but the Presidency should try to persuade Treasury of the importance of promoting multilingualism and the healing process of a traumatised nation that has endured many painful challenges such as continual marginalisation of the indigenous languages used by the majority. The healing process begins with promoting multilingualism and respecting people’s language, culture and way of doing things. DSR, for example, had earlier in the day, 23 February 2017, played songs to the hearing that mobilise people through the multi-coloured languages of South Africa.

The panel was impressed by the Presidency’s reference to a “people-centred” service delivery approach. It also noted the description of the Presidency as the “apex government structure”. It wondered why such noble concepts would be placed on the same document with such non-committal escape clause such as reasonably practicality. It is in the presidency’s, and the rest South Africa, to commit to constitutional requirement. Deletion of this clause would be the least the later should do to redeem itself. What is further very disappointing is that the Presidency signed off its language policy in 2015 yet it still does not have a language unit. This is out of order and unacceptable: The Presidency is the highest political office in South Africa yet it does not lead by example. It shows blatant disregard for itself. It cannot claim to have fully implemented UOLA if it does not have a language unit. It is ill-advised for the Presidency to state that translation equals full implementation of language policy. The fact that it does not have either a acceptable language policy and an implementation plan leave a lt to be desired.

Referring to the Presidency’s use of ad hoc translations, the panel said this is also irksome: it suggests that such work is not always done. On the fact that the Presidency
targets. It is not about budget, it is about planning carefully; throwing money into translation is simply wasting resources. It concluded by saying that it needs the strength of language practitioners in principle. But it is probably not resourced enough to make this possible in practice. It is fully on board regarding implementing the UOLA. Its language policy followed a full internal and external process, including soliciting public comment, and has been approved and is in full conformance with the Act. While it does not have a language unit, there is a formally assigned function, which is a step away from a formal language unit. It understood language management to mean assigning a function to a unit that would actively look at how language is used. This would require skilled language practitioners who would be able to direct management. As the highest office in the land it can do this, but it can do more. It has examined all the President’s public events, and it believes it is not promoting languages enough. Language management and monitoring is really about active management and consideration of language usage.

Regarding including practicality in its contextual criteria for the use of language, the Presidency said that it may not always be possible to accommodate a language. It can envisage situations where it will not be as multilingual as it would like to be. It is glad that the panel was demanding that language practitioner posts be created, and in this regard, it looks forward to the completion of the hearing report. It said the panel can only strengthen its hand around language policy; it needs the strength of language practitioners in particular. When it requests resourcing, and asks to reorganise its staffing selection criteria, especially languages, it is always a battle and not top of the agenda. It said that it does do a lot around language usage, but there are deficiencies. It will work on those pointed out by PanSALB.

Response

The Presidency said it cannot disagree with the panel’s criticism on its lack of implementation of UOLA. It is a struggle, it said, and “it will not pretend about it”. There is a struggle for resources for language promotion; in the context of the current economic and fiscal environment, the Presidency has lost R140-million in budget in the past two years, and up to 60 staff members. The implementation of its language policy came precisely at the time that the Presidency was being squeezed resource-wise. Despite the panel’s concern that the Presidency listed financial constraints as a reason for a lack of progress, it remains a government department when it comes to funding and requesting resources from the Treasury; it is under similar constraints to those of other departments. It has nevertheless achieved some things.

It agreed that the Presidency, as an office, should be a unifying symbol and therefore it has had adopted all eleven official languages in principle. But it is probably not resourced enough to make this possible in practice. It has not received translation requests from the public, so in the indigenous language, and prominence is given to this on platforms such as the Presidency’s website, YouTube and Facebook. Non-English is foregrounded imbizo in KwaZulu-Natal, he does so in the indigenous language, and prominence is given to this on platforms such as the Presidency’s website, YouTube and Facebook. Non-English is foregrounded
very often. And it said that when it refers to ad hoc and symbolic translations, it has chosen those words deliberately; it means what it said. The Presidency ended off by saying that the statement that its language policy is not a proper policy was the hardest criticism to accept. Accordingly, it requested that PanSALB assist it to rework its language policy.

Conclusion

The Presidency’s language policy document is a repeat of the instructions as they appear in the UOLA. Thus, it is unacceptable at the moment and needs reformulation in line with the mandate of the Presidency. The Presidency must also establish a language unit. It is hoped that at the next hearing proper documents will be presented to PanSALB.
Day 6
23 February 2017
Department of Trade and Industry
5.27. Department of Trade and Industry

Representative: Ms Desiree Ntshingila, Head: Marketing, Communication and Stakeholder Engagement. Apologies were proffered for the department’s director-general.

Presentation

The Department of Trade and Industry (dti) began by saying it would forward its policy, which has been gazetted, to PanSALB. It enumerated its mandate as promoting structural transformation towards a dynamic industrial and globally competitive economy; providing a predictable, competitive, equitable and socially responsible environment conducive to investment, trade and enterprise development; broadening participation in the economy to strengthen economic development; and continually improving the its skills and capabilities to effectively deliver on its mandate and respond to the needs of South Africa’s economic citizens.

It said that it has adopted all eleven official languages as departmental languages. It makes use of English in all communication, and is committed to making use of all official languages where feasible, as and when requested by members of the public. Factors that it considered when choosing a language include usage, practicality, expense, regional circumstances and the balance of needs and preferences of the public it is serving. English is used for inter- 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 will be used concurrently. Public hearings and other official proceedings are done in English, but requests can be made to provide interpretation in any other official language. International communication and the department’s website are in English.

