MULTILINGUALISM
and the Public Sector in South Africa

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sb **SUN**BONANI **SCHOLAR**

DEDICATION

For my teacher and friend – Prof. Abakholwa Moses Sindane who at a defining moment in my career took me under his wings and introduced me to the scholarly discourse of public management. This changed the trajectory of my career and I will forever be grateful.

&

For my Std. 1 – 3 Teacher – Silvano Mutokaa Ireri.

For laying the foundation for what has so far been a rewarding academic career. To this unsung hero of Kenya's basic education system, I am eternally grateful.

Munene

CONTENTS

PREFACE

Since South Africa's democratic transition, a lot of research has been carried out and published on South Africa's language question. Much of this research has been published in journal articles or chapters in books save for a few books that tackle the breadth and width of the language question in South Africa. That South Africa's language question attracts enduring attention is hardly a surprise. After centuries of colonialism, some of it under the Dutch and some of it under the British; and decades of Afrikaner-led apartheid in which language was used to serve the ends of social exclusion for some and social inclusion for others; and the political-ideological debate that accompanied the end of apartheid, language has always featured prominently in almost any debate on the future of South Africa. The adoption of eleven languages as official languages in South Africa's 1996 Constitution further entrenched the place of the language question in contemporary South Africa's discursive space and collective psyche. In essence, the interrogation of South Africa's language question is an enduring preoccupation.

The current book contributes to the discourse on language in South Africa with a specific focus on multilingualism and the public sector. The public sector generally includes all institutions and organisations which operate within the three branches of government; are engaged in the implementation of government policy and the administration of laws within the three spheres of government; and are ultimately accountable and responsible to a political authority. The public sector therefore includes all national State departments and provincial administrations, public enterprises, municipalities, institutions of higher learning, research agencies and a number of control and regulatory institutions which fall within the different branches and spheres of government. The book argues for and demonstrates the relevance of putting into place appropriate language policies to help the majority of the people of South Africa take an active part in nation-building endeavours; processes in which the public sector is key. The discussion tackles the intricacies of the public sector from a constitutional; legislative and policy; human resource and organisational culture; capital and infrastructure point of view; and builds a case for the provision of multilingual services in the public sector – as the benchmark of public sector service provision.

I hope and trust that the book will make a modest contribution to the debate around the language question in South Africa. I extend a word of gratitude to the peer reviewers for their invaluable suggestions and insights. I am deeply grateful to the Office of the Dean – Faculty of the Humanities and the Directorate for Research Development at the University of the Free State for financing the publication of the book. Lastly, my heartfelt thanks to the editorial and publishing team at SUN MeDIA Bloemfontein for their cooperation and sterling efforts in getting the book published timeously.

Munene Mwaniki
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CHAPTER 1

Introducing the Discourses on Multilingualism and the Public Sector in South Africa

1.1 Introduction

Comments from the peer reviewers pointed out that the book as it was originally structured (where the current Chapter 2 was the first chapter) "would be too demanding for the average reader, as it delves too quickly and too directly into some of the main issues discussed later in the manuscript" and that "the style is occasionally too dense, and sometimes too 'legalistic' for easy reading". The reviewers recommended that an 'introduction' to the entire book was necessary. This chapter is such an introduction and serves the purpose of 'easing' readers into the discussions and debates in the subsequent chapters. To achieve this objective, the chapter explores three key questions, namely:

(i)   why is a distinctive writing style adopted for the book?
(ii)   What motivated the writing of a book on multilingualism and the public sector in South Africa?
(iii)   What themes should such a book address?

The writing style used in the book is inextricably related to the language management method; the methodological framework used in the book. Turning to the question of what motivated writing a book on multilingualism and the public sector in South Africa, suffice to submit that the book is motivated by the need to interrogate and extend the discourses that underpin multilingualism in South Africa; and an intimate appreciation of the central, though often under-stated symbiotic relationship between language dynamics and the public sector in many a polity. There is a dearth of in-depth research into such language/public sector relationships and dynamics. Admittedly,

themes that a book on multilingualism and the public sector in South Africa (and possibly elsewhere) should address itself to are many and varied. For purposes of the current discussion, however, the following are identified as core themes: a specification of the symbiotic relationship between language dynamics and the public sector in South Africa with specific reference to the place of multilingualism in the public sector's core mandate areas; multilingualism and South Africa's constitutionalism; legislative and policy requisites for multilingualism in South Africa's public sector; human resource and organisational culture imperatives for multilingualism in South Africa's public sector; capital and infrastructure imperatives for multilingualism in South Africa's public sector; and the facilitative role that multilingualism can play in the public sector service delivery conundrum.

The discussion adopts a critical, post-structuralist view of discourse as "ways of understanding and constructing the social world". This view is concerned with the ways in which power relations are played out within institutions. In this body of work, the term 'discourse' is often used in the plural. Discourses are seen as socially constitutive systems of meaning which are embedded in particular social, institutional and historical contexts and "as different ways of structuring areas of knowledge and social practice" (Fairclough, 1992:3). They are viewed as sources of power – the power to define boundaries and categories and to construct objects and social subjects (Martin-Jones & De Mejia, 2008:xiii). Within this perspective, the dynamics attendant to language and the public sector in South Africa constitute a discourse – a way of understanding and constructing the social world; a socially constituted system of meaning that is embedded in the particular South African social, institutional and historical context.

1.2 The language management method and the writing style it presupposes

In contemporary epistemology, the inextricable relationship between method and theory is widely acknowledged. As Gee (2011:11) notes

> ... any method always goes with a theory. Method and theory cannot be separated, despite the fact that methods are often taught as if they could stand alone.

In turn, different methods presuppose different writing styles. Consequently, to explicate the language management method and the writing style it presupposes requires an exposition of language management theory. Mwaniki (2010; 2011b) provide a succinct albeit brief overview of language management theory. The current discussion of language management theory is based on insights elaborated on in Mwaniki (2010; 2011b). Language management theory has long been developing with a key figure in its epistemology being J.V. Neustupny, who has written extensively on the subject since the 1970s. Other contributors include Mwaniki (2004), Nekvapil (2009) and Spolsky (2009). The main source of contributions by J.V. Neustupny is Neustupny and Nekvapil (2003), which condenses Neustupny's contributions on language management theory over time.

According to Neustupny and Nekvapil (2003), language management theory originated in the 'language correction' theory, developed in the 1970s and 1980s mainly by Neustupny and Jernudd, which grew as an extension and adjustment of language planning theory. Here, 'management' refers to a wide range of acts of attention to 'language problems'. In the language planning theory of the 1960s, 1970s and 1980s, 'language problems' were viewed in the narrow sense of the word. Current language management theory aims to incorporate not only the whole of language (defined in the traditional narrow sense), but a wide range of additional problems, implicating discourse and communication in intercultural contact situations (Neustupny & Nekvapil, 2003:185) to name but a few. Neustupny and Nekvapil (2003) distinguish between the simple and the organised management of language: simple management is the management of problems as they appear in individual communication acts; e.g. the problem of spelling a particular word, or how to redress the use of an expression a speaker has just uttered, but now considers not to be sufficiently polite. Organised management occurs at a different level, and its main features are: more than one person participates in the management process; discourse about management takes place; and thought and ideology intervene. Since these features are present to varying degrees, there is a gradual transition between the two extremes: simple and organised. Language management theory maintains that, in principle, language problems originate in simple management and from there are transferred to organised management. However, this does not mean that organised management would be a mere summary of simple management acts. There is more to it. Finally, the results of organised management are again transferred to discourse: without correcting individual discourse, the whole management process would make little sense (Neustupny & Nekvapil, 2003:185).

A second prominent feature of language management theory, according to Neustupny and Nekvapil (2003:185-186) is its processuality. Both simple and organised management are seen as developing in a number of stages – they commence with the 'deviation' from the norm, with different participants often possessing different norms or 'expectations'. Following the deviation stage, the deviation may be 'noted', a noted deviation may be 'evaluated', and subsequently an 'adjustment plan' selected. In the last stage, the plan may be 'implemented'. The third feature of language management theory is the establishment of a hierarchy between language (in the narrow sense), and communication and socioeconomic management. Language management alone makes little sense. A fourth feature is the insistence on recognising the multiplicity of interests within a community. Language management is not a value-less, objective 'scientific' process. Also, the capacity to implement one's interest, i.e. 'power', is subject to variation, and no language management system can overlook this. A fifth feature is that while language planning theory turned its attention mostly to society-wide management networks (e.g. governmental committees or various arms of government), language management theory emphasises management at a number of levels: the individual, associations, social organisations, media, economic bodies, educational institutions, local government, central government, or international organisations (Neustupny & Nekvapil, 2003:186).

Mwaniki (2004) posits that language management theory is a complex of theoretical precepts deriving from decision-making theory, sociolinguistic theory, modernisation theory, systems theory, management theory (especially as advanced by the public value management paradigm), phenomenology, and human development theory that seeks to understand and explain the interactive dynamics of language in society and language and society, especially in multilingual societies; with an aim of formulating approaches and/or frameworks that can be deployed to harness language resources in society. Mwaniki (2011b) observes that to the theories already specified, social psychology, social cultural theory and game theory could be added as further theories that contribute to the construction of language management theory.

According to Mwaniki (2011b) an important aspect of this characterisation of language management theory is the notion of "complex of theoretical precepts". This reference discounts the view that language management theory as constructed could be viewed as "a collection of theoretical precepts". Rather, through the use of the reference 'complex' in characterising the theories that constitute language management theory, this characterisation points out to the requisite inherent interconnectedness of the theories that make up language management theory. This inherent interconnectedness is a defining feature of language management theory. It derives partly from the phenomena that the theory seeks to account for – language and its pervasiveness in society – and partly from having systems theory as one of the constitutive theories of language management theory. Systems theory not only provides requisite tools to identify and account for the multiplicity of variables in language management scenarios (including linguistic, political, legal, economic, socio-cultural, management, educational and technological variables), it is also a potent tool in the overall understanding of the complexities of the interaction of social phenomena and the nature of scientific inquiry. In short, systems theory 'ties-up' all theoretical precepts of language management theory into a coherent network of theory. However, there is a far more important interpretation of the notion 'complex' in the characterisation of language management theory. This is an interpretation that has far-reaching implications to language management epistemology, namely the open-endedness of language management theory. As the scientific community makes further theoretical advances in accounting for language-related phenomena, this open-ended nature of language management theory leverages the addition of more theoretical precepts.

To Nekvapil (2009), Language Management Theory (LMT), the basis of which was formulated by J.V. Neustupny and B.H. Jernudd, has already been developing for several decades. The birth and formation of LMT became further removed from language planning theory and incorporated particular features into it, which culminated in LMT. Nekvapil (2009:1) points out that LMT is based on the idea that it is necessary to differentiate between two processes (and thus two sets of rules) in language use:

(i)   The process which enables the generation of utterances or communicative acts; and

(ii)   The process the object of which is the utterances or communicative acts themselves, whether they have already been generated, are currently being generated, or are anticipated.

Various labels have been used for both processes, the most common being the pair 'generative' – 'corrective'. The expression 'corrective', however, suggested only some aspects of process (b), which is why Jernudd and Neustupny (1987) programmatically introduced the term 'management' for this process (far less attention was devoted to process (a)). 'Management' in LMT is thus meta-linguistic activity or "behaviour towards language". The mutual relationship between the generative and management processes is aptly characterised by Jernudd:

> Language behaviour as generation of utterances is accompanied by behaviour towards language as management. The former is shaped by and allows overt expression of the latter (Jernudd 2000:195 cited by Nekvapil 2009:1-2).

Nekvapil (2009:2) further explains that the derivation of the concept 'management' from language use (parole, performance) provided LMT with an essential feature that differentiated it from language planning theory. Concrete utterances and the analysis of what happens in the concrete interactions moved to the centre of attention. This is why it was only logical that Conversational Analysis came to be utilised, particularly in conjunction with the concept of repair/correction, which was in the central sphere of interest in both Conversational Analysis and LMT. At first glance, it may not be clear how the analysis of concrete interactions is related to language planning. The latter is usually understood as the decision making of state organs or their agencies regarding language, for example, the determination and development of official languages, orthography reforms, or the standardisation of terms. The question then arises whether language planning needs the analysis of conversation or, more generally, of interactive events. To respond to this question, Nekvapil (2009:2) posits that, first of all, it is necessary to point to the fact that LMT works with the basic distinction between 'simple management' and 'organised management'. The process, the objects of which are features of an on-going interaction, is 'simple management'. An example of simple management is when a moderator in a television interview uses a colloquial expression and after uttering it immediately adds the equivalent standard expression (in Conversational Analysis terminology, this is called self-initiated self-repair). In addition to simple management, LMT considers the existence of more complex management processes, which are trans-situational and sometimes demonstrate a lesser degree of organisation and sometimes a greater degree. LMT uses the term 'organised management' for this type of management. We are us able to claim that the language planning theory of the 1960s and 1970s dealt precisely (and only) with organised management.

In sum, according to Nekvapil (2009:8-9), the scope of LMT is very broad. This is due to the fact that this theory is oriented above all to the following three elements of management:

- Both simple and organised management and the relationships between them;
- Language management in relation to communication and socio-cultural management; and
- A process view of management.

In effect, LMT should communicate with contemporary ethnomethodological theories of repair, Gumperz's interactional sociolinguistics, theories of language acquisition, critical discourse analysis, theories of language rights, language imperialism theory, multicultural policy theories etc. In a further step, it could perhaps integrate some aspects of these theories or knowledge acquired on the basis of the theories. LMT is also prepared for research on the history of language management.