South African Sign Language interpreting and conversion of text into Braille or audio are available upon request. The dti’s presentation noted that anyone wishing to communicate with the department in sign language must notify it in writing; arrangements will be completed within 20 days of such a request. Anyone who wishes to communicate with the dti in a language that is not an official language must notify the department via email. Every request will receive due consideration and applicants will be notified in writing of the decision taken. Within Marketing and Communication there is Content Development Directorate, for which the dti is now accessing resources to handle translations. Currently staff members with capacity are used for this purpose, and only in English and Afrikaans; otherwise, service providers are sometimes used.

The matter of setting up a language unit currently resides with the dti executive board, chaired by the minister. Language unit is listed as a priority on the department’s risk register to keep its leadership aware of the need, particularly as the dti deals very closely with the public. Assurance has been given that in the next financial cycle a language unit will be given prominence and attention. There has been communication with the department’s chief financial officer to access funding to make it possible. The dti language policy will be published in English and will be available in any other official language, as well as Braille or audio, upon written request. It will also be available on the department’s website.

Questions and comments

The fact that dti never produced a copy of its language policy during the hearing denoted that it does not have it. The panel wanted to know: whether it has a language unit; as to how multilingualism is promoted within the dti and the extent to which the use of the previously marginalised indigenous official languages is promoted. The continuous use of English and Afrikaans perpetuate the preponderance of these languages over the other official languages. The panel suggested the following format for the document: preamble, legal mandate, definitions, goals and objectives (based on dti mandate but stating clearly that dti intends to achieve the goals “through the elevation of previously marginalised languages to official status”) and an implementation plan with timeframes showing how the dti plans to operationalise its goals.

The panel asked whether the dti is concerned only with big business, or small business as well. It pointed to the dti’s use of the word equitable in its mandate, which means “fair” or “just” but implies the issue of equality: how does it promote the equal use of in particular the previously marginalised languages? It reminded dti that multilingualism is a very serious matter.
However, the panel found the word *feasible* inappropriate with regard to the intention of dti to “make use of official languages other than English where feasible”. Communication in all official languages is needed, and not only when it is “feasible” and when requested. It also objected to dti listing “practicality” as a factor considered when choosing languages to use, and the provision of languages other than English “on request”, as well as producing publications in languages other than English “depending on audience”. These notions block progress and are meaningless in the quest for multilingualism, it said. The panel said that it is unacceptable to require sign language users to apply in writing for a language service. The service should simply be provided – just as PanSALB provided interpretation in all languages at the hearing, without asking if anyone needs them. It is disrespectful that dti will take 20 days to provide sign language services. It is problematic and unacceptable that the dti will publish its language policy in English only.

**Response**

Dti said it has a policy that is in line with the UOLA but it had unfortunately not been included in documentation sent to PanSALB. It is planning to establish a language unit. In the interim it has one or two translators in the Content Development Directorate. It tries to promote multilingualism through its stakeholder outreach programmes in various geographical locations, and is trying to ensure that its publications cater to the languages of those audiences. When it visits specific areas, it strives for the materials it utilises to use the predominant languages of those areas. With regard to the question whether it concerns itself only with big business, dti stated that its focus is on manufacturing, trade missions and investment, including small business. It assists small businesses with equipment and infrastructure, “but its main focus is fulfilling its mandate”.

Dti conceded that a lot more work needs to be done with regarding the promotion of all 11 official languages on an equitable basis. A lesson learned from the PanSALB hearing is that for language to become a priority it needs to become one of the department’s tools of working. Language should be a top priority as a tool of engagement. The department’s directors-general must be told that over and above language being made a risk priority, it must be an operational tool of engagement with the dti’s clients.

**Conclusion**

Dti did not submit its language policy document to PanSALB for the purpose of the hearing. It is therefore concluded that it does not have a language policy. It does not have a language unit either. It must consider the matter of language seriously. PanSALB is expecting the two mentioned documents to be submitted as soon as possible.
Day 7
24 February 2017

Department of Co-operative Governance and Traditional Affairs
5.28. Department of Co-operative Governance and Traditional Affairs

Representative: Dr Wilson Makganelaheche.

Presentation

The Department of Co-operative Governance and Traditional Affairs (CoGTA) said there are two departments within the ministry: Co-operative Governance, and Traditional Affairs. Its presentation covers the Department of Traditional Affairs (DTA). It said it welcomes the inputs and recommendations of the panel on how to promote multilingualism and cultural diversity in South Africa.

It quoted the author Semou Pathe Gueye, that people “need to look at their past and to re-appropriate its cultural achievements, because it is vital to know exactly who they were, where they come from and what they were able to do. That can help them to reach a better understanding of what they are today and what they can do and become tomorrow.” South Africa, it said, has laid a firm foundation in crafting one of the most progressive Constitutions in the world, which forms the basis of the restoration of the dignity, integrity, pride and self-worth especially of indigenous communities. It brings together indigenous communities, including the Khoi and San, and realises the ideals of unity in diversity, thus promoting social cohesion and nation building.

South Africa has a history in which oppressors sought to obliterate the history and identity of the oppressed by affecting their minds, so that they forget their history and identity, which ultimately robbed them of their pride and dignity as a people. The country’s history has undermined and destroyed traditional ways of life and disintegrated communities. A new nation and new national identity has to be build. Government has to radically change the lives of South Africans. Building a new nation requires courage to consider the past in order to overcome it and avoid repeating its mistakes. Colonialism, slavery and apartheid dispossessed, undermined and marginalised majority of South Africans through the dispossession of land, identity, languages and people’s humanity.

DTA has developed a language policy that reflects the provisions of the Constitution and the Use of Official Languages Act. It has also developed and adopted a strategy for the promotion of the culture and heritage of traditional communities. And it has developed and had approved a concept document on the institutionalisation of engagements with inter-faith structures. It has also drafted the Traditional and Khoisan Leadership Bill which is currently before Parliament. The efforts the DTA is making in promoting multilingualism and cultural diversity rest on five medium-term (2015-2020) pillars:

- Restoration, including the stabilisation and strengthening of traditional leadership institutions
- Preservation, protection and promotion of a cultural and customary way of life that conforms to the Bill of Rights
- Development of policies, legislation and regulations towards transformation of the sector, including a policy developed by Parliament on traditional initiation practices to eliminate harmful activities and reduce deaths
- Establishment of partnerships for promotion of socio-economic activities and participation towards inclusive and integrated rural development, and sustainable livelihoods in traditional communities
- Coordination of inter-faith and traditional leaders to promote social cohesion and nation building

It supports and participates in cultural celebrations and events organised by traditional leadership institutions and structures, and in communities where cultural heritage is showcased. A calendar of cultural celebrations is developed for implementation. It organises and celebrates Heritage Month (September) with stakeholders, to promote multilingualism and cultural diversity. In the past two years the celebrations have been held at the Lesedi Cultural Village near Broederstroom in the North West. In the past two years the department in partnership with the Department of Sport and Recreation has participated in the National Indigenous Games held at Seshego in Limpopo. Furthermore, DTA has developed an engagement programme with faith structures, traditional councils and communities to enhance faith and cultural tolerance for nation building. The programme engages various faith structures and traditional communities on faith, cultural and language tolerance, and a deeper understanding of each other. Such engagements are aimed at promoting unity in diversity by organising and hosting a social cohesion national dialogue on culture, language and faith tolerance. Unity in diversity conquers all imposed stereotypes, the DTA said.
Regarding compliance with the UOLA, DTA said it drafted an official language policy based on guidelines provided by the Department of Arts and Culture. It was gazetted for public comment on 20 March 2015 following approval by the minister of co-operative and traditional affairs. It said the policy was developed to give effect to the Languages Act in line with Constitutional frameworks to promote multilingualism and cultural diversity and build a coherent South African society. Its expected outcomes of all its activities are as follows:

- Ensuring harmony in culture, language, belief and conscience. The DTA said South Africa’s population diversity has the capacity to inspire and enrich a culture and value system that can sustain the values embodied in the Charter of Positive Values
- Promoting independent critical thinking and a culture of participatory debate, including in indigenous languages
- Promoting cultural tourism and heritage to become the most resilient industries to boost economic growth, generating income and improving the livelihoods of millions
- Showcasing South Africa’s best cultural, linguistic and heritage assets
- Promoting and protecting indigenous knowledge systems and official indigenous languages for future generations

It strategy will generate a variety of socio-economic benefits, including keeping cultures, languages and traditions alive and allocating resources for the promotion, protection and preservation of culture, language and heritage, as well as stimulating and increasing visitor attention and appreciation of South Africa’s rich diverse culture and heritage; institutionalise engagements to create and build a united, inclusive and caring society; encourage dialogue and information sharing on matters of common interest; promote social cohesion across society; build a country and future that belong to all in diversity; promote active and participatory citizenship and leadership; and build a united, caring, responsive and modern nation connected to the global economy and part of a league of nations.

DTA requested that PanSALB assist it to contribute to sustainable multilingualism and cultural diversity, both in South Africa and beyond. It suggested the following food for thought: “Only Africans can develop Africa. Africa’s history and culture, Africa’s ways, is the key to its development. African problems require African solutions.”

Questions and comments

The panel made a quick check to find out if DTA does have a language policy as PanSALB had not been furnished with a copy thereof. It confirmed that it does have one. It was also noted that the DTA does not have a language unit to implement the policy. The panel appreciated the context of the Gueye quotation, but hastened to remind the presenter that the focus at hand is the UOLA – the use of official languages internally and externally – among staff members and the general public. It wanted to know what DTA is doing to promote multilingualism.

The DTA presentation was not in line with the purpose of the hearing. The panel said that it is difficult to interrogate the department’s language policy that was not made available to the panel. It however became apparent in the presentation that instead of operationalising UOLA, DTA simply regurgitated it. It therefore requested that DTA drafts and submits its language policy with the implementation plan. It advises as follows: a policy should contain a preamble, the legal background to its mandate; and then a policy statement based on the first two pillars of its strategy, and should include the following line “by elevating the previously marginalised languages to official status, in keeping with the Bill of Rights”. The rest of the pillars can then become the policy objectives. Then the policy should include an implementation plan: how it will carry out the policy, including timelines. The establishment of a language unit is an element for its timeline.

Furthermore, the panel said that it is unable to provide further inputs in the absence of the DTA’s language policy. Turning then to the department’s presentation, it asked how the DTA will go about “institutionalisation of engagements”, how it will go about promoting dialogue and information sharing, and what the practical plans did it put in place. It asked also how DTA is promoting social cohesion within its departmental mandate, and also active and participatory citizenship and leadership.

The panel wanted to know whether DTA would have considered designing and implementing a multilingual language policy had it not been called before PanSALB. The DTA presentation does not indicate a proper policy with an implementation plan; it does not focus strongly on language and multilingualism with a bias towards the nine indigenous languages. It explains what the DTA is doing, but it does not touch on multilingualism. It also contains information – such as about the DTA’s support for cultural celebrations and events, Heritage Month interventions and engagement programmes – that is
irrelevant to the current proceedings. How does language feature in these activities?