Another contributor to language management theory is Spolsky (2009), who submits that language policy is all about choices, and the goal of a theory of language policy is to account for the choices made by individual speakers on the basis of rule-governed patterns recognised by the speech community (or communities) of which they are members. Some of these choices are the result of 'management', reflecting conscious and explicit efforts by language managers to control the choices (Spolsky 2009:1). Spolsky (2009:1-2) further submits that the slow progress in developing a theory of language management brings to light the difficulties faced by all social sciences in their endeavours to produce a satisfactory framework accounting for human behaviour. Citing Watts (2007:4 89), Spolsky (2009:2) traces the problem of accounting for human behaviour to the complexity of social phenomena, and suggests that the best way to capture this complexity is by using network analysis while recognising the great difficulty in analysing social networks that are not static, not unitary, and exist in a larger framework. Such analysis is currently beyond the state of the art in language policy, but it does hint at the principal components that need to be taken into account: individuals, organisations, institutional and regulatory structures, as well as their interaction. All of these will also be key elements in a theory of language policy and management. The theory starts with a number of assumptions: the first is that while language policy is intended to account for individual choices, it is (like other aspects of language) a social phenomenon, dependent on the beliefs and consensual behaviours of members of a speech community. The second assumption is that language policy has three interrelated but independently describable components – practice, beliefs and management. Language 'practices' are the observable behaviours and choices, i.e. what people actually do. They are the linguistic features chosen, the (variety of) language used. The second important component of language policy is made up of 'beliefs' about language (i.e. ideology). The beliefs that are most significant to language policy and management are the values or statuses assigned to named languages, varieties and features. The status of a variant or variety derives from how many people use it and the importance of the users, and the social and economic benefits a speaker can expect from using it. The third component of language policy is 'management', the explicit and observable effort by someone/some group that has or claims authority over participants in the domain to modify their practices or beliefs (Spolsky,

2009:4). Language management requires a detailed understanding of multilingualism and social structure, and of multidimensional social and demographic space (Spolsky, 2009:260).

The preceding exposition captures, albeit briefly, the core of the complexities that define and characterise language management theory. The question that arises at this point in the discussion is: what kind of method would such a theory presuppose? Before venturing on to answer this question, and cognisant of the epistemological fact that 'language management' is a larger construct of scholarly and research endeavour than 'language policy and planning', it may be important to step back in time and draw on the wisdom of one of the leading scholars on language policy with regard to the place of method in language policy and planning epistemology. The idea is to extrapolate these observations in an attempt to construct a viable characterisation of the place of method in language management epistemology. Ricento (2006:129), providing an overview of methodological perspectives in language policy documents that

> ... while it is useful to examine methods and techniques available from different disciplinary perspectives, language policy and planning (LPP), as an interdisciplinary field, requires an understanding and use of multiple methods in exploring important questions about language status, language identity, language use, and other topics that fall within the purview of research.

Ricento (2006) identifies the historical, ethnographic, linguistic, geolinguistic, and psycho-sociological methods as methods clearly linked with extant theoretical approaches in language policy and planning. Working from this postulation, and remaining reminded of the fact that language management is a larger construct than language policy and planning, it can be posited that language management method encompasses the methods identified by Ricento (2006), and more.

What kind of architecture therefore would language management method have? From the preceding elaboration of language management theory, it is postulated that language management method is a complex of methods derived from the constitutive theories of language management theory. An important aspect of language management method, like language management theory to which it is inextricably linked to, is its open-ended nature, i.e. as the repertoire of the constitutive theories of language management theory keeps on expanding so as to meet new and emerging epistemological demands, so does the repertoire of methods. The picture that emerges from this characterisation of language management method is that language management method is at once a 'multidisciplinary method'; an 'interdisciplinary method'; and a 'transdisciplinary method' – in sum, it is a 'cross disciplinary method'. As a multidisciplinary method, it draws appropriately from multiple disciplines in an attempt to define and interrogate language-related problems outside the boundaries of linguistic science in an attempt to reach solutions based on a novel and broad-based interactive understanding of complex language-related situations and phenomena. As an interdisciplinary method, it crosses the traditional boundaries between linguistic disciplines or schools of thought in linguistics in an attempt to provide plausible explanations to language-related phenomena. For example, the language management method will not shy away from using insights deriving from generative grammar to explicate discourse underpinnings of

ideologies that underlie language policy choices, for instance, how theta role (θ-role) assignment in language policy texts predicates ideological orientations with regard to language policy choices and intended outcomes. As a transdisciplinary method, it seeks, using shared conceptual frameworks drawing together disciplinary-specific theories, concepts, and approaches, to address common language-related challenges, situations and phenomena especially as they relate to the optimisation of language resources for the most possible good for individuals and society.

The preceding characterisation of the language management method notwithstanding, it is possible to identify several methods that constitute the complex of methods that is language management method. Several of these can be identified including: historical/historiographical/ comparative method; psycho-socio-linguistic method; ethnolinguistic method; decision sciences method; development sciences method; and (critical) discourse analysis. These methods are elaborated on briefly in the following sub-sections.

1.2.1   Historical/Historiographical/Comparative method

History occupies a special place in language management research and as Ricento (2006:129) rightfully observes with regard to language policy and planning research – a logic that could be extended to language management research, at both the micro-level of interpersonal communication or the macro-level of state formation. To these levels, other intervening levels such as institutional and societal levels can be added. At the micro-level of interpersonal communication, language management research relies on historical (or more appropriately diachronic) data in order to make sense of the factors and/or variables that underlie and motivate individual language choices over and through time and the concomitant results of such choices such as language death and language shift on the one extreme and language maintenance and language promotion on the other extreme. Language management research also relies on historical data and documentation in an attempt to make sense of language-related institutional policies and cultures. An example will suffice to explain this observation. As is documented in Chapter 5, any attempt at making sense of the challenges of implementing multilingualism in South Africa's public sector needs to take cognisance of the peculiar historical circumstances in which South Africa's public sector has evolved over the last 100 years; and in the process entrenching a peculiar organisational culture that has implications on language use within the public sector as an organisation. To quote from Chapter 5

> ... apart from the public sectors of the pseudo-independent Bantustan Republics, much of the organisational culture of South Africa's public sector was designed around bilingualism (English and Afrikaans) and sought to perpetuate this bilingual organisational culture. Vestiges of this bilingual organisational culture are still present in contemporary South Africa's public sector where negative attitudes toward formerly marginalised African languages are rife despite the Constitutional provisions that point toward a multilingual dispensation.

Language management research also relies heavily on history when interrogating language-related dynamics at the macro-levels of society and the state. In this case, language management research

is cognisant of the burden of history attendant to language policy and planning choices, especially in postcolonial societies; and the inherent contradictions that this burden of history does predicate. For example and to quote Wiley (2006:146-147),

> ... blanket neo-romantic prescriptions of mother-tongue promotion also need to be scrutinised within the historical contexts of struggles, where, for example, in South Africa, the former apartheid government's construction of mother tongue was used to divide those otherwise not so far linguistically removed.

Put another way, without a deep understanding of history, it may not possible to account for the negative and/or ambivalent attitudes toward mother-tongue education among South Africans of colour. From a language management perspective, such an understanding is critical in any attempt aimed at crafting optimal methodologies and strategies for the utilisation of language in education.

Apart from the preceding, there is, however, a subtle but rather fascinating place of the historical method in language management epistemology. Defining the language management discipline, Mwaniki (2011a:194) submits that

> ... as a discipline, language management builds upon the epistemological foundations and advances of language planning. As a discipline therefore, language management is (or is attempting to be) an organised body of knowledge that preoccupies itself with a particular set of questions with regard to language in society and language and society. Essentially, language management preoccupies (or is seeking to preoccupy) itself with questions relating to the theoretical adequacy of language planning theory and language planning models deriving from [...] language planning theory in facilitating multilingual language policy implementation ...

To effectively interrogate the "theoretical adequacy of language planning theory and language planning models deriving from language planning theory" requires an analysis of how language planning theory has developed over time. In this process the historical method is an imperative.

Closely related although different from the historical method is the historiographical method. Whereas the historical method seeks to interrogate language management questions and analyse language management data on the basis of historical context, the historiographical method seeks to interrogate language management questions and analyse language management data on the basis of the way history has been and is written. In the historiographical method, the language management student and scholar does not study the relationship between events of the past and language-related phenomena directly, but through the changing interpretations of these relationships in the works of individual historians and other scholars.

An example can be drawn from the South African setting to further elaborate this assertion. Visser (2004:1) graphically captures trends in South African historiography by submitting that

> ... traditionally, historical writing on the history of South Africa has been divided into broad categories or historiographical schools, namely a British imperialist, a settler or colonialist, an Afrikaner nationalist, a liberal and a revisionist or radical school. The emergence of social history is generally also regarded as a by-product of the revisionist school, while some historians argue that the

emergence of a black national historiographical tradition stemmed partly from the radical approach during the years of apartheid.

With regard to the British imperialist school, Visser (2004:1) documents that:

> This body of work contained within it the realisation that British colonies in South Africa were dependent on and formed a subordinate part of the colonising motherland, Britain. The central theme of the British imperialist school was the expansion of the British Empire and the achievements and benefits of empire. These writers were apologists for the British takeover and rule of the Cape of Good Hope. They concentrated on events after the first British occupation of the cape in 1795, the activities of British governors, the coming to the Cape of British settlers and their activities in the eastern frontier districts, their struggle against the Xhosa on the eastern frontier and the fate of the British settlers in Natal. They took little notice of developments at the Cape during the Dutch East India Company period. They detected signs among the Afrikaner Voortrekkers who departed on the Great Trek that these Boers in the interior were degenerating as far as their adherence to 'civilisation' was concerned. Conditions in the interior were compared unfavourably with the level of 'progress' and 'civilisation' in the British Colonies. The British imperialist school shared a firm belief in the superiority of British rule and British values. The basic assumption was that British institutions and ideals were superior to the South African versions and that the British presence in South Africa represented the spread of beneficial influences. They also disapproved of the Boer republics that were established in the interior.

Acknowledging that leading scholars of the settler or colonist school were George McCall Theal, George Edward Cory and Frank R. Cana, Visser (2004:2-3) documents that this school was conservative and pro-white; and in particular, pro-Boer, anti-missionary and anti-black. This school's characterisation of the Boers in the Cape, on the eastern frontier of the colony, the Boer republics is sympathetic and warm; and adopted a hostile stance towards the interference of British imperialists. This school extended the idea of the Cape alliance between English and Afrikaner northward across the Orange and the Vaal Rivers, developing the theme of the formation of a new white South African society, ruled by whites of both Anglo-Saxon and Dutch heritage. This school did not see the role of blacks in white South Africa, except as a source of labour. In this school's conceptualisation, the history of South Africa was the history of the whites and their efforts to open up and bring civilisation and Christianity to a wild and untamed country. Blacks were part of the background, while the British philanthropic missionaries who took up the cause of black peoples were the enemies of the whites. A predominant motif in this school is the scant attention given to the indigenous African populations. They are hardly noticed at all in this history, which is the history of how whites resolved their differences to establish a white-dominated Union of South Africa.

Writing about the Afrikaner nationalist school, Visser (2004:3-6) documents that:

> Afrikaner nationalist historiography is characterised by two phases – a pre-academic phase and an Afrikaner-centric academic or professional phase. The pre-academic phase emerged with the growth of an Afrikaner historical consciousness in the latter half of the nineteenth century. The authors of Afrikaner national or republican historiography wrote in Dutch or Afrikaans. Their work reflected an anti-British imperialist trend. The 19th century struggle between Boer and Briton a master narrative. The Afrikaner interpreted his history as a bitter struggle for self-preservation and

fulfilment in the face of the hostile forces of nature and the indigenous peoples that he found in the country. The British were seen as oppressors and opponents, as sympathisers with Blacks in their struggle against Boers. The Great Trek and the Second Anglo-Boer War were the main focal points in the construction of the Afrikaner's historical image. South Africa should not be seen as an extension of Britain and consequently, the Boer republics, rather than the British colonies of the Cape and Natal, were prominent in these writings. The Afrikaners' heroes were Voortrekker leaders such as Piet Retief, Hendrik Potgieter and Andries Pretorius. Blacks only featured when they clashed in military conflicts with the Boers or when they were protected or armed by the British, or benefited from their presence. Many of these works portrayed the bitter struggle between the two Afrikaner republics and the British Empire between 1899 and 1902, the consequence of which was the loss of the independence of the former. History was presented in terms of a list of grievances against the British: it was a tale of suffering and a struggle towards freedom, towards their own republican form of government. History became at the time a source of solace and inspiration – Afrikaners could take comfort from their persecuted past; they could draw strength from it [...] To this school at this phase, the history of South Africa was the story of conflict between Afrikaner nationalism, on the one hand, and British imperialism and black barbarism, on the other. The Afrikaner trekboer pioneers were depicted as the conveyors of Christian civilisation in Southern Africa, whereas the blacks were seen as heathens and barbarians. The conflict between black and white was interpreted as black-on-white aggression. Therefore the whites' military actions were justified as a defence of Christian civilisation against the forces of paganism.

The foundations for scientific Afrikaner historiography in the academic phase were laid at the University of Stellenbosch by two Dutch historians, E.C. Godee-Molsbergen and W. Blommaert. Their successors included men like Professors S.F.N. Gie, J.A. Wiid, H.B. Thom and P.J. van der Merwe. D.W. Kruger of the Potchefstroom University of Christian Higher Education and I.D. Bosman of the University of Pretoria were two of many Afrikaner historians who received at least part of their training overseas at German, Dutch or French universities, acquiring a continental flavour in their historical approach. They inculcated into their students the principles of scientific historical writing as established by the German historian, Leopold von Ranke. In line with this tradition, historical thematology invariably centred on 'national' history-politics, the state and inter-state relations, military history and the deeds of past great men.

An outstanding feature in most of the works written by these historians is their Eurocentric approach and the prominent and central role played by the Afrikaners and white communities in South Africa. The rise of the Afrikaners and their role in South Africa until the 20th century is the main focus of these publications. Political history was dominant and the history writing is descriptive rather than analytical [...] Towards the end of the 20th century a revision of Afrikaner history writing began to appear in the liberal approach. The old accepted image of black and white relations became to be questioned and revised. Hermann Giliomee and Andre du Toit, for instance, challenged the traditional image Afrikaners had of themselves and their relations with other racial groups in South Africa. Their point of departure was that Afrikaner political thought was neither uniform nor consistent, but rather diverse in character and orientation. Afrikaners did not all think unilaterally in terms of slavery, law and order, racial equality or conflict. In certain aspects, the Afrikaner reflects a pragmatism that was not always determined by ideology but rather by a variety of traditions of thought.

The liberal school on its part was an incipient manifestation of the emergent revisionist tradition in South Africa's historiography. As Visser (2004:6, 8) documents that

... in South Africa, the impetus to take a fresh look at the role of blacks in history was provided by rapid industrialisation and the social and economic problems that attended it in the early twentieth

century. The gradual political awakening if blacks and the new situation of black poverty alongside and in competition with white poverty in economically integrated urban communities, to which both white and black people had been drawn from rural districts, became a major focus of attention among certain liberals concerned about black welfare. This gave rise to another strain of South African historiography, which emerged in the 1920s and which became known as the liberal school. The liberal historians were part of the wider community of liberal economists, anthropologists, sociologists and political scientists who came into prominence between the two world wars, whose intellectual foundations were those of classical liberalism. Foremost among liberal historians were W.M. Macmillan and his pupil, C.W. de Kiewiet.