A member of the audience asked whether DTA speaks about language matters, and language policy strategy in its councils. If so, how does it do this? If not, why not? Another audience member, Phaka Mandadlana, of the Government Communication and Information System, commented that he was disappointed that the DTA representative was not given an opportunity to explain what the department’s language policy is, and then be questioned on that. He also said that he had wanted to hear the proceedings in his own language, using the hearing’s simultaneous interpretation service, but it was not being provided, which he found disturbing. The panel apologised for not pressing the DTA about its language policy, but when the later indicated that they have not thought about such a policy, the panel’s reaction is that they do not have a policy. Regarding the hearing’s interpretation service, it said that it is structured in such a way that sometimes the interpreters alternate between mutually intelligible Sotho or Nguni languages. The ones that are always used are Xitsonga, Tshivenda and isiNdebele, as they are the most marginalised of the marginalised official languages. A third audience member, Mr Tshililo Radzilani, said that what had been presented by the DTA is outward-focused, and can therefore never be embedded in the department. It seems to be “a documented policy, rather than being lived out in the department”. He is of a view that employment equity is failing multilingualism.

The panel said that its hearing structure, on which it had spent a lot of money (for interpretation), is the norm – it is not a favour to anyone, and it is its Constitutional responsibility. Its sign language interpreter, for example, is not there as a favour to the deaf community, it is a norm. DTA should do likewise. It is more about proper planning. Language interpreter then has a job and sign language is given prominence and importance and its users are respected. Children will then see language and interpretation as a career and follow it, and the languages gain prominence.

Response

On the question of whether it would have considered its language policy had it not been called before PanSALB, the DTA’s representative said that he was at odds with his department, which has not taken its language policy seriously until now. He said that henceforth, he would be the policy’s advocate. The policy has been regarded as something to apply if there is time. With regard the audience’s question on whether DTA addresses language matters in its councils, the presenter said that this is a difficult question. Its meetings have never specifically dealt with promoting languages. But the strategy it has developed embraces the restoration and development of languages. DTA wishes to promote, protect, and preserve languages and cultures, but it has never elevated languages specifically.

Regarding the panel’s assertion that DTA does not actually have a language policy, it said that it does have a language policy. It was only at the hearing that it learned that it had not been shared with PanSALB, when it should have been furnished along with its presentation.

In terms of its mandate it would be very difficult to decide that at specific meetings language matters would be addressed because it does not form part of the core business of the department. But perhaps it should advocate for language to be given a slot in meetings.

Conclusion

In the absence of a language policy document at the hearing it is presumed that DTA does not have a language policy. Similarly, the DTA does not have a language unit, as prescribed by the same Act.

The department’s name refers to South African (and principally black) traditional affairs; thus, it is important for the use of previously marginalised languages to take prominence. This department is about traditional leadership, which as custodians of marginalised languages should be showing strong support for this UOLA. The panel’s observation is that the traditional leadership has no interest in the Act. The absence of the traditional leaderships at the hearing was overwhelmingly disappointing. This is sad as currently language is the only identity and link between traditional leadership and communities. It is hoped that DTA will seize the opportunity to remind both the traditional leadership and municipalities about the importance of this Act and work together to ensure that issues of previously marginalised languages are taken seriously.
Day 7
24 February 2017

South African Revenue Service
5.29. South African Revenue Service

Representative: Mr Vusi Ntlakana, Senior Manager: Communication, accompanied by Mr Babs Naidoo, Group Executive: Partnership Development and Communications, Mr Tshililo Thomas Radzilani, Executive: Tax Operational Centre of Excellence (Business and Individual Tax), and Mr Mampuru Mphahlele, Senior Manager: Employment Relations.

Presentation

The South African Revenue Service (SARS) said that in 2013 it established its Language Policy Reference Group, comprising representatives of all SARS business units, to craft a language policy. It was important that there was buy-in from all the business units and that they did not plead ignorance of language policy. A draft language policy was gazetted for public comment on 26 September 2014, after which changes were made to the draft; the final language policy was gazetted on 23 November 2015.

The purpose of the policy, SARS said, is to outline how it will comply with the provisions of UOLA and how it will use the eleven official languages to improve service to taxpayers as well as compliance levels. It has chosen isiZulu, Sesotho, Afrikaans and English as its departmental languages; they were the result of the consultative process it had undertaken. It will incrementally add other official languages as resources become available, but in the interim it has in-house capabilities for Sesotho sa Leboa and Xitsonga.

The SARS Language Service Unit comprises a senior manager and operational language specialists (translators) for isiZulu, Afrikaans, Sesotho sa Leboa and Xitsonga. The unit’s mandate is to provide a language translation service to extend the reach of SARS via its service, education and enforcement efforts with the aim of improving revenue collection and minimising revenue losses. It develops and implements inclusive language programmes to help taxpayers understand in their preferred languages their tax obligations and the importance of compliance. The unit also undertakes activities such as language research projects, language awareness activities and terminology development.

Regarding terminology, SARS has been developing its own specialised terminology list in the languages for which it caters. The list will be consolidated and presented to the Department of Arts and Culture (DAC). The terms being developed are technical and require extensive research; for example, “tax compliance system” sounds simple in English, but what is it in the indigenous languages? Since SARS is not a language specialist it takes new terms to the DAC and its language bodies to develop authorised orthography and terminology. It said later in its presentation that its language unit, which was established in 2016, has been given three to five years to produce a consolidated terminology list.

External marketing communication with citizens is done at a provincial level in accordance with the following languages per province, depending on the content and form of the communication, target audience, feasibility and cost-effectiveness:

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

It is a challenge, said SARS, to operate in its four chosen languages when there is this provincial diversity. So it has undertaken practical research visits to its branches, and can report to the hearing that its agents strive to interact with the public in the dominant languages of the provinces. Employees come from the communities they serve. SARS said that its ITR12 income tax return form is made available in all eleven official languages through the SARS Contact Centre self-service option. These printed forms are sent to taxpayers who request them via the Contact Centre. If a taxpayer wants written correspondence in an official language it is obliged to reply in that language. The turnaround time for such correspondence is less than 30 days, which is better than the 60 days required in its language policy.

Customs staff members, at ports of entry, are able to assist travellers in English and the official languages of the province where the port is situated. English is used in hearings and other official proceedings unless there is a request to provide interpretation services in another official language. SARS uses South African Sign Language.
interpretation at branches on a rotational basis and according to a predetermined schedule which is communicated well in advance to relevant organisations. SARS also makes documents available in Braille or on CD, upon request. Highlights and progress in implementing multilingualism at SARS include the following:

- Translation of taxpayer information on the SARS website in the designated SARS languages, this is a mammoth task, and the indigenous languages cannot be seen to have lower status than other languages
- Translation of taxpayer information in the designated SARS languages and foreign languages, where there is such a need
- 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, particularly at its various branches, was undertaken and recommendations made
- Pilot research on offering services (tax returns, general inquiries on tax issues, refunds, etc.) through using South African Sign Language interpreters was undertaken at selected SARS branches in Gauteng, the Free State, KwaZulu-Natal and the Northern Cape. This research was done 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 Service Unit (SLSU) is continuously working on a multilingual SARS terminology list in isiZulu, Sesotho, Afrikaans, Sepedi and Xitsonga

SARS then showed the hearing examples of initiatives and activities undertaken to comply with the Use of Official Languages Act and language rights as set out in the Constitution, including: an internal newsletter on multilingualism; website information in indigenous languages; tax season information in various languages; poster information in local and foreign languages (such as Mandarin, Amharic, Arabic and Urdu); and slides for outreach activities in various languages. It provided examples from its multilingual terminology list and articles showing its outreach to the deaf and blind communities.

Questions and comments

The panel commented that SARS’ presentation shows recent effort, which is to be commended. But the Use of Official Languages Act is concerned with the use of official languages: how does it go about inculcating the spirit of multilingualism within its working environment, and how does it encourage staff members to play a part in the promotion of the indigenous languages in particular?

The main aim, it said, is to try to develop and encourage people to use the indigenous languages, which remain marginalised more than 22 years after the advent of democracy. This is why PanSALB has begun its inquiry with government departments as to how they go about encouraging social cohesion. There is always talk of nation building, but it will never be achieved if languages that are constitutionally said to be official continue to be disregarded. If a language is not used it will simply die and vanish. There is a dilemma: those languages are official, so how does SARS encourage multilingualism?

It said it was not suggesting that SARS is not doing enough to promote multilingualism; it really is making an effort. But translation is different to spoken language: documents can be translated, at expense, and nobody reads them. This is about usage: languages must be heard. When people greet in each other’s languages it engenders good feelings. The Act requires departments to choose at least three departmental official languages. SARS has done well and taken this a step further and also uses languages according to regions. This activity must start with government departments, which serve all the citizens of the country. It was confirmed that SARS has a language unit.

Speaking about informational posters in Mandarin and other non-official languages, the panel said that showed that SARS is doing its work but it must focus on the requirements of the UOULA. It should start with South Africa’s official languages, specifically the nine indigenous languages. The scope is out of line as it is applicable only to SARS employees; this cannot be so, and it should be removed. SARS should craft a language policy statement that, importantly, says what SARS does “by elevating the previously marginalised languages to the status of other official languages”. Then the current document’s strategic context should be part of SARS’s language policy implementation plan, and it should identify objectives based on its mandate, what it plans to do, from its policy statement. Finally, it should have an implementation plan with timelines. Its current one
simply needs tweaking, and sections on access and complaints are unnecessary. The panel said that SARS has shown that it is going the extra mile and taking the matter of multilingualism seriously. The multilingual terminology list that SARS is developing is fascinating. Light-heartedly the panel said, SARS’s mandate is to take money from the rich and give it to the poor, it said that South Africa is an extremely unequal society and that the mandate is actually to bring greater equality in society; and that brings many complications and challenges. In a similar vein, the mandate of the hearing is to bring equality to the official languages, in particular the nine marginalised languages, and explore ways and means for this to be done.

Speaking about the SARS presentation before the hearing, the panel said the name of the revenue service’s Language Policy Reference Group is problematic, because “reference” is a very weak and apologetic concept, and SARS should find a stronger word. It is worried that with only five people SARS’s language unit does not have the capacity to do everything that is expected of it. It should employ more people. It asked what authority the SARS representative to the hearing has with the revenue service’s executive management. It continued that when the SARS Commissioner takes decisions on the direction of SARS they must be subjected to its multilingual policy before they are communicated. If the representative does not have enough sway then his voice will not be heard. It is important to place multilingualism at the heart of SARS’s power. It has the power to promote multilingualism and should use it appropriately. SARS should be disrupted so that things do not remain the same.

In SARS’ provincial language usage breakdown, the panel said, English appears nine times and Afrikaans six times, but isiXhosa, isiZulu, Sesotho and Setswana twice each, and Sesotho sa Leboa, Tshivenda and Xitsonga once each. It asked SARS to review this in conjunction with the country population demographics. It said the multilingualism highlights provided by SARS are quite impressive, but it did note translation three times. Language policy should not be misinterpreted in this way; translation is sufficient, and does not add complete cachet or value to indigenous languages. But the highlights are impressive and in this sense SARS is a cut above the rest and doing well.

Furthermore, the panel said that SARS should expunge the word *practicability* from its language policy, as this amount to running away from responsibility for the policy’s implementation. In addition, to say that the human resources, procurement and financial systems will be in English is problematic: “will” suggests a very strong imperative, and should be cut out as irrelevant. All languages are transactional, and care should be taken how English is spoken about. A member of the audience, Mr Evelyn Ferreira of the Afrikaanse Taal- en Kultuurvereniging, said he had attended five days of the hearing, and had realised that the panel notices everything and there is nothing that he can add to the proceedings. But he congratulated SARS’s representative on an excellent presentation. He does not see much Afrikaans in the SARS presentation, but what he asks for Afrikaans he asks for all the other official languages as well. The presentation was excellent because SARS understands what is expected of it. Part of this comprehension is reflected in the choice of regional languages.