Others were Eric Walker and J.S. Marais. They engaged with South African history against the background of the process of decolonisation in Africa in the 1960s. It is against this background that

> ... the two-volume *Oxford History of South Africa*, edited by Leonard Thompson and Monica Wilson, appeared in 1969 and 1971. The *Oxford History*, which represented the summation of liberal thinking about South Africa at the end of the 1960s, was a major landmark in South African historiography. This work dispelled for all time the myth that South African history began when the Portuguese seafarers rounded the Cape in 1487 – it demonstrated that Africans had indeed had a history before the coming of the white man. It thus pushed back the frontiers of South African history by going beyond the founding dates of more traditional histories. The *Oxford History* reflected the shift of thinking that had accompanied the era of decolonisation in the rest of Africa. Whites no longer held the centre of the stage of history.

Some leading scholars in this school include John Omer-Cooper, T.R.H. Davenport, Nigel Worden and Leonard Thompson.

Documenting about the revisionist school, Visser (2004:10-15) submits that:

> Although the revisionist or radical academic historical tradition that emerged in the 1970s owed much of its immediate impetus to the shortcomings of the *Oxford History*, it also owed something to a non-academic radical historical phase that formulated new questions about the past in the 1940s and 1950s. The roots of this tradition lay in the growing black resistance to the South African government. With the coming to power of the Nationalist Party in 1948 black resistance increased and signs of Marxist influences were more in evidence [...] The revisionist school represented a radical reinterpretation of the South African past and was initiated by white English-speaking émigrés from South Africa at British universities who began to take a stand against the liberal school. They became frustrated with the Afrikaner political hegemony in South Africa and the consequent non-achievement of any form of decolonisation such as was happening in the rest of Africa. They therefore took to historical research in order to explain this phenomenon on the basis of Marxist historic-materialism. South African history had to be traced back to its roots and re-presented as a class struggle in a class-ridden society created by international and South African capitalism. Capitalism was closely linked to imperialism with its strategy of colonialism or black subjugation. In its turn, colonialism was responsible for transforming a politically and economically independent pre-capitalist black population into wage labourers in a proletarianised urban community.

> Most radical historians saw black South Africans as the only true inhabitants and the inheritors of the land. Whites, who are associated with capitalism, fill only a small space on the stage of history: they are colonisers, exploiters and oppressors. For radical revisionists South African history should thus be rewritten *de novo*, from the point of view of those 'colonised' (by capitalism), the working class.

The revisionists were influenced by the works of British leftist historians such as E.P. Thompson and Eric Hobsbawn, and by the theoretical interpretations of anti-colonial Marxists and structuralists such as Eugene Genovese, Louis Althusser, Gramsci and Nicos Poulantzas. The revisionists opted for an activist approach towards history that was aimed at revolutionary change in South Africa. Blacks were to be 'liberated' and eventually brought to power. The leading figures of the new historiographical trend were initially perhaps Martin Legassick, Stanley Trapido and Frederick Johnstone. The main forum for this new work was the Institute for Commonwealth Studies (ICS) at the University of London, where from 1969 Shula Marks ran a research seminar at which much of the new revisionist work was first presented. The radical revisionists believed theory to be essential in the formulation of historical questions.

The new approach was carried on at the university of South Africa, the most important being the History Workshop at the University of the Witwatersrand in Johannesburg under the guidance of Belinda Bozzoli of the Sociology Department at the university. The first was held in 1978 and then at three-yearly intervals and they had as their concern not the history of 'great men' and elites or the old-style political history. In the aftermath of, and in response to, the Soweto uprisings of 1976 revisionist historians began to work on the history of particular African townships and on earlier urban struggles, while the growth of massive squatter settlements in the major metropolitan areas spurred some to research the long history of African migration to towns and the relationship between that history and political action. The revisionists tried to write history 'from the bottom up' or 'from below', focusing on the history of 'ordinary people' [...] They sought to recover the experiences of those who had, until then, slipped through the cracks of historical narratives, and in particular the marginalised and dispossessed, from sharecroppers and peasants to gangsters and child-minders. The late 1970s are intimately connected with the rise of the new social history, which sought to capture the everyday experiences and consciousness of 'ordinary residents' of towns. In this 'social history' enterprise the collection and use of oral evidence was of central importance. In the 1980s the social history approach was by far the dominant one in the work of English-speaking historians and there can be little doubt that the revisionists had displaced the liberals as the authors of the dominant tradition in South African historiography, both in sheer volume and diversity of publication.

It can be posited that South Africa's democratic transition of the early 1990s, apart from throwing earlier schools of historiography into deep crises, occasioned a further reconfiguration of the discourses of the revisionist school; leading to what may be characterised as yet another phase of the revisionist school. As would be expected, the major themes of this phase would include: the nature of South Africa's democratic transition and the major actors, both individuals and institutions, in this transition; the evolution of architecture of the new democratic state; race and class relations post-transition; cultural history post-transition; issues of transitional and restitutive justice; issues of economic disenfranchisement; as well as the place of the new South Africa in Africa and the world – to name only but a few.

The preceding detailed exposition of different schools of historiography in South Africa is deliberate.

On the one part, it serves to caution language management students and scholars within the South African space and who invariably rely on recorded historical data and historical writings not to analyse and read such data and writings as 'objective' accounts. Rather, they must be cognisant of the historiography underlying such data and writings. Each of the historiographical schools outlined above would produce different data and writings with regard to language-related phenomena and

the language question in South Africa. This observation can be extended to language management students and scholars in other polities and/or regions.

On the other part, the motivation is the uneasy recognition of the dearth of literature on language management method generally and the historiographical method in language management specifically and thus the need to provide a situated framework against which scholars in other polities and regions can frame language management research that seeks to use the historiographical method. The understanding in this case is that in each polity and/or region, as there are different historical epochs, so there are different schools of historiography which may or may not necessarily coincide. A close analysis of historiography, especially with regard to how pertinent historical questions and discourses were framed and are being framed, would offer invaluable insights to students and scholars of language management especially in the explication of the different perspectives on how language-related phenomena is inextricably related to the discourses of power and ideology over historical time and space.

Closely related to the historical and historiographical methods in language management is the comparative method. The comparative method seeks to find out information and insights about language-related phenomena and language management questions in a setting *vis-a-vis* another setting or settings. In the process, comparative studies in language management have a great potential of identifying both the best practices and challenges attendant to language management in pragmatic situations, while remaining cognisant of the peculiar circumstances in different settings. Comparison, however, should not be confined to horizontal comparisons between polities and/or regions. It can also take a vertical or linear format where comparisons between different epochs is done; or a triangulation involving both horizontal and vertical comparisons. At an epistemological level, insights from comparative studies are often invaluable in the development of theory. Finally, and logically, the question that should be posed in concluding the discussion on the historical/historiographical and comparative methods in language management is: which constitutive theories of language management predicate these methods? The answer to this question lies in modernisation theory and phenomenology.

1.2.2   Psycho-sociolinguistic method

Baker (2006) provides a detailed description of the applicability of psycho-sociological analysis in language policy. Going by the logic of processuality (Neustupny & Nekvapil, 2003) because language policy and planning are sub-preoccupations and/or stages in language management; psycho-sociological analysis would also be applicable to language management research. Baker (2006:210) documents that

> ... psycho-sociological research on language policy tends to derive from academic/theoretical propositions (e.g. language attitudes), bureaucratic and political needs (e.g. language census, language testing), and newer strand relating to the aims and methodology of action research.

Baker (2006) goes on to identify four constructs used in psycho-sociological research in language policy which include: language attitudes, ethnolinguistic vitality, language use and language testing. These constructs are elaborated on below and their precepts related to language management research.

With regard to language attitudes, Baker (2006:210-211) observes that from social psychology there has been a continuous strand of research from as early as the 1920s to the present. Much of this research has been undergirded by an enduring realisation that in the life of a language, attitudes towards a language may be important in language revitalisation and revival, as well as in language decay and death. Further,

> ... attitudes toward bilingual education, language laws, or immigrant languages may well affect the success of language policy implementation. A survey of attitudes provides an indicator of current community thoughts and beliefs, preferences and desires. *Attitude surveys* [emphasis in the original] provide social indicators of changing beliefs and the chances of success in policy implementation. In terms of minority languages, attitudes provide an imperfect barometer if the health of the language [...] The status, value, and importance of a language are often measured by attitudes at an individual level, or the common attitudes of a group or community may be elicited. At either level, the information may be important in attempting to represent democratically the 'views of the people'. *Opinion polls* [emphasis in the original] may also aid in the understanding if social processes by revealing the relationship of attitudes to individual differences and contextual differences (Baker, 2006:210-211).

Attitudes generally and language attitudes specifically are of fundamental importance in language management research especially in instances where research feeds straight into practice. To make sense of this assertion, it may be important to remind ourselves of what language management practice is. Mwaniki (2011a:194-195) defines language management practice as

> ... a way of *doing language policy and planning activities especially in multilingual settings* [emphasis in the original]. It is a critical and creative development and deployment of *management, sociolinguistic and development oriented methodologies and strategies* in the addressing of language-related challenges in society as well as in the harnessing of language resources in society that takes into consideration most if not all of the 'variables' that impact on language in society and how societal dynamics impact on language [...] with the ultimate goal of enlarging people's choices, whether at the macro levels of governance, development and democracy or at the micro levels of individual freedom and advancement, service access, information and knowledge access, transfer and application.

Undeniably, an optimal crafting of methodologies and strategies aimed at addressing language-related challenges as well as harnessing language resources require an extensive appreciation of attitudes generally and language attitudes specifically.

Ethnolinguistic vitality derives from a combination of social psychology and sociolinguistics (Baker, 2006:211). Baker (2006:211) further notes that

> ... in an attempt to create a unified theoretical framework rather than a list of the many factors involves in (minority) language vitality, Giles *et al.* (1977) propose a three-factor model: (1) status factors (e.g. economic, historical); (2) demographic factors (e.g. raw numbers and density of speakers, birth rates and language reproduction in families); and (3) institutional support factors (e.g. reproduction of the

group and its language in the media and education). These three factors combine to predict more or less minority-language vitality.

When applied to language management research; with its obvious bias towards an interrogation of dynamics attendant to language in multilingual settings, the notion of ethnolinguistic vitality could be replaced by a new notion of multilingual/multicultural vitality, i.e., the factors behind the increasingly multilingual and multicultural nature of an appreciable percentage of human societies and how these factors are (re)defining the 'traditional' conceptualisations about language/societal vitality; and how these factors can be harnessed not only for the preservation and promotion of language(s) in a multilingual/multicultural milieu, but also for human advancement in general. To the three factors identified by Giles *et al.* (1977), it is possible to add technological factors (e.g. the internet and social media and how these promote a peculiar brand of multilingual/multicultural vitality) and geopolitical factors (e.g. the potential positive and negative implications of globalisation on multilingual/multicultural vitality).

The third construct that Baker (2006) discusses is language use across various domains – a social space, such as a home or family, school, neighbourhood, church (or synagogue or mosque or other religious institution), workplace, public media, or governance institution (city, state, nation). A domain is distinguished by three characteristics: participants, location and topic. The participants in a domain are characterised not only as individuals but by their social roles and relationships. Any individual may fill different roles in different domains. A domain has a typical location – usually its name. Domains connect social and physical reality – people and places. The physical aspects of location are often relevant, but it is the social meaning and interpretation of the location that is most pertinent to language choice. The third characteristic of a domain is the selection of a topic, i.e. what counts as appropriate talk in the domain. It also refers to what can be referred to as communicative function, i.e. the reason for speaking and writing. Essentially, the regular language choices made by an individual are determined by an understanding of what is appropriate to the domain (Fishman, 1972). At a more practical level,

> ... language-use surveys typically ask individuals to profile their varying language use across a list of contexts and interlocutors. For example, research may wish to investigate whether a bilingual's minority language is relegated to low-status functions in comparison with the more prestigious language. Such a profile may be a harbinger of language decline, even death. Ideally, language use is not just about contexts and interlocutors but also about the amount of quality time spent in different contexts (e.g. at work, home, religion, and leisure) (Baker, 2006:212).

Language management research and practice utilises language-use data in an attempt to interrogate and understand complex language-related phenomena especially when such phenomena manifests itself across domains and has implications on (multilingual) language policy and planning implementation (e.g. how to explain the language-use behaviour of many South Africans of colour in which they comfortably use their indigenous languages across most domains – home, family, school, neighbourhood, church, workplace, media and government – but they either resist or are ambivalent on institutionalising these languages especially in the

domains of education and government; or how to explain the language-use behaviour of many Afrikaans first language speakers who despite their near-native proficiency in English would most definitely insist on language facilitation services within institutional settings).

Language testing is another construct that has been used in psycho-sociological analysis of language policy and is traceable from psychometrics, educational measurement, management by performance indicators, and language planning (Baker, 2006).

> Language proficiency, or more accurately language performance in understanding, speaking, reading, and writing one or more languages has often been either the focus of research or one of the variables used in research (Baker, 2006:212).

Language management research and practice extends and refines the notion of language testing to include linguistic auditing (Mwaniki, 2011a) in line with Reeves and Wright (1996). Reeves and Wright (1996:5) observe that

> ... the primary objective of a language or 'linguistic' audit is to help the management of a firm identify the strengths and weaknesses of their organisation in terms of communication in foreign languages. It will map current capability of departments, functions and people against identified need. It will establish that need at the strategic level, at the process (or operational/departmental) level and at that of the individual post holders. It should also indicate what it will cost in time, human resources, training and finances to improve the system, so that the resource implications can be fed back into strategic and financial planning.

Mwaniki (2011a:185-186) outlines the importance of linguistic audits in language management research and practice by observing that

> ... linguistic audits are necessary in the implementation of multilingual policies and plans because they facilitate the establishment of the strengths and weaknesses of various departments and agencies involved in the implementation process in terms of communication in the adopted official languages. A linguistic audit also helps in the mapping of current capabilities [of] departments and agencies, their functions and the people in these departments and agencies against the identified need of rendering services in a multilingual way, especially in public sector organisations. Linguistic audits also facilitate a clear mapping of costs in terms of time, human resources, training and finances that will be required to make the system under review capable of rendering multilingual services. Therefore, linguistic audits serve to minimise error in the decisions and activities that constitute language policy implementation.

A discussion of the psycho-sociological methods in language management would not be complete without an elucidation, albeit brief, of social network analysis. Baker (2006) identifies social network analysis as a method of language policy analysis. From a language management perspective, however, social network analysis is predicated by systems theory, social psychology and to some extent, social cultural theory as constitutive theories of language management. Before elaborating on social network analysis as a method in language management, a definition is in order. To Martino and Spoto (2006:53-54)

> ... every kind of social aggregation can be represented in terms of units composing this aggregation and relations between these units. This kind of representation of social structure is called 'social network'. In a social network, every unit, usually called 'social actor' (a person, a group, an organisation, a nation,

a blog and so on), is represented as a node. A relation is represented as a linkage or a flow between these units. The set of possible relations is potentially infinite; the term relation can have many different meanings: acquaintance, kinship, evaluation of another person, the need of a commercial exchange, physical connections, the presence in a web-page of a link to another page and so on. Therefore, the objects under observation are not individuals and their attributes, but the relationships between individuals and their structure. The advantage of such a representation is that it permits the analysis of social processes as a product of the relationships among social entities.

In language management, social network analysis is crucial when mapping out relationships between and amongst different actors in (multilingual) language policy implementation space(s). Through such a mapping it is possible to determine strong and/or weak relations in the social networks that define (multilingual) language policy implementation scenarios; and in the process be in a position to determine strategic and optimal paths of relations to nurture and/or pursue for effective and efficient implementation of policy. By default, social network analysis often highlights strategic and optimal paths of relations that ought to be present if certain outcomes are to be achieved; but which may be absent. In such a scenario, the implementation specialist will know which kind of relations to nurture and/or establish.

A large aspect of the linguistic method in language management is subsumed under discourse analysis. However, it is still possible to carry out a linguistic analysis of texts that accentuate language management contexts and processes. According to Wodak (2006:172) texts can be grouped into different genres and matched to different methods. The different genres include written texts, oral texts (including speeches, conversations and stories) and visual texts. Linguistic methods for analysing written texts include argumentation analysis, functional systemic grammar and multimodal analysis. On their part, speeches are analysable using rhetoric, argumentation analysis, strategic analysis and linguistic pragmatics; conversations are analysable using conversational analysis and interactive sociolinguistics; whereas stories are analysable using Labov/Waltezkyian analysis, interactive sociolinguistics and narrative analysis. Linguistic methods for analysing visual texts include multimodal analysis, film analysis and semiotic analysis. These linguistic methods are also applicable to language management research; the only difference would lie in the framing of the research questions that these methods are deployed to seek answers to.

1.2.3   Ethnographic method

Building on advances achieved in elaborating ethnography as a method in language policy and planning (LPP), language management seeks to further develop ethnography as one of its methods. However, and often, it is not easy to make the connection between LPP and ethnography – let alone language management and ethnography. As Canagarajah (2006) rightly observes, ethnography might appear unrelated (if not contradictory) to the mission of LPP which is about "deliberate efforts to influence the behaviour of others with respect to the acquisition, structure, or functional allocations of their language codes" (Cooper, 1989:45 cited in Canagarajah, 2006:153).

Canagarajah (2006:153) outlines the paradoxical relationship(s) between LPP and ethnography thus:

> … while LPP largely works in a top-down fashion to shape the linguistic behaviour of the community according to the imperatives of policy-makers, ethnography develops grounded theories about language as it is practiced in localised contexts. While LPP is largely concerned with the activities of specialists and policy-makers in defining language relationships from outside the community, ethnography is concerned with the community's own point of view about such matters. While LPP operates from the macro-social level of state and international institutions, ethnography focuses on the micro-level of interpersonal relationships, conversation, and everyday life. While LPP is deliberate and programmatic, ethnography unravels the largely unconscious 'lived culture' of a community. In short, while LPP is about how things 'ought to be', ethnography is about what 'is'.

However, and as Canagarajah (2006) further clarifies; the relationship between LPP and ethnography is also dialectic. Tracing the nuances of this relationship to

> … the human sciences in general […] becoming increasingly sensitive to the ways social structures and institutions shape and are shaped by interpersonal relations in localised contexts;

an acknowledgement of "[…] the methodological crises in LPP […] which motivates an appreciation of ethnography in policy making –"

which is to a great extent an admission that

> … the dominant *rational or positivist tradition* [emphasis in the original] in LPP, which assumed that policies could be based on objective assessments of the needs, processes, and outcomes of language relationships, has fallen short;

and the

> … surprising […] realisation that there is considerable policy formulation and institutionalisation of linguistic practices at the other end of the policy spectrum – that is local communities and contexts (Canagarajah, 2006:153-154).

Canagarajah (2006:154-155) is led to observe that

> … such realities point to incipient cases of 'language planning from the bottom up'. It therefore behoves LPP scholars to listen to what ethnography reveals about life at grass-roots level – the indistinct voices and acts of individuals in whose name policies are formulated […] Ethnography can help bring into focus atypical social and linguistic relationships in diverse geopolitical contexts. Developing policies informed by ethnography can counteract the unilateral hold of dominant paradigms and ideologies in LPP;

and that

> … ethnographic research can help in the different stages of language planning – that is, before, during, and after implementation […] Ideally, then, ethnography can help in what we might consider a *language policy cycle* [emphasis in the original] – providing feedback on the diverse stages of a policy. Such a research process would provide on-going information to strengthen the implementation, bring about more effective results, or revise a policy. But the ideal situation, where ethnography actually accompanies all stages of the planning process, is realisable only with sufficient time and resources. Ethnography can

also help in the different forms of language planning. For example, in status planning, ethnography can suggest the importance competing languages should be given in different domains in a multilingual nation-state [...] In corpus planning, ethnography can help a community understand its valuation of competing dialects and choose the variety most effective for schooling and other institutional purposes [...] Ethnography can also help in acquisition planning. It can help understand how language policies trickle down to classrooms; the effectiveness of different pedagogies and curricula in accomplishing a policy; the role of schools in maintaining indigenous languages or in initiating language reversal; and the place of education in reproducing the social stratification of language groups (Canagarajah, 2006:157-159).

From the literature and in line with the preceding observations there seems to be an increasing interest in ethnography and language policy (*cf*. Canagarajah, 2005; Johnson, 2009; McCarty, 2011). For the purposes of the current discussion, samples of insights on this subject are provided from Johnson (2009) and McCarty (2011). Johnson (2009:141-142) documents that

... the ethnography of language policy is, in part, inspired by a tradition of ethnographic research on language diversity influenced both by Hymes' (1974) ethnography of communication and Fishman's (1964; 1991) work on language revitalisation [...] Ethnographic and critical approaches to language policy are not mutually exclusive – both are committed to resisting dominant policy discourses that subjugate minority languages and, therefore, minority language users. Indeed, the ethnography of language policy should include both critical analyses of local, state, and national policy texts and discourses as well as data collection on how such policy texts and discourses are interpreted and appropriated by agents in a local context.

McCarty (2011), in a chapter that introduces the rest of the chapters in a book entitled *Ethnography and Language Policy*, argues that

... ethnographic approaches to LPP research have their roots in anthropology. This is important, because it means that the premises informing this research 'already contain ontologies, methodologies, and epistemologies' that are integral to the anthropological tradition (Blommaert, 2009:262 cited in McCarty, 2011:10).w

That tradition is characterised by the contextualisation of cultural phenomena socially, historically, and comparatively across time and space [...] It is also characterised by attention to the participants' point of view – the emic or insider's position [...] Finally, this is a tradition that seeks to understand the connections between micro, meso, and macro processes by critically inspecting the web of social meanings at their interface" (McCarthy, 2011:10).

In a chapter designed to provide a discussion and synthesis of all the chapters in McCarthy (2011), Hornberger and Johnson (2011) submit that

... with roots going back to the 1980s, the ethnography of language policy has gathered significant momentum in the past decade [...] ethnographic research offers at least the following kinds of insights and contributions to our understanding of LPP. The ethnography of language policy can: (1) illuminate and inform the development of LPP in its various types – status, corpus, and acquisition – and across the various processes of the LPP cycle – creation, interpretation, and appropriation; (2) shed light on how official top-down LPP plays out in particular contexts, including its interaction with bottom-up LPP; and (3) uncover the indistinct voices, covert motivations, embedded ideologies, invisible instances, or unintended consequences of LPP (Hornberger & Johnson, 2011:273, 275).

Without discounting or understating the importance of ethnography in LPP, a keen and critical analysis of the literature, such as the one sampled in the preceding discussion, would highlight a lacuna in the construction and characterisation of ethnography as a method in LPP, let alone in language management. Ethnography is a method not a theory. Consequently, the question as to what is the underlying theory that gives rise to ethnography still begs answers. The answer to this question does not lie in the assertion that "ethnographic approaches to LPP research have their roots in anthropology" because anthropology is a discipline and not a theory. Neither does it lie in the blanket observation that "the premises informing this research [ethnographic research] already contain ontologies, methodologies, and epistemologies". Put another way, there must be a theory in the constitutive theories of LPP and/or language management from which ethnography can be traced.

In the language management tradition, ethnography can be traced to phenomenology as one of the constitutive theories of language management theory (Mwaniki, 2004; 2011a). Citing Mouton (2001:19-20) Mwaniki (2011a:151-153) advances the following argument:

> Whereas positivism [a theoretical tradition that has influenced and informed much language planning theory and application] interprets the aim of social science research within the epistemic context of a medical-physiological metaphor [the inherent preoccupation in language planning that the multiplicity of languages in society is a 'pathological' aspect that needs to be addressed, mainly through the 'elimination' of this multiplicity by policy and other interventions], the phenomenological or interpretivist approach has as its point of departure a predominantly mental analogy. Not the human body, but the human mind and consciousness form the basis for the presumed analogy between the study of human beings and the study of society. Within this tradition, the aim of the human sciences is to *understand* (not explain or analyse) human beings. But the focus is on the human subject conceived first and foremost as a conscious, self-directing, rational human being, and not as a biological organism. The phenomenologist emphasises that human beings are continuously engaged in the process of making sense of their worlds: they interpret, give meaning to, define, explain, justify, and rationalise their actions. According to the phenomenological position, the fact that people are continuously constructing, developing, and changing their worlds, and simultaneously also their common sense interpretations, should be taken into account in any understanding of what social science research should be.

> Phenomenology has traditionally been associated with the qualitative approach. Again, the reasons for this marriage between phenomenology and qualitative methodology seem quite logical, given the importance accorded to the cognitive metaphor. The insistence on an interpretive understanding of the meanings and self-descriptions of the individual requires a methodology that emphasises the following: unstructured observation and open interviewing (in order to allow the research subject to 'define the agenda'; idiographic and 'thick' descriptions (detailed in-depth description of small number of cases); qualitative analysis; and objectivity defined as the intersubjective and emphatic attitude of the 'insider'. The phenomenologist therefore favours data collection methods like participant observation and unstructured interviewing, life history methodologies, qualitative content analysis and discourse analysis; as well as techniques like grounded theory approach and analytic induction for the analysis of data.

> With regard to language planning research, phenomenology makes it possible for language planning researchers to actively get involved in the lived experiences of individuals and societies living within

multilingual contexts and understand how they perceive their multilingual circumstance. From such an engagement, language planning researchers will be able to understand that multilingualism is not an undesirable state of affairs that individuals would wish to do away with, and that multilingual societies would wish to deny or wish away, but that multilingualism is a desirable state of affairs for both individuals and societies. The challenge for individuals and societies is how they can be able to harness the multilingual circumstances to make their lives better and how the supra-structures of governance can be modified to be more accommodative of multilingualism. Interaction with individuals living in multilingual circumstances brings to the fore the reality that is only language planning researchers and policy makers involved in language planning in multilingual scenarios that are seemingly overwhelmed by individual and societal multilingualism and not the people living in multilingual settings. Through their life experiences, individuals accept multilingualism as one of the aspects that define their existence and have developed an array of strategies to cope with the challenges that multilingualism presents. However, the application of their coping strategies is often hindered by official structures, because in many an instance, they do not provide them with the leverage of negotiating their way through as they do in non-official scenarios. Within the Language Management Approach therefore, the challenge is that official structures should be adapted in line with the multilingual realities of the societies in which they operate in so as to provide [individuals] with the discursive space in which they can employ their strategies of coping with multilingualism that they have developed in non-official settings. In a gist, phenomenology points towards the need to adapt official structures in multilingual societies to be in line with the lived multilingual reality of the rest of society.

A review of the methods favoured by phenomenologists including "participant observation and unstructured interviewing, life history methodologies, qualitative content analysis and discourse analysis; as well as techniques like grounded theory approach and analytic induction for the analysis of data" reads like an inventory of the ethnographic method. Working deductively, the closest theory that ethnography as a method can be related to within the language management theoretical matrix is phenomenology.

1.2.4   Decision sciences method

Since decision-making theory was identified as one of the foundational theories of language policy and planning in the early 1960s, it should have been easy to figure out that this theory of necessity predicated a decision sciences method in language policy and planning epistemology. After initial forays that brought to language policy and planning the enduring concepts and methods of corpus, status and acquisition planning; and save for cost-benefit analysis (*cf*. Eastman, 1983; Kaplan & Baldauf, 1997) and an economics of language analysis (*cf*. Vaillancourt, 1983; Grin, 1990, 1994, 1996a, 1996b, 2003; Arcand, 1996; Bloom & Grenier, 1996; Vaillancourt, 1996; Kaplan & Baldauf 1997; Grin & Vaillancourt, 1997; Bruthiaux, 2000, 2003, 2008; Ozolins, 2003; Kamwangamalu, 2004, 2010; Grin, Sfreddo & Vaillancourt, 2010) a scan of the language policy and planning literature indicates an absence of a deliberate effort to develop the decision sciences method in language policy and planning, and maybe understandably so because as Dhir (2005:376) pointedly observes,

> ... linguists, long attempting to assess the economic value of language as a commodity with little success, were hampered by their inability to model how linguistic conditions affect economic processes. [However], recent advances in decision sciences have sufficiently removed the deficit in theoretical and empirical research that challenged the linguists.

Consequently, the development of the decision sciences method has largely been left to the nascent language management paradigm. In language management, the decision sciences method is derived from decision [making] theory and game theory as constitutive theories of language management theory. These two theories and the method(s) they predicate are outlined briefly here below.

To Parsons and Wooldridge (2002) decision theory is a means of analysing which of a series of options should be taken when it is uncertain exactly what the result of taking the option will be.