The panel had called attention to the importance of elevating the marginalised languages, which Mr Ferreira said would be called *roondstandige tale* (peripheral languages) in Afrikaans because they are not yet where English and Afrikaans are. He strongly supports the call for their elevation, but not at the cost of English and Afrikaans, he said; they have developed to a specific standard and the baby should not be thrown out with the bathwater. Another member of the audience, Dr Seshoka, said SARS is silent on the monitoring and evaluation of its implementation plan. It should include in its plan how it will measure its effectiveness.

A third audience member, Mr Morris of the Road Accident Fund’s language unit, said the SARS language unit does not include a Tshivenda language practitioner, and Tshivenda is not mutually intelligible with the languages the unit manages. The language only appears once in the entire SARS presentation. And the SARS multilingual terminology list does not cater for Tshivenda although all languages are supposed to be recognised equally. A fourth audience member complimented SARS on its presentation, but said steps for Braille have to be followed. Does SARS offer a Braille service?

**Response**

In response to the question on what authority he has with the revenue service’s executive management, the SARS representative to the hearing said top managers had accompanied him to the hearing, and he sits in on management meetings. He is of the opinion that he is heard in such meetings. In response to the third audience member, SARS said that when the revenue service interviewed Tshivenda language practitioners,
they all came up short and it ended up employing a Xitsonga practitioner instead. Xitsonga, Tshivenda, isiNdebele and siSwati are priorities for the language unit in future. With regard to its terminology list, it can only develop terms with the staff complement it has. It will present it to the DAC, which will take the matter forward; all SARS is doing is to create a base from which to work in this regard. On the question regarding Braille, SARS pointed out that it is not a language. Most blind people cannot read Braille. They instead prefer audio files. SARS’s policy makes sure people receive Braille documents within 60 days, and it often provides them within 30 days.

**Conclusion**

SARS needs to follow the advice given: it must remove the instructions of the Use of Official Languages Act (No. 12 of 2012) from its current language policy and restructure the policy accordingly. The same will apply to its language unit: it should be specifically established to deal with the implementation of the objectives of the language policy, according to section 5(a)(b) of the Act.
Day 7
24 February 2017
Government
Communication and
Information System
5.30. Government Communication and Information System

Representative: Ms Nomgcibelo Motha, Deputy Director: Language Services, accompanied by Mr Phakamani Dadlana, Assistant Director: Language Services.

Presentation

The Government Communication and Information System (GCIS) said that its Language Services Unit, which falls under the Directorate: Content Development, was established on 1 April 2008, guided by the then National Language Policy Framework. The unit provides translation, editing, proofreading and linguistic services to the GCIS and external clients that collaborate with it on particular national communication campaigns.

The Language Services Unit staff complement is very small, comprising a deputy director who oversees the general management of the unit and two assistant directors: one a Motswana who oversees the quality control services for Sesotho and Sesotho sa Leboa, and another who translates into isiXhosa and oversees the translation of the three other Nguni languages by seasoned translators on the unit’s database. The Language Services Unit has the capacity to translate into Setswana and isiNdebele, and all other translations are outsourced.

Since its inception, the unit has translated all materials into all official languages, meaning that it complies with, and exceeds the requirements of UOLA, which requires the use of at least three official languages. Subject to Treasury approval, the unit plans to employ a language practitioner for each official language in future. In addition to ad hoc translation work and quality control for internal and external clients, the GCIS said its flagship projects include the following:

- Its bi-monthly newspaper, Vukuzenzele, which is translated into all official languages; additionally, there is a brand publication
- The 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
- It produces multilingual translations of the State of the Nation (Sona) address for the Presidency
- It produces speeches for the minister and deputy minister of communications
- It collaborates with stakeholders in terminology development projects; so far it has worked as linguists on 2008 and 2013 statistical guides, election terminology lists for the Department of Arts and Culture (DAC), a legal and agriculture terminology project for the DAC in Limpopo, and a terminology project for the SA Police Service

The GCIS draft language policy was drafted internally and vetted by a private law firm for compliance with UOLA. This was done because it had a previous policy guided by the National Language Policy Framework. It was gazetted for public comment on 7 August 2015 and finally approved by the GCIS’ management committee in March 2016. No public comments were received during the initial gazetting process. The policy was translated into all official languages. It is, is available on the GCIS website; a Braille version is available upon request from all nine provincial GCIS offices.

GCIS plans to appoint service providers to train front-desk staff in South African Sign Language, to ensure effective communications with hearing-impaired members of the public. Three quotations from service providers have been sourced and are currently being processed. In brief, the language policy includes the following details:

- The introduction notes that South Africa is a multicultural society that is characterised by rich linguistic diversity
- Because the GCIS is the custodian of communication in government it is its responsibility to communicate in all the official languages. Therefore, its policy has adopted all eleven official languages as departmental languages, although the GCIS is still working to capacitate the unit with the staff it needs for all official languages
- Upon request Braille copies of all documentation can be made available

Questions and comments

The panel commented that this hearing is primarily concerned with the implementation of UOLA. It is about inculcating the spirit of multilingualism in the people of
South Africa, starting with government departments. It is expected that GCIS briefs the panel on how it carried out government communications by encouraging and promoting the use of the previously marginalised indigenous official languages.