> Decision theory concentrates on identifying the 'best' decision option, where the notion of 'best' is allowed to have a number of different meanings, of which the most common is that which maximises the expected utility of the decision maker. Decision theory provides a powerful tool with which to analyse scenarios in which an agent must make decisions in an unpredictable environment. Game theory is a close relative of decision theory, which studies interactions between self-interested agents. In particular, it studies the problems of how *strategies* [emphasis in the original] can be designed that will maximise the welfare of an agent in a multi-agent encounter, and how *protocols* or *mechanisms* [emphasis in the original] can be designed that have certain desirable properties.

The above description of these two theories seems simple and straightforward, but their inclusion in the language management theoretical matrix has complex and far-reaching implications especially on language management method – both as a way of doing science; and as a pragmatic endeavour in real-life situations at micro, meso and macro levels. In effect, on the one hand, decision theory and game theory bind language management scholars and researchers to a deliberate search and characterisation thereof of how agents at micro, meso and macro levels make 'best' language decisions. Such 'best' language decisions will of necessity have a mark of "maximising the expected utility of the decision maker"; be they individuals acting in self-interest and/or communal interest or activists and/or technocrats acting on the behest of an organisation, community, or even a state. On the other hand, decision theory and game theory presuppose that the language management enterprise must of necessity include a deliberate formulation (or more appropriately, modelling) of optimal strategies and mechanisms of how agents (individuals, communities, organisations and nations) can maximise their language-based and language-related welfare in multi-agent encounters (which in this case will be multilingual encounters). A characterisation of how agents make 'best' language decisions especially in multi-agent encounters and the concomitant modelling of their decisions and interactions into strategies that can augment language policy and planning implementation especially in multilingual settings is still virgin territory. Going forward, language management will need to provide a detailed characterisation of such.

1.2.5   Development sciences method

Language management derives the development sciences method from Human Development Theory as one of its constitutive theories. The fundamental tenets of human development theory hold that

> ... human development can simply be defined as a process of enlarging choices. Every day human beings make a series of choices – some economic, some social, some political, some cultural. If people are the proper focus of development efforts, then these efforts should be geared to enhancing the range of choices in all areas of human endeavour for every human being. Human development is both a process and an outcome. It is concerned with the process through which choices are enlarged, but it also focuses on the outcomes of enlarged choices. Human development thus defined represents a simple notion, but one with far-reaching implications. First, human choices are enlarged when people acquire capabilities and enjoy more opportunities to use those capabilities. Human development seeks not only to increase both capabilities and opportunities but also to ensure an appropriate balance between them in order to avoid the frustration that a mismatch between the two can create. Second, as already implied, economic growth needs to be seen as a means, albeit and important one, and not the ultimate goal, of development. Income makes an important contribution to human well-being, broadly conceived, if its benefits are translated into more fulfilled human lives, but growth of income is not an end in itself. Third, the human development concept, by concentrating on choices, implies that people must influence the processes that shape their lives. They must participate in the various decision-making processes, and their monitoring and adjustment to improve outcomes where necessary. In the ultimate analysis, human development is development of the people, development for the people, and development by the people. Development of the people involves building human capabilities through the development of human resources. Development for the people implies that the benefits of growth must be translated into the lives of the people, and development by the people emphasises that people must be able to participate actively in influencing the processes that shape their lives (UNDP, 1999:15-16).

In 2004, UNDP further refined human development theory by advancing that human development theory in general provides for a framework by means if which cultural diverse societies can be able to achieve holistic development. Among the key elements of this framework are: policies for ensuring political participation; policies for ensuring religious freedom; policies for legal pluralism; socio-economic policies; and language policies. Mwaniki (2011a) argues that the last element, i.e. language policies, is important because it underlies the inclusion of human development theory in the language management theoretical matrix. UNDP, in its 2004 Human Development Report observes that

> ... language is often the most contested issue in multicultural states. Some countries have tried to suppress people's languages, labelling their use as subversive. But the more frequent source of widespread exclusion even in well-established democracies is monolingual policy. The choice of official language – the language of instruction in schools; the language of legislative debates and civic participation; the language of commerce; – shapes the barriers and advantages individuals face in life – political, social, economic and cultural. Recognising a language means more than just the use of that language. It symbolises respect for the people who speak it, their culture and their full inclusion in society. The state can be blind to religion, but it cannot be mute to language. Citizens need to communicate to feel a sense of belonging, and the choice of official language symbolises the national identity (UNDP, 2004:9).

Commenting on the inclusion of human development theory in the language management theoretical matrix, Mwaniki (2011a:162-163) advances that:

> The inclusion of human development theory into the theoretical matrix of language management serves to illustrate two critical points: first, to emphasise the idea that even if many countries do not implement multilingual language policies and plans, or they would resist the implementation of multilingual language policies and plans, contemporary development thinking, as encapsulated in the human development theory points towards a radical shift whereby the implementation of multilingual language policies and plans as a way of engendering cultural liberty and ensuring human development is fast gaining root because it is going to be one of the critical measures against which countries' human development is gauged. Secondly, to illustrate the idea that the implementation of multilingual language policies and plans is an integral part of human development. With its preoccupation with the enlargement of peoples' choices, human development presupposes that people should have unlimited access to information and knowledge so that they can be able to participate in the decision-making processes that impact their lives. It is hard to imagine a situation where people can be able to access information and knowledge that they need to make life's decisions if the information and knowledge is not encoded in languages that they can understand and can freely use. This is only possible, especially in multilingual states, if there is implementation of a multilingual language policy.

> Suffice it to observe that the inclusion of human development theory as one of the theoretical frontiers of language management serves to place language management in the cutting-edge of contemporary development thinking. In this way, language management, with its stated inclination in finding optimal methodologies and strategies for the implementation of multilingual policies and plans, serves the same ends as human development, i.e. the enlargement of peoples' choices. There are, however, other tacit benefits that come with the inclusion of human development theory into language management, key among them being that the implementation of multilingual language policies and plans becomes an integral part of a country's respect for cultural diversity and fundamentally as a commitment towards the respect for human rights, because respect for and promotion of linguistic diversity is a reflection of many other human rights [such as the right of access to information; right of expression; and right to belong to cultural groupings if one's choice]. Human development theory provides language management with the justification to pursue the implementation of multilingual language policies and plans as an integral part of the greater project of holistic human development, human emancipation and social justice.

The inclusion of human development theory in the language management matrix presupposes a development sciences method in language management epistemology. For the purposes of the current discussion, a triad of methods in development sciences are identified and discussed, albeit briefly. These are development communication; participatory action research (PAR); and dialogical intervention strategies.

Development communication entails the deployment of methodologies and tools specifically designed to spread information and contribute to behaviour change. It is a process of dialogue, information sharing, mutual understanding and agreement, and collective action. As a methodology in initiating, implementing and sustaining development projects and interventions, development communication consists of the following concepts: communication for development; communication for social change; information, education and communication; behaviour change

communication; social mobilisation; media advocacy; strategic communication; participatory communication; and strategic participatory communication. What works in development communication is a focus on 5 key ideas. These are: focus on individual and contextual factors in behaviour change; integration of top-down and bottom-up approaches; the deployment of a tool-kit approach; a combination of media and interpersonal communication; and a commitment to the idea that community empowerment should be the goal (Coetzee, 2001). In language management, development communication enables actors to focus on individual and contextual factors that impact on the behaviour change needed to support (multilingual) language policy implementation; an integration of both bottom-up and bottom-up approaches; the deployment of only those strategies that would facilitate (multilingual) language policy implementation in particular setting and not an application of a one-fits-all approach; the combination of media and interpersonal approaches in the processes of implementation; as well as ensuring that implementers remain conscious at all times of the main goal of multilingual policy implementation, namely, community empowerment.

PAR is "an activity in research which is used to serve the ends of empowerment, conscientisation, and emancipation in development" (Prozesky & Mouton, 2001:537). PAR constitutes of some key methodological features and principles. These are: the change agent and the participant; emphasis on participation; nature of the researcher-subject relationship; incorporation of local knowledge; and mobilising and empowering communities. Effectively, PAR is committed to working almost exclusively with and for grassroots groups, communities, or social classes and their organisations. PAR also seems appropriate when groups have the following characteristics: first of all they are poor, underprivileged, or socially and economically exploited and oppressed. Their disenfranchised, peripheral position in society is seen to be an important condition that PAR aims to address. Their relative lack of power or disempowered status in a society is also emphasised, especially when participants form grassroots groups whose very existence can be seen as illegitimate by local power structures. Another characteristic that could make a group or community in society highly appropriate fir a PAR project, could be termed their "cultural vulnerability", that is, they are "vulnerable to colonisation by the dominant culture (Reason, 1994:328 cited in Prozesky & Mouton, 2001:541). The importance of PAR in language management lies in the promise of PAR to mobilise and empower communities. In this case, PAR is not an end in itself, but a basis for, and a means through which action about multilingualism can be planned and implemented.

Dialogical intervention strategies on their part seek to mediate between different peoples' perceptions of 'the situation' and options available for appropriate conduct. In this approach, there are no objective criteria for policy makers to ground their decisions as to whether, when and how to use the dialogical intervention approach. Rather, the aim of the dialogical intervention approach is to establish possibilities for participation as well as allow (for some form of) negotiation between competing views of 'the situation' under consideration: so as to extend consideration of options for action. A dialogical intervention approach does not expect that all people will come to a consensus, in the sense of coming to an overlapping view of 'the situation' and 'best' activities therein. Rather,

it sees negotiations as hypotheses fir continued action on the part of the various participants. This means that the goal of 'human development' takes priority over the particular solutions that are arrived at. The process of addressing issues (ideally a dialogical one) us more important than the content of the solution. Only a solution that bears the mark of a dialogical encounter in its formation and implementation can be seen as standing the test of development in human terms (Romm, 2001). In language management, dialogical intervention strategies are important because they provide the means through which views if various stakeholders can be integrated into the implementation process as well as allowing for some form of negotiation between competing views in all aspects that constitute (multilingual) language policy implementation. It is important to note that data collected during dialogical encounters is invaluable in understanding language management dynamics as well as extending the frontiers of language management research.

1.2.6   (Critical) discourse analysis

From linguistic theory and critical theory, language management derives discourse analysis (DA) and critical discourse analysis (CDA) as methods. Explication of DA and CDA is often fraught with complexities in argumentation. In the following discussion, a deliberate attempt is made to keep the explanation simple. Gee (2011) provides such an explanation in which the distinction between DA (or what is known as 'descriptive' discourse analysis) and CDA is clearly outlined.

To Gee (2011:8-10):

> Discourse analysis is the study of language-in-use. There are many different approaches to discourse analysis. Some of them look at only the 'content' of the language being used, the themes or issues being discussed in a conversation or a newspaper article, for example. Other approaches pay more attention to the structure of language ('grammar') and how this structure functions to make meaning in specific contexts. These approaches are rooted in the discipline of linguistics. Different linguistic approaches to discourse analysis use different theories of grammar and take different views of how to talk about meaning – [with] meaning as an integration of ways of saying (informing), doing (action), and being (identity), and grammar as a set of tools to bring about this integration [...] So grammar [...] offers us different ways to say things that amount to different ways of doing (actions) and being (identity). Looking closely at the structure of language as it is being used can help us uncover different ways of saying things, doing things, and being things in the world.

> But why would we want to do this? Some approaches to discourse analysis, which we call 'descriptive', answer this question by saying that their goal is to describe how language works in order to understand it, just as the goal of the physicist is to describe how the physical world works in order to understand it. In both cases – the discourse analyst and the physicist – their hope may also be to gain deep explanations of how language or the world works and why they work that way. Though their work may have practical applications in the world, these discourse analysts and physicists are not motivated by those applications. Some approaches to discourse analysis, which we can call 'critical' as in 'critical discourse analysis' answer this question differently. Their goal is not just to describe how language works or even offer deep explanations, though they do want to do this. They also want to speak to and, perhaps, intervene in, social or political issues, problems, and controversies in the world. They want to apply their work to the world in some fashion.

> People who take a descriptive approach often think that a critical approach is 'unscientific' because the critical discourse analyst is swayed by his or her interest or passion for intervening in some problem in the world. People who take a critical approach often think that a purely descriptive approach is an evasion of social and political responsibility. My view is that all discourse analysis needs to be critical, not because discourse analysts are or need to be political, but because language itself is political [...] any use of language gains its meaning from the 'game' or practice of which it is part and which it is enacting [...] such 'games' or practices inherently involve potential social goods and the distribution of social goods, which I have defined as central to the realm of politics. Thus, any full description of any use of language would have to deal with 'politics'. Beyond this general point, language is a key way we humans make and break our world, our institutions, and our relationships through how we deal with social goods. Thus, discourse analysis can illuminate problems and controversies in the world. It can illuminate issues about the distribution of social goods, who gets helped, and who gets harmed.

The preceding outline by Gee (2011) captures the breadth of the definitions of DA and CDA. Without discounting insights contained in the preceding discussion, it is befitting to add a succinct characterisation of CDA by Abdelhay, Makoni and Makoni (2011:5) that posit that

> ... CDA methodology analyses texts to indicate the discursive sources of power, dominance, inequality, and bias and how these sources are initiated, maintained, reproduced, and transformed within specific social, political, and historical contexts. In CDA there are three levels of analysis: (a) the text, (b) discursive practices, and (c) socio-cultural practices. Textual analysis deals with the description of the form and meaning of the text whereas discursive practice is concerned with the discursive production and interpretation of the text. What is central to socio-cultural practice is the notion of ideology – in particular, language ideology.

In language management, DA and CDA are important methods in explicating how texts, discursive practices and socio-cultural practices integral to (multilingual) language policy and planning implementation – in its entirety, predicate different kinds of actions and identities. To quote Abdelhay, Makoni and Makoni (2011:2) who in turn quote Lo Bianco (2009); Phillips and Jorgensen (2002); Fairclough (1995, 1989); Van Dijk (1997, 2006); Scarino and Papademetre (2001); Wickert (2001); Johnson (2009); Tollefson (2006); Schiffrin et al. (2001); Pennycook (2010); Van Leeuwen (2008); and Pelinka (2007),

> ... in language policies, power, politics and status differentials are played out in texts and CDA has shown that public texts such as language policy documents often carry agendas they conceal. More often, what is concealed is inequality. In this regard, language used in policy documents is not neutral. Any choice made on whether to use one form or another reflects a particular way of talking about and understanding the world (or an aspect of the world). For example, the use of passivization, euphemism or metaphors or the organisation of the text to foreground or background certain information is based on effecting specific agendas. In language policies, languages are very often accorded different statuses: some languages acquire dominant status while others are marginalised in the process. Language policies therefore can perpetuate systems of social inequality [...] in CDA language is viewed as a form of social practice. CDA aims to establish ways that domination is reproduced by text, and language policy is mostly conducted through texts, texts that are essentially political in nature and persuasive in intent. Language policies and politics mutually influence each other by facilitating inequality. By so doing, language policies make the linkage between language and politics more precise.

This characterisation provides a glimpse of the centrality of DA and CDA in language management research and practice: they are both important methods in the identification of the discursive sources of power, dominance, inequality, and bias in texts and hoe these sources are initiated, maintained, reproduced, and transformed within specific social, political and historical contexts; an endeavour critical to the language management enterprise.

With the issue of language management methods clearly, albeit briefly, explained it is time to return to an assertion made at the beginning of this section that "different methods presuppose different writing styles". The logical question that should follow this assertion is: what kinds of writing style do the language management methods elaborated in the preceding discussion, either singularly or collectively, presuppose? The answer to question lies in two observations: (i) each of the methods presupposes a different and unique writing style; and (ii) taken together – as is often the case in many a language management research scenario – these methods presuppose a writing style characterised by thick descriptions of linguistic, social, political, cultural, economic organisational, and other phenomena. The latter is the writing style adopted for the book.

1.3 Why a book on multilingualism and the public sector in South Africa?

The writing of a book on multilingualism and the public sector in South Africa was motivated by a scholarly and intellectual desire to interrogate and extend the discourses that underpin multilingualism in South Africa; and an intimate appreciation of the central, though often under-stated symbiotic relationship between language and public sector dynamics in many a polity – South Africa included. A further motivation is to be found in the dearth of in-depth research and literature on such dynamics. Without overstating the importance of the current book, it seeks to fill this hiatus in the research and the literature by providing a detailed and systematic description of the public sector as an institution and relating these insights to the thesis that the public sector ought to function multilingually. A subtle motivation related to this will be to highlight the language-public sector interface as an area worth of systematic scholarly attention.

Chapter 2 provides a detailed overview of the public sector and its core areas of mandate and the place of multilingualism in these. It is not the purpose of the current discussion to replicate or pre-empt the discussion in Chapter 2. Rather, the current discussion attempts to show that an interrogation of the language-public sector interface in South Africa is a matter that should long have been settled in scholarship and research given the impetus of language policy and planning studies on and in South Africa on the one part; and the centrality of the public sector in the discourses that have (re)produced the language question in South Africa, on the other hand.

With regard to the observation that "an interrogation of the language-public sector interface in South Africa is a matter that should long have been settled in scholarship and research given the impetus of language policy and planning studies on and in South Africa", an insight from Blommaert (1996) contextualises this observation. Blommaert (1996:203-204) submits:

> The 1990s [...] have been marked by a renewed interest in language planning. The historical changes in South Africa triggered a new enthusiasm among language scholars, and almost automatically drove them into the direction of language planning issues because of the nature of the political-ideological debate surrounding the end of apartheid. Issues of national and subnational identity, of culture and language, featured prominently in almost any debate on the future of South Africa, and the new Republic set an important precedent by allowing eleven languages to be used as official languages instead of the usual one, two or four of most other African states. Here was a country which championed multilingualism as a symbol of political and cultural pluralism. The importance of this issue (viz. the relation between multilingualism and its management on the one hand, and political and cultural pluralism on the other), was acknowledged by other authors, and calls for a renewed and more critical approach to language planning were launched.

What has so far seemed to escape the attention of many a linguist is the fact that inasmuch as South Africa's transformation and the resultant language dispensation that in the words of Blommaert (1996) rekindled interest in language planning studies was a politically driven process; ultimate implementation of the precepts undergirding the transformation including the envisioned language dispensation was to be largely a technicist and bureaucratic process driven mainly by the public sector. This observation brings forth the inevitable question: what is this all-pervasive institution called the public sector?

Hughes (2003:73, cited in Hicks 1958:1) defines the public sector as that part of the economy that is

> ... engaged in providing services (and in some cases goods) whose scope and variety are determined not by direct wishes of the consumers, but by the decision of government bodies, that is, in a democracy, by the representatives of the citizens.

Hughes (2003:73) further observes that

> ... this definition does not capture the full scope of public sector activity, but it does contain the key point that the public sector is the result of public, political decision-making, rather than involving market processes. Governments are command-based – they can force people to comply – whereas markets are voluntary.

To bring these observations closer home, it is important to ask the question of what is the public sector in South Africa's setting. Davids and Maphunye (2009) provide a detailed answer to this question in their seminal chapter entitled: "The public sector: promoting development and good governance"; in an edited volume by Davids, Theron and Maphunye (2009) entitled *Participatory development in South Africa: A development management perspective*. The following insights on the public sector are drawn from Davids and Maphunye (2009).

To Davids and Maphunye (2009), the public sector includes all institutions and organisations which:

- Operate within the three branches of government. The three branches of government are the legislature (often referred to as parliament), which has executive authority to enact laws; the judiciary represented by the system of courts of law; and the executive that implements

government's policies. The executive normally consists of political leadership – the president and his or her cabinet, known as the political executive – and a set of public departments and agencies, known as the administrative executive, whose staff are on the public payroll and which reports, ultimately to a cabinet minister.

■ Are engaged in the implementation of government policy and the administration of laws within the three spheres of government. The three spheres of government in South Africa are the central government sphere, also referred to as the national government; the provincial government sphere, consisting of nine provincial administrations; and the local government sphere consisting of 284 municipalities.

■ Are ultimately accountable and responsible to a political authority, for example cabinet or parliament.

The public sector therefore includes all national State departments and provincial administrations, public enterprises, municipalities, institutions of higher learning, research agencies and a number of control and regulatory institutions which fall within the different branches and spheres of government. A feature of the South African public sector is that many individuals and groups have an interest in what it does. These include the users of services – the public who pay for such services through taxation, politicians, public and development managers, local communities and regional and international development partners. The public sector is therefore characterised by a multiplicity of different stakeholders, all of whom have a legitimate interest in its performance.

The public sector primarily designs and implements policies and programmes that aim to fulfil the government's broad social and economic development objectives. These development objectives are usually determined and prioritised by the political party (or parties, in the case of coalitions) in power, through the implementation of the political mandate granted by the electorate. In particular, the public sector does the following:

■ Formulates social and economic policies. The public sector, especially core departments within the public service in South Africa, formulates and enforces policies that cover virtually everything the government does. Policies developed by the public sector serve to promote the political objectives and ideologies of the government of the day, reflecting its social and economic goals.

■ Designs and implements public programmes. Policies are realised through the design and delivery if public programmes and projects involving the delivery of public services, the production of goods, or transfers of resources to individuals, organisations or other spheres of government. Governments also use regulation – in areas such as workplace standards, consumer protection, the environment, foreign investment and transportation safety – as a tool for achieving policy goals in a manner that is often closely related to the ruling party's political objectives and ideology.

■ Raises revenue. The government must raise funds in order to implement its programmes and projects. The public sector collects taxes and user fees that are levied on the public and companies. Governments also use tax policy as a means to pursue social and economic goals. For instance, governments may pursue social goals by providing tax breaks to certain segments of the population. They may also use tax provisions to encourage certain forms investments or industrial development. In addition, governments may also raise revenue through the sale of public assets.

- Manages accountability. The public demands accountability in return for the powers granted to the executive to raise and spend revenue. The public sector responds by enforcing internal accountability measures, and by reporting to the public how money is spent and on the successes (and failures) of public programmes. Democratic governments typically create and sustain independent public institutions of accountability that are empowered to oversee the government's action and demand explanations. Key institutions of accountability in South Africa include the Auditor General, Public Service Commission, Public Protector, the Judiciary, Human Rights Commission and the Gender Commission (Davids and Maphunye 2009:53-55).

Two issues can be deduced from the foregoing definition of the South African public sector in relation to the question of multilingualism in South Africa; and which are in a dialectic relationship. These are:

(i)   The public sector is a critical nexus in the implementation of multilingualism in South Africa as envisioned in the Constitution.
(ii) The public sector needs to operate multilingually if it is to operate optimally.

An interrogation of the dialectics attendant to these two is important enough a matter to necessitate a book such as the current one. Further and as observed in the introduction of the current section, at a more subtle level it is hoped that the book will manage to highlight the language-public sector interface as an area worth of systematic scholarly attention. This in itself is reason good enough to motivate writing a book on multilingualism and the public sector.

1.4 Themes addressed in the book

As already alluded to in the introduction, several themes are identified and discussed in detail in the book. These are:

- A specification of the symbiotic relationship between language dynamics and the public sector in South Africa with specific reference to the place of multilingualism in the public sector's core mandate areas.

- Based on an appreciation of the fact that South Africa is a constitutional democracy, a detailed advancement of the thesis that South Africa's multilingualism as envisioned in the constitution is in tandem with the Constitution and it is therefore a constitutional expectation that the public sector – as the organ of state that executes constitutional [and policy and programme] imperatives – will not only be central in implementing multilingualism as envisioned in the constitution, but that as an institution it needs to operate multilingually to operate optimally.

- Legislative and policy requisites for multilingualism in South Africa's public sector.

- Human resource and organisational culture imperatives for multilingualism in South Africa's public sector.

- Capital and infrastructure imperatives for multilingualism in South Africa's public sector.

- Multilingual service provision as the benchmark for public sector service delivery in South Africa.

1.5 Outline of the rest of the book

Chapter 2 provides an overview of relationships between multilingualism and the public sector in South Africa against the backdrop of the importance of multilingualism in South Africa from historical; development and democratisation; economic; and constitutional perspectives. After a brief discussion of the concept of multilingualism, the chapter identifies and discusses in detail the public sector core areas of mandate; and the linkages between multilingualism and these core areas of mandate. The chapter concludes by positing that public sector reform can be used as a driver of mainstreaming multilingualism into South Africa's public sector.

Chapter 3 tackles the issue of multilingualism and South Africa's constitutionalism. The discussion is premised on the fact that South Africa is a constitutional democracy. This fact has far reaching implications on the organisation of South Africa's body politic and all interactions, whether between the state and the governed; within and among the governed; and in the conduct of government business. All conduct must be subservient to constitutional principles. The rubrics discussed include the notion of constitutionalism; constitutional values; transformational constitutionalism; advanced cultural politics; the notion of progressive realisation of rights; constitutional interpretation; and the justiciability of language rights. This approach is deliberate. It seeks to place the discourse on multilingualism in South Africa within constitutional reality; and the need to clearly demonstrate that South Africa's multilingual dispensation as encapsulated and envisioned in the Constitution is not a default arrangement. Rather, it is part of the core discourse that runs through the entire Constitution – transformational constitutionalism and advanced cultural politics.

Chapter 4 discusses the legislative and policy imperatives for multilingualism in South Africa's public sector. The logic of this chapter is a simple one – in a constitutional democracy the public sector is legitimately expected to propose, formulate and enact legislation and policies that further elaborate constitutional precepts; coupled with tangible programmes of implementation. The constitutional precepts with regard to language [and multilingualism] are not exempted from this logic.

Chapter 5 addresses the issue of human resource and organisational culture imperatives for multilingualism in South Africa's public sector. This chapter is premised on the logic that implementation of public policies is usually a very problematic undertaking. Taking cognisance of this fact, the chapter argues that the implementation of national, provincial and local government spheres' multilingual legislation and language policies; as well as sect oral multilingual language policies will depend on a critical mass of human resources within the South African public sector. However, for this critical mass of human resources to succeed, there is also a need for re-engineering of the organisational culture of South Africa's public sector. Due to its evolution under peculiar historical circumstances, the South African public sector is not attuned to multilingualism. It was designed and evolved and eventually came to embrace an organisational culture of bilingualism (in Afrikaans and English). This bilingual organisational culture needs to be re-engineered to accommodate multilingualism. The critical mass of human resources mentioned earlier is vital in this endeavour.

Chapter 6 discusses the issue of capital and infrastructure imperatives for multilingualism in South Africa's public sector. Referring to capital and infrastructure resources as the "raw materials" that the human resource component discussed in Chapter 4 needs to implement a multilingual dispensation; the discussion outlines the various mechanisms that can be used to secure capital and infrastructure resources for multilingualism in South Africa's public sector. Key among these is the budget process. Others include public-public partnerships (PuPs); public-private partnerships (PPPs); contracting; and donor funded projects. The entire discussion is anchored on the paradigm changes in public management and which point toward providing more public value in the rendering of public services.

Chapter 7 presents the case that multilingual service provision should be the benchmark for South Africa's public sector service delivery.

Chapter 8 reviews the opportunities that multilingualism presents to South Africa's public sector as well as the challenges. Some of the opportunities identified include: a platform for the implementation of a comprehensive national language policy; providing an impetus for the development of previously marginalised languages; redefining the concept of "human development" in South Africa; a platform to re-engineer South Africa's public sector organisational culture; the entrenchment of democratic ethos; entrenchment of a culture of the Rule of Law; and rooting service delivery on client preferences/expectations and local agency. Some of the challenges identified include: the difficulties associated with occasioning a paradigm shift necessary for the appreciation of the primacy of multilingualism in public sector operations; and the human resource challenge.

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CHAPTER 2

Multilingualism and the Public
Sector in South Africa: An overview

2.1 Introduction

The twenty-first century is one that is fraught with many challenges for developing and developed societies. In unprecedented ways, the nation-state is increasingly under pressure from supranational social, political and economic forces, both at regional and global levels, as well as intranational forces such as ethnicity and competition for often not enough resources. As these forces play dice with the nation-state and pile pressure on national systems of planning and development management, there is another emergent force, that is bearing directly on nation states and that respects no boundaries, namely multiculturalism. Multiculturalism generally refers to a state of racial, cultural and ethnic diversity within the demographics of a specified place, usually an organisation or a nation. Increasingly, many nations are beginning to accept multiculturalism as a reality worth attention and positive intervention.