It appears, the panel said, that there are many subsections within the overall communication structure, and the GCIS needs to build adequate capacity to do what it actually would love to do. This means that when language policy and language units are discussed there is no capacity to create them. It was concerned about the coherence of government structures and their operations; is there overlap between different departments, and how can available resources be better used? When the GCIS comes up with its implementation plan and has a vision of where to go, it should align its mission with that vision. The section dealing with the labelled introduction in the current policy document as its preamble should be rephrased. Definitions are acceptable, but the GCIS should add the “PML” abbreviation for “previously marginalised language”. Instead of referring to “sign language”, the document should specifically speak of “South African Sign Language”. It should remove “the Act” from its definitions, as the policy refers to several pieces of legislation. The panel recommended further that the text that describes the GCIS becomes its policy statement, along with its legislative mandate. It suggested that the statement include the following goal: “GCIS will enable integrated, co-ordinated and clear communications between government and South African citizens, by elevating to official status previously marginalised languages.” A second goal would be: “To further co-ordination, guidance and direction on government communication, including media liaison, development communication and marketing by continuously implementing previously marginalised language at all levels.”

Then policy document should reflect the GCIS’s objectives, broken down into specific actions, and contain an implementation plan that includes timelines. It said the policy repeats the template’s wording for what it is supposed to do, instead of operationalising this using its own words. At all points in the policy the GCIS should consider the elevation of previously marginalised languages. The the panel asked what the GCIS means by “English Braille”. It emphasises the point that there is just Braille in English, and that there is not any other language [available] in Braille.

It is out of order that GCIS does not have a language policy implementation plan regardless of the fact that it language unit was established as far back as 2008 it still does not have a language policy implementation plan; this is out of order. The presumption that this unit is meant for sheer translation is a falsehood. It is unsatisfactory that the unit has only three employees. Its head is too junior to make executive decisions. GCIS’ director-general should be the one appearing before this panel instead. On the request by the GCIS for PanSALB to assist it in reformulating its language policy the panel said it will assist only with a basic workshop on drafting policy, and GCIS should do its own work.

**Response**

It had thought that DAC, with its Directorate: Language Implementation would be in a position to provide a template or guidance, but it could not obtain any assistance. So, the GCIS thought it best to ask legal experts to help it align the policy with UOLA. All the DAC had said was “for the GCIS to go step by step and follow regulations”. On the question of how GCIS differs from DTPS, GCIS said it reports to the ministry of communications (previously it reported to the Presidency). Its mandate is government content: it communicates government messaging in all official languages on flagship programmes such as Sona, Cabinet statements, press statements. GCIS is the custodian of government communications, and all government departments communicate through it. It is a stand-alone department whose director-general reports to the Minister of Communications. Further, the Department of Communications has five entities: the SABC, the Independent Communications Authority of South Africa (Icasa), Brand SA, the Media Development and Diversity Agency (MDDA) and the Film and Publications Board (FPB). By virtue of it communicating government programmes to the public, it is crucial that GCIS adopt all eleven official languages. For example, if it is collaborating on projects such as the digital terrestrial TV rollout, it must provide materials in all languages. Otherwise members of the public will be sidelined. Lack of interpreting services for outreach programmes is a problem, GCIS conceded.

It said that the panel has made an important point about its language unit having appropriate authority and power. It wanted to know if PanSALB would assist it in in this regard. The issue of developing the GCIS language policy was on the production of annual reports in English only, but the Unit does not have the power to change the situation. If there is no political will nothing will change;
the unit will be told that there is a lack of resources and that will be the end of the matter. It asked whether PanSALB plans to approach the matter at a political level and influence ministers and the Treasury to deal with such issues. GCIS then asked for guidance through the following question: are language policies meant to say how departments will serve the public; where does the matter of internal communication by staff come in? Should staff be forced to communicate internally in specific languages, even if it means miscommunication? It hopes PanSALB will assist it in aligning its policy change recommendations with the current language policy.

Conclusion

GCIS has been advised to redraft its language policy. Its submission is a mere set of instruction of UOAL and therefore unacceptable. Instead of approaching legal firms to vet its language policy because of the DAC not being of assistance, GCIS should rather approach PanSALB. The panel wished GCIS well in its endeavour to redraft its language policy and establish a language unit focusing on fostering the spirit of multilingualism in South Africa. To be able to speak each other’s languages promotes social cohesion and respect for diverse cultures in our country, and thus nation building.
Day 7
24 February 2017
Department of Transport
5.31. Department of Transport

Representative: Ms Mankitseng Hlatshwayo, Director: Research and Content Development.

Presentation

The Department of Transport (DoT) said implementation of UOLA was entrusted to its Communication Division. There had been uncertainty about how to give effect to the Act for a while before it finally got assigned to the Communication Division. The DoT vision is that transport is “the heartbeat of economic growth and social development”, an enabler of social development and economic growth through the movement of goods and people and accessing services. It has a national footprint and deals with people of all walks of life and from all areas. Its language policy indicates what impact it can have in elevating the previously marginalised languages.

DoT includes various entities: 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. Each has a national footprint. It is therefore a huge department with a huge mandate. A question that has yet to be resolved in implementing the DoT language policy is whether it also applies to its entities. The Road Accident Fund is ahead of the department regarding language policy.

DoT is of a view that the role of UOLA included the following: regulation and monitoring of official languages in government; adoption by the department of a language policy; establishment of a language unit, and monitoring and reporting on the use of official languages. The Department of Arts and Culture (DAC) will facilitate co-ordination of language units within government was yet another important point DoT considered. Its Communication Division drafted the language policy and circulated it internally. This draft was then gazetted for public comments on 30 September 2016 but because of a problem with this draft another was gazetted on 21 October 2016. Further consultation, finalisation and approval of the language policy are still required.