Inextricably related to multiculturalism is the notion of multilingualism. Many societies are beginning to accept multilingualism as an integral component of their multicultural reality and one that is worth attention and positive intervention. Several factors have contributed to this re-awakening to the importance of multilingualism. Primarily, as observed above, the centrality of the debate on multiculturalism in world geo-politics has had the causal effect of pushing the related issue of multilingualism to the centre-stage of development discourse. Other factors that have contributed to the emergence of multilingualism as a matter worth attention include an acknowledgement of a long-standing reality that many nation states are multilingual; an increase in the number of organisations, both in the private sector and public sectors, especially with regard to multinational corporates and international public sector respectively, that are inevitably multilingual due to the nature of their operations and the workforce that they attract;

an acknowledgement of a link between language (especially non-mainstream languages) and human rights; and the involvement of United Nations affiliated bodies, especially UNESCO and UNDP in the language debate in which they have demonstrated, with convincing data, the link between multilingualism and development.

The issue of multilingualism is of critical importance in South Africa for a number of reasons.

Fundamentally, the centrality of the discourse on multilingualism in South Africa stems from the country's peculiar history where language has been repeatedly used for social, political and economic profiling, sometimes with tragic results. The Soweto uprising of 1976 and the tragic aftermath and the effects of Bantu education that continue to resonate to the present day are cases in point. As Du Plessis (1999) observes, in South Africa, there has been a tendency, over centuries, to turn political victories into linguistic victories. It may still be early in the life of the post-apartheid dispensation to tell whether this tragic logic will continue to manifest itself.

Secondly, the increasing linkage between language and the processes of development and democratisation serves to locate the language at the core of South Africa's development and democratisation discourse, and for good reasons: after centuries of systemic exclusion first through colonialism and later through apartheid, generations of South Africans, especially people of colour, have had limited opportunities to participate in mainstream social and political processes. The use of language, especially English and Afrikaans, is emblematic of the processes that have defined centuries of social and political exclusion in South Africa. Deliberate measures to promote previously marginalised languages is a systematic response aimed at including the speakers of these languages, and who make up a majority of South Africa's population, into mainstream social and political discourses, processes and outcomes. A multilingual dispensation is therefore conceptualised not only as a means of redressing the language-related social and political injustices of the past, but also as a means of engendering a culture of consultation and participation in the nascent emerging democracy.

Thirdly, with a Gini coefficient of 0,72 (Stats SA, 2008), South Africa is one of the most unequal places on earth. In real terms, it means that a majority of South Africans do not have access to national wealth, which is still controlled by a few, i.e. there is no equitable distribution of national wealth. It is not coincidental that a majority of South Africans who do not have access to national wealth and in some instances living on less that 1 US$ per day (the United Nations Poverty Threshold) are people who unsuccessfully (as per this statistic) have to use previously marginalised languages as exclusive launch planks into the dynamic and versatile South African economy. This argument may seem far-fetched, but it only serves to illustrate the fact that there is an inextricable relationship between economic access, participation and output and language as a facilitator of knowledge and information access, transfer and sharing. A multilingual dispensation for South Africa is aimed at facilitating economic access, participation and output, especially for speakers of previously marginalised languages, and therefore help redress past economic injustices, while providing economic opportunities.

Fourthly, at a time when many countries had given up on developing multilingual policies, let alone implement multilingual policies, here was a country that recognised eleven (11) official languages in its Constitution (Act 108 of 1996).

These four facts have far-reaching implications on the management of language matters in South Africa. Language in South Africa not only comes laden with the burden of history because of the country's peculiar history, but language is inextricably related to social, political and economic distortions and realities. Further, language is central in contemporary and futuristic conceptualisations of South African body public because of the explicit inclusion of language issues in the Constitution.

Apart from these facts, national legislation (Municipal Systems Act of 2000) and national policy (The National Language Policy Framework of 2003, The Reconstruction and Development Programme and the White Paper on Transforming Public Service Delivery (*Batho Pele White Paper*)) all contain clauses that explicitly point towards the need to implement a multilingual dispensation in South Africa. The public sector is responsible for translating these constitutional, legislative and policy precepts into tangible programmes.

In political and governance theory, the political establishment has the mandate to manage a country's social, political and economic dynamics, including the redress of any distortions that could have been inherited from the country's history. To execute this mandate, the political establishment relies on the public sector. On its part, the public sector is expected to support the political actors of the day as they attempt to deliver on their policy programmes. This dialectic relationship between the political establishment and the public sector is even more pronounced in constitutional democracies like South Africa, where the public sector has an express mandate to execute constitutional precepts. In a constitutional democracy, the public sector provides a necessary stability in the management of public affairs because in as much as political actors may change over time due to political dynamics, the public sector remains as the vanguard of the constitution and public interests.

But what is the public sector? At a general level, the public sector comprises the behaviour of organisations that belong to what is alternately referred to as 'state' or 'government', but the concept 'public sector' is broader than these two well-known concepts. Into the public enters all kinds of government activities at various levels, all kinds of public finance as well as public regulation in general (Lane, 2000:1). More specifically, the public sector is the totality of all organisations that exist as part of government machinery or are established by government for the provision of social services. Such organisations or institutions with their career personnel constitute the public sector. For purposes of clarity, it might be important to state that the public service can be viewed as comprising the following:

- The civil service – the career personnel of the presidency, the ministries, the extra ministerial departments and the services of the National Assembly and the Judiciary;
- The Armed Forces;

■ The Police and other security agencies; and

■ The parastatals – including social service providers, infrastructural/utility agencies, regulatory agencies, educational institutions and research institutes. In the light of this definition, organisations that operate on purely commercial basis are not classified within the public sector (Sambo, 2005:2).

2.2 Multilingualism

Multilingualism is understood as the ability of societies, institutions, groups and individuals to engage, on a regular basis, with more than one language in their day-to-day lives. In this context, a language is defined neutrally as a variant which one group ascribes to itself for use as its habitual code of communication. This includes regional languages, dialects, and sign languages. In addition, the term multilingualism is used for referring to the co-existence of different language communities in one geographical or geo-political area or political entity (Commission for the European Communities, 2007:6).

As regards individual multilingualism, competence in a given other language can range from partial skills competence to full literacy (*cf.* Edwards, 1994; Trudgill, 2000; Auer & Wei, 2007; Aronin & Hufeisen, 2009; Crystal, 2010). An increasing number of people living in South Africa are multilingual or even multiliterate because they

■ speak an autochthon regional or minority language in addition to another official language(s), or

■ grew up in mixed language families or other multilingual environments.

2.3 The public sector and its core areas of mandate

In any polity, the public sector has got its five core areas of mandate. Fundamentally these core areas of mandate can be summed up as:

(i) Service delivery;

(ii) Creating a favourable environment for private enterprise;

(iii) Engendering a culture of democratisation;

(iv) Engineering the discourses and processes of development; and

(v) Engendering a culture of constitutionalism.

The South African public sector is legitimately expected to deliver upon these core areas of mandate. These core areas will be discussed in the following sub-sections.

2.3.1 Public sector and service delivery

A fundamental area of mandate for the public sector is service delivery to the citizenry, *service* defined as widely as possible. However, traditionally, public trust in public sector performance in delivering services consistent with citizen preferences has been considered weak in developing

countries. The reason is that politicians and bureaucrats are typically observed to show greater interest in rent-seeking activities than in delivering services wanted by their citizens. The global information revolution of the late twentieth century has further eroded this confidence. The information revolution empowers citizens to access, transmit, and transform information in ways that governments are powerless to block, and in the process it undermines authoritative controls. It also constrains the ability of governments to withhold information from citizens. Globalisation of information – satellite TV, Internet, phone and fax – enhances citizens' awareness of their rights, obligations, options, and alternatives and strengthens demands for greater accountability from the public sector. Thus, measurement of government performance has assumed topical importance in discussions and debates (Shah, 2005:xxiii). A critical aspect in the measurement of government performance is a determination of the nature of services that the government renders and the manner in which government renders these services.

With South Africa's peculiar history, effective and efficient rendering of public services is of critical importance. Effective and efficient rendering of public services can play a facilitative role in providing a redress of the injustices and imbalances in the access of public services of the pre-1994 era. To this end, the post-1994 government developed a framework for effective and efficient rendering of public services popularly known as *Batho Pele Principles*, contained in the White Paper on Transforming Public Service Delivery of 1997. The framework encompasses eight principles, namely consultation; service standards; access; courtesy; information; openness and transparency; redress; and value for money, all geared towards improving public service delivery. (Refer to Chapter 7 for a detailed discussion of these principles).

However, indications are that rendering of effective and efficient public services remains a daunting task for the South African government, and in line with Shah (2005) above, with a citizenry that is more informed and more conscious of their rights and increasingly impatient, the challenge to the South African government to render effective and efficient public services is immediate. A few examples illustrate this.

Writing on the need for a reform model for the improvement of municipal service delivery in South Africa, Roux and Nyamukachi (2005) observe that eleven years after the establishment of a true democracy in South Africa, the rendering of essential services, particularly to the poor and disadvantaged communities, appears to be still highly problematic. In fact, recent months have been characterised by a spate of community violence at various municipalities countrywide. Protests started in 2004 in Harrismith in the Free State (Wyngaard, 2005 cited in Roux & Nyamukachi, 2005), and since then have spread to other parts of the country. In June 2005 demonstrations took place in 21 local communities, from Guguletu in the Western Cape to Mpumalanga in the east and Tshwane in the north (Rademeyer & De Lange, 2005 cited in Roux & Nyamukachi, 2005). In July 2005 approximately 50 towns and cities were affected by violent protest. According to media reports an estimated 136 municipalities find it difficult to provide basic services to their respective communities (Smith, 2005 cited in Roux & Nyamukachi, 2005:689-690).

Further, Roux and Nyamukachi (2005) cited above submit that thousands ,of people took to the streets to demonstrate their dissatisfaction with municipalities' inability to render basic services such as housing, sanitation, electricity and water, especially in the poor and disadvantaged communities. The gravity of the situation is evident in the fact that, according to recent figures for 2001, there were 1,4 million informal settlement dwellings in South Africa and 460 000 backyard shacks. Since then, the number of shack dwellers has increased with the pace of urbanisation (Ensor, 2005 cited in Roux & Nyamukachi, 2005). It is estimated that in the Western Cape a backlog of 320 000 dwellings exists, with approximately 260 000 people on the waiting lists concentrated in the Cape metropolis. According to the *South African Survey 2003/4* (Rademeyer & De Lange, 2005 cited in Roux & Nyamukachi, 2005), government has built approximately 1,5 million new houses between 1994 and 2003, and approximately 3,4 million homes received electricity. However, by 2003 almost a third of households have not as yet received electricity or running water, and 1,3 million families had to be satisfied with backyard shacks in townships. Zille (*Business Day,* 2005 cited in Roux & Nyamukachi, 2005) points out that approximately 203 out of 284 municipalities are unable to provide sanitation to 40% of their residents. In 71% of municipal areas, most people do not have flushable toilets; 40% are without refuse removal in 64% of municipalities; and residents in more than half of municipalities are without piped water (Roux & Nyamukachi, 2005:690).

In a recent research report entitled *Rethinking fiscal decentralization in South Africa* it is stated that the municipal service delivery and infrastructure could collapse due to inadequate skilled staff, as well as absence of sustainable sources of income. The report further indicates that municipal debt during 2004 amounted to R40 billion. This figure could grow to as much as R70 billion in the next decade. For government to meet the targeted service levels, whether based on earlier or recent calculations, large sums of capital investment will be required. In fact, it has been acknowledged in government publications such as the *White Paper on Local Government Service Partnerships* (No. 2116 of 2000), that to acquire the capital resources needed to meet service delivery needs, other innovative financing solutions have to be devised such as partnerships with the private sector and more prudent financial management practices (*White Paper on Local Government Service Partnerships,* 2000:Section 1) (Roux & Nyamukachi, 2005:690-691).

The above-cited statistics remain real and pertinent in South Africa to the present day. The fact that citizens have protested in order to access better and more services from the government underscores the fact that service delivery to the citizenry is one of the core mandate areas of the public sector and further reinforces the idea that access to decent public services is no longer a privilege to be enjoyed by a few; it is a rightful expectation of all citizens, especially those previously disadvantaged (*White Paper on Transforming Public Service Delivery (Batho Pele White Paper)*, 1997:6).

2.3.2   Public sector and the creation of an enabling environment for private enterprise

Creation of enabling environments for private enterprise development is another core mandate area of the public sector. Empirical evidence shows that where countries have managed to build lasting competitive advantages, this was in almost any case achieved on the basis of concerted public-private efforts. Governments have always had an important role in creating incentives to invest in new technical and entrepreneurial skills, facilitating collective action, developing and ensuring all kinds of quality standards, motivating investors to surmount technological lags, or avoiding too strong trade shocks that might have wiped out entire industries. And even today they continue doing so in all major industrialised countries (Fagerberg & Godinho, 2005; Cimoli *et al.,* 2006).

In a constitutional democracy like South Africa whose economy is modelled along the British-American (BA) model, the role of the public sector in creating an enabling environment for private enterprise is better understood within the framework of democratic capitalism. Democratic capitalism is a dual politico-economic system that reached maturity, after centuries of organised development, in the first half of the twentieth century, notably in developed western countries. The 'logic' of democracy and capitalism is contradictory: while democracy emphasises joint interests, equality, and common loyalties, capitalism is based on self-seeking inequality and conflicting individual and group interests. The legal system that protects both democracy and capitalism is based on the principle of equality before the law, but maintains inequalities in the distribution of property rights and opportunities in the capitalist system. The 'logic' of capitalism given the unequal freedoms and unequal rights upon which it is based – thus goes against the grain of the 'logic' of democracy. Capitalism attempts to maximise efficiency and profit through merciless competition in a free market system in which the strong, skilful, and property owners win, and the weaker and less 'cunning' lose. It is the task of a democratically elected government to reconcile not only the conflicting 'logics' of democracy and capitalism, but also the 'power' with which they exert themselves in the dual system of democratic capitalism (Terreblanche, 2002:16). The strength and sustainability of the system of democratic capitalism depends on the interdependence of democracy and capitalism. Democracy cannot survive without the material and/or monetary assistance of capitalism and capitalism cannot survive without the legal and bureaucratic support of the democratic state.

The public sector is responsible of trying to bring about reconciliations that will promote the welfare of society at large. It must also rectify the unacceptable inequalities produced by capitalism. The public sector achieves this by playing the overarching role of creating a macro environment for the successful development and sustenance of a vibrant private sector, through the development of hard and soft infrastructure, in the understanding that a vibrant private sector is critical in providing the public sector with the material and/or monetary assistance (mainly through taxes and partnerships) for the execution of its mandate of service to the citizenry. The Reconstruction and Development Programme (RDP) and the Growth, Employment and Redistribution strategy

(GEAR) in South Africa are examples of deliberate public sector policy interventions aimed at creating an enabling environment for private enterprise.