The Communication Division will advise the DoT’s Executive Committee on the creation of a language unit, including staffing and funding. In the interim until a language unit is established it will advise and co-ordinate language policy matters, DoT said; an upshot of this is that some members of staff despite their relatively junior position have become activists for multilingualism and have a duty to impress the importance of UOLA on senior management. The current situation, it argued, creates the opportunity for the DAC and PanSALB to be involved in taking the process forward. It noted that in the PanSALB hearing the focus had been on making multilingualism official in government. Broad actions are still to take place including (due dates in brackets): establishing an internal DoT project team to champion and implement a final policy (February 2017); engage with the DAC and/or PanSALB (March 2017); circulating a final draft policy for input (April 2017); taking the policy through an internal approval process (May 2017); gazetting a final policy (Jun 2017); and implementing the policy (from September 2017). Challenges faced by DoT in finalising its language policy and language unit implementation are uncertainty about institutional arrangements; high turnover of senior management (most are in acting roles); placement of the language unit function; the internal approval process; and the governmental approval process around staffing and funding.

For now, the language unit functions will remain with the Communication Division until appropriate interventions have taken place. The yet-to-be-established project team will drive finalisation of policy implementation. However, the official languages are being implemented here and there – for example, through publications – although not at the level they should be. But there is recognition that there is a need to popularise and elevate the indigenous official languages. The policy gives the department a tool to do this more than it already is, the DoT said.

Questions and comments

The panel wanted to know: when would DoT finalise its language policy; and how it encourages and promotes indigenous languages. It expressed concern that language policy is not enforced within DoT. This is a contravention of UOLA. It however advises as follows: DoT’s draft policy requires a preamble. Its legislative mandate section is acceptable, but under the definitions it should not define “Act” because the document refers to several pieces of legislation; the definitions should rather be referred to as “definitions and acronyms”. The
definitions also refer incorrectly to the DAC Minister, it should instead refer to the DoT minister, as should the definition of “policy”. DoT should add “PML” to the definitions, for “previously marginalised language”. It should remove excessive numbering throughout the policy document. It can retain the principles section. The mandate section should do as the DoT’s policy statement. Its goal can then be: “DoT intends to position transport as the heartbeat of economic growth and social development by elevating PMLs to the status of other official languages”. Its mission statement can be included, but broken into several points. It should then list several objectives, each one to be achieved through the implementation of previously marginalised languages. That is its language statement. Action words such as intend to and promote should be used. Then the policy should include an implementation plan with achievement timelines.

The panel commented that DoT encompasses many public entities which deal with many issues. It agreed that the country’s transport system must run smoothly and safely, and therefore needs to be efficient. But managing such a complex system needs a very strong language policy, ensuring the use of all eleven official languages. Language policy and units need to run smoothly in all the DoT entities. It is common knowledge that there are many difficulties with the taxi industry. When all eleven languages are promoted equally and members of the public are communicated with in their languages good relations result because the necessary respect is shown to all the people of South Africa. That would be DoT’s contribution to promoting social cohesion and nation building. The panel said that South Africa is a nation of many tensions and people protest a lot. In managing all eleven official languages within a very complex system it is vitally important to consider the equal use of languages. For DoT this means a need for people who are passionate about safe travel and the use of all eleven languages, so that an efficient and safe transport system can be provided for the nation. With regards to the DoT’s draft language policy, the panel said the department’s language unit should not “advise” the DoT’s accounting officer on the development, adoption and implementation of the language policy; people must not be apologetic and advise, but rather influence. It also objected to the inclusion of practicality as a factor in the implementation of the language policy, saying that practicality expressed and fossilize avoidance strategy that negates meaningful implementation of multilingual.

It further took issue with the language choice for intra-government communication: apart from English as the primary language in this regard, the policy states that any other language can be used “as requested”. This should be thrown out as it undermines people’s rights. It denotes that the policy target audience should merely be content with what they are offered. The audience have rights and must be given service. It is not a matter of doing them a favour. Similarly, stating that members of the public who require sign language interpretation must be “accommodated” suggests that they are “poor things”. The panel then asked whether DoT would have thought of devoting it attention to matters of language policy had it not been called to appear before the hearing.

A member of the audience, from the RAF, asked how the department realise its aims of economic growth and social development while not seeing multilingualism as a vital way of achieving them. RAF has an allocation of R1.9-billion earmarked for compensation; from an economic growth and social development perspective, if the DoT’s campaigns implement multilingualism, more people will be reached and behaviours changed, which means there will be fewer payouts for road deaths and loss of income. Money saved can then be used elsewhere. The DoT language unit drives the departmental multilingual mandate. If the language unit becomes an appendage with a small budget used only for selective translations it will end up doing nothing. The department should display strategic selfishness to prioritise African languages; this should be a personal battle, but carried out professionally.

Response

The DoT said that it plans to finalise its policy and gazette it by June 2017. It said that a lot of what the department does regarding communication requires that it embraces multilingualism with campaigns and communication programme. But it admitted that multilingualism is not officially enforced within the department. This will be easier once it has a language policy in place. It also noted the panel’s concern in this regard. It honestly stated that it would have “definitely not” considered language policy matter had it not been requested to appear before the panel. It said that the DoT executive leadership needs to be brought on board; there is a need for the director-general to be given a directive that the department is in trouble if the matter of language policy and its implementation is not addressed. In response to the question from the member of the audience from RAF, DoT said that the
culture of multilingualism needs to be inculcated throughout the department, by means UOLA. To some extent the official languages are used in the department, but multilingualism needs to be made part of the departmental culture, to ensure that equitable use of languages as a departmental principle.

**Conclusion**

DoT must earnestly reformulate its draft language policy in line with its mandate and in terms of the Use of Official Languages Act (No. 12 of 2012), and must also establish a language unit specifically to deal with language policy implementation as prescribed in section 5(a)(b) of the Act.
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