2.3.3 Public sector and the processes of democratisation

In a constitutional democracy like South Africa, the public sector plays another very important role, though at a subtle level, i.e. engendering the processes of democratisation. Democratisation is the process through which a political system is made more democratic. To discuss democratisation, it is important to state what democracy is all about, albeit briefly. To be considered democratic, a country must choose its leaders through fair and competitive elections, ensure basic civil liberties, and respect the rule of law. Some observers also claim that a democracy must have a capitalist economy and a strong civil-society and civic culture. Democratisation is the process whereby a country adopts such a regime. It is apparent that public sector institutions and processes are critical in the entrenchment of democratisation in any country. Public sector institutions are responsible for planning, organising and conducting free, fair and competitive elections in a democratic setting. Public sector institutions are also responsible for ensuring that basic civil liberties are entrenched and sustained in any democracy, as well as ensuring that there is respect for the rule of law.

Further, within the framework of democratic capitalism discussed in section 2.3.2, public sector institutions and processes are responsible for establishing frameworks that nurture and sustain a capitalist economy. Democracy and the capitalist economy enjoy a dialectic relationship where the democratic dispensation creates the legal and policy framework for capitalism to thrive, whilst capitalism on its part provides the material wherewithal required to sustain a democratic system. This dialectic relationship replicates itself in the relationship between the public sector and a strong civil-society. The public sector creates the macro framework for the establishment, sustenance and monitoring of a vibrant civil society and culture. On its part, the civil-society supports the democratisation endeavours of the public sector by initiating, managing and sustaining programmes and projects, especially in areas such as civic education, human rights, public participation and information generation and sharing.

Inextricably related to the dialectic relationship between the public sector and the processes of democratisation is the notion of good governance. In essence, the public sector, the processes of democratisation and good governance are parts of the same logic. A discussion on the role of the public sector in the processes of democratisation however, cursory, will never be complete without an elucidation on this relationship. Democracy – as reflected in free, fair, and competitive elections – is not strictly necessary for good governance. And it is quite possible to have bad governance under the formal structures of democracy. But when competitive elections are truly free and fair, they do provide an instrument for removing bad, corrupt, or merely ineffectual leaders. They thus provide an incentive for political leaders to govern more effectively in the public interest.

Democracy also gives citizens non-electoral means – associations, movements, and the media – to monitor the conduct of public officials and participate in policy-making. And leaders in a democracy have more incentives (and more institutional means and obligations) to explain and justify their decisions and to consult a broad range of constituencies before making decisions. Such participation and debate give the public a stronger sense of policy ownership. As a result policies are more sustainable, and government is more legitimate. Democracy and good governance are mutually reinforcing: when they develop together, resources are used to advance the public good. Public institutions perform their designated roles. Social consensus supports and stabilizes the system of government. Disputes are settled peacefully. And investment flows in, attracted by the low transaction costs associated with government transparency and legitimacy and the rule of law. In these circumstances economies grow, human welfare improves, trade expands, political stability and capacity deepen, and countries become more responsible and resourceful members of the international community. The public sector is central to the processes that good governance in the processes of democratisation.

The areas where the public sector plays a somewhat overt role in the processes that constitute democratisation, namely: institutions and processes supporting constitutional democracy; consultation; participation; and information and knowledge transfer and sharing. These four are discussed briefly in the following sub-sections.

2.3.3.1   *Institutions and processes supporting constitutional democracy*

The role of the public sector in engendering a culture of constitutionalism is discussed in detail in section 2.3.5. Suffice it to observe here that all the institutions and processes that support the entrenchment of a constitutional democracy save for the ones that are in the civil society and sometimes within the international public service, are all public sector institutions and processes. Even in the case of civil-society organisations and international public service institutions that support constitutional democracy, the framework within which they are established and operate is established, to a greater extent by the public sector of the country in question. From constitution making, the establishment of executive, legislature and judiciary as well as the passage of laws and policies that support and operationalise these three traditional branches of government, as well as their enactment and enforcement, the role of the public sector looms large.

2.3.3.2   *Consultation*

Consultation is another way in which the public sector is involved in the processes of democratisation. According to Brankertz *et al.* (2005) consultation is the process of informed communication between the public sector and the community on an issue prior to the public sector making a decision or determining a direction on that issue. It is a process not an outcome. Consultation is not decision-making. Consultation is about input into decision-making but *not*

joint decision-making or decision-making by referendum. Within the framework of democratic processes, consultation aims at facilitating a closer match between needs and aspirations of communities and the services provided to them, better quality and more responsive services, greater democratic legitimacy and a new brand of involved and responsible citizenship – in short, a reinvigorated democracy. Public sector organisations and processes create the framework within which consultation aimed at engendering a culture of democracy occurs. Ranging from local government to central government, statutory bodies and constitutional offices, there is need in a functional democracy for continuous consultation between the public sector and the citizenry so that there is a close match between the needs and aspirations of the citizenry and the services that are provided to them by public sector organisations. When public sector organisations engage in consultative processes with citizens, these processes have a positive impact on these organisations because it renders their operations more legitimate in the face citizen scrutiny. In an era where the public sector is battling with a huge legitimacy crisis, consultation as a process that engenders democratisation serves to restore some of the legitimacy of the public sector.

2.3.3.3   Participation

Facilitating citizen participation is another way in which the public sector participates in processes that entrench democratisation. The orientation of people's participation or citizen/community participation as fondly known has evolved through liberal democratic traditions of trying to reduce the frontiers of the state, while extending public choice. It has manifested itself through the neo-liberal policy prescriptions, spearheaded by the international multilateral agencies led by the World Bank and IMF. Participation today forms part of the New Public Management (NPM) paradigm that seeks to re-invent government by breaking rigid bureaucratic structures and open them up for transparency and accountability. Citizen participation is seen in the context of the larger public sector management reform, with a theoretical base traceable in Plato's view of democracy, which had fundamentals like assembly, voting, freedom of speech and equal representation (Holtzhausen, 2004:117-118 cited in Kakumba & Nsingo, 2008:108-109).

Fox & Meyer (1995:20) define citizen/community participation as:

> ... the involvements of citizens in a wide range of administrative policy-making activities, including the determination of levels of service, budget priorities, and the acceptability of physical construction projects in order to orient government programmes toward community needs, build public support, and encourage a sense of cohesiveness within society.

Kakumba & Nsingo (2008) further observe that with regard to the likely questions on: who the participating citizens are; how they take part in decision making; and with what interests and values, Brynard (1996:40 cited in Kakumba & Nsingo, 2008) looks at citizen participation as "a process wherein the common amateurs of a community exercise power over decisions related to the general affairs of a community". He notes that these common amateurs are the non-elite citizens; persons without paid office, wealth, special information, or other formal power source

beyond their own numbers; and whose control is only gained from the participatory process. Brynard (1996:44 cited in Kakumba & Nsingo, 2008) outlines the following as the objectives of citizen participation:

- Provide information to citizens;
- Get information from the citizens;
- Improve public decisions, programmes, projects, and services;
- Enhance acceptance of public decisions, programmes, projects, and services;
- Supplement public agency work;
- Alter political power patterns and resource allocation;
- Protect individual and minority group rights and interests; and
- Delay or avoid complicating difficult public decisions.

It emerges from the above that participation earmarks involvement of people through their established institutions and groups at various levels to influence the social, political and economic processes, through making decisions. Citizen participation does not necessarily lead to empowerment. Empowerment, as Narayan (2002:14 cited in Kakumba & Nsingo, 2008) contends, requires a process through which peoples' freedom of choice and actions are expanded to enable them to have more control over resources and decisions that affect them. For empowerment to happen, participation must therefore be effective, in a way that enforces accountability and changes in behaviour within relevant government bureaucracies and ensure changes that make participation more inclusive of the poor and the underprivileged (Crook, 2003:4 cited in Kakumba & Nsingo, 2008:109). Where there is effective participation, the public sector creates the macro-framework for that participation to occur.

2.3.3.4 *Information and knowledge transfer and sharing*

Key to all of the concepts discussed above is information. While not always spelled out explicitly, the flow of information to and from public sector organisations and citizens, the transparency of the information flow and what is done with the information (i.e. how it is used in decision-making) are basic prerequisites for successful consultation and participation. Inextricably related to information, is the concept of knowledge. It is important to provide working definitions of these two terms before relating them to the notions of 'transfer' and 'sharing' and how the processes of information and knowledge transfer and sharing engender democratic processes.

Information is a message, usually in the form or a document or an audible or visible communication. It has a sender and a receiver. Information is meant to change the way the receiver perceives something. Information moves around organisations through hard and soft networks. Unlike data, information has meaning. Data becomes information when its creator adds meaning, for example by contextualising, condensing or categorising it. It should be noted, though, that information (or knowledge) should not be confused with the technology that delivers it: The medium is not the

message. Knowledge, on its part is very difficult to define comprehensively, as one should first understand what it means to know something. Knowledge is a fluid mix of framed experience, values, contextual information, and expert insight that provides a framework for evaluating and incorporating new experiences and information. It originates and is applied in the minds of knowers. In organisations, it often becomes embedded not only in documents or repositories but also in organisational routines, processes, practices, and norms (Davenport & Prusak, 1998).

Knowledge derives from information as information derives from data. The transformation happens for example through connecting, conversing or comparing information. Knowledge is valuable because it is close to action. Knowledge should be evaluated by the decisions or actions to which it leads. Better knowledge can lead, for example, to more efficient product development and production. Knowledge can also move down the value chain, returning to information and data. Values and beliefs are integral to knowledge, determining in large part what the knower sees, absorbs, and concludes from his observations. People with different values see different things in the same situations and organise their knowledge by their values.

Citizens need information and knowledge regarding their present and proposed future social, political and economic conditions so as to participate in making choices that are fundamental to the democratic process. However, information and knowledge are not only critical in the democratic process as facilitators; they are integral to the democratic process as basic rights of man. The United Nations Universal Declaration of Human Rights Article 19 stipulates:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

However, of fundamental importance is not an international framework to seek, access and impart information and knowledge, or information and knowledge *per se*. Of critical importance is whether citizens in polities have the freedom to seek, access and impart information and knowledge and what citizens and/or authorities in different polities do with the information and knowledge at their disposal. In certain instances, citizens do not have the freedom to seek, access and impart information and knowledge because of regulatory and infrastructural constraints. These regulatory and infrastructural constraints are oftentimes, either by design or default, the work of authorities in concerned polities. The institution responsible for creating the macro-framework for information and knowledge sharing and transfer aimed at engendering the processes of democratisation in any polity is the public sector.

2.3.4   Public sector and the discourses and processes of development

Definition of what constitutes development is contentious. However, contemporary thinking around the concept of development is agreeable on one simple fact – unlike the economic paradigm of development that dominated much of the last half of the last century, contemporary definitions

of development are more 'people/human' centred, and not only 'economics/incomes' centred. The emerging paradigm in the discourses and processes of development is referred to as 'Human Development', and its conceptualisation and development has been driven by international development assistance agencies, and in particular the United Nations Development Programme (UNDP).

According to the UNDP (1999:15)

> ... human development can simply be defined as a process of enlarging choices. Every day human beings make a series of choices – some economic, some social, some political, some cultural. If people are the proper focus of development efforts, then these efforts should be geared to enhancing the range of choices in all areas of human endeavour for every human being. Human development is both a process and an outcome. It is concerned with the process through which choices are enlarged, but it also focuses on the outcomes of enhanced choices.

Human development thus defined represents a simple notion, but one with far-reaching implications.

> First, human choices are enlarged when people acquire more capabilities and enjoy more opportunities to use those capabilities. Human development seeks not only to increase both capabilities and opportunities but also to ensure an appropriate balance between them in order to avoid the frustration that a mismatch between the two can create. Second, as already implied, economic growth needs to be considered as a means, albeit an important one, and not the ultimate goal, of development. Income makes an important contribution to human well-being, broadly conceived, if its benefits are translated into more fulfilled human lives, but growth of income is not an end in itself. Third, the human development concept, by concentrating on choices, implies that people must influence the processes that shape their lives. They must participate in various decision-making processes, and their monitoring and adjustment to improve outcomes where necessary (UNDP, 1999:16).

In the ultimate analysis,

> ... human development is development of the people, development for the people, and development by the people. Development of the people involves building human capabilities through the development of human resources. Development for the people implies that the benefits of growth must be translated into the lives of people, and development by the people emphasises that people must be able to participate actively in influencing the processes that shape their lives (UNDP, 1999:16).

There is a marked difference between the above conceptualisation of development and the economics/income based and oriented conceptualisations that dominated development discourse for the better part of the last century. At the core of this definition are the notions of 'choices', 'involvement', 'participation' and 'people-centredness'. With recent developments where global economic and financial systems have come under critical and unflattering scrutiny for their lack of self-regulation and reckless consumptions of investor life-long investments, the notion that incomes are an end in the development endeavour is no longer tenable, neither sustainable. There must be other things that human beings live for; there must be other things that human societies endeavour for in their development effort apart from a continuous improvement of incomes. Inasmuch as incomes are important, they are only a means to development and not the end of

development. In the development effort human societies not only endeavour to continuously improve their incomes, but they seek to improve other aspects of their existence as well, such as the right and freedom to participate in processes that lead to the formation of governments of their choice, and the right to participate in their own governance once such governments are constituted; right to a healthy and clean environment; right to social security; and right to engage in cultural and religious practices of one's choice – basically the right of choice. This new paradigm is definitive of what constitutes the discourses and processes of development in the twenty-first century and if contemporary challenges facing human societies are anything to go by, the human development paradigm offers the most hope in their sustainable resolution.

While running the risk of being hyperbolic, it can be submitted that governments and their respective public sectors are constituted to pursue human development and owe their legitimacy to the extent to which they pursue the project of human development. The public sector is responsible in ensuring that the macro legislative, policy and regulatory framework required for the pursuit of human development is constituted, pursued and sustained.

2.3.5   Public sector and engendering a culture of constitutionalism

South Africa is a constitutional democracy. A constitutional democracy is a system of government based on popular sovereignty in which the structures, powers, and limits of government are set forth in a constitution. In a constitutional democracy, as alluded under section 2.3.3, the public sector plays a fundamental role, albeit at a subtle level. South Africa's constitutional democracy is founded on the principle of constitutionalism. The particular version of constitutionalism that informs the South African Constitution prescribes that a constitution must structure and constrain (i.e. limit) state power. The constitution must ensure that the state has enough power to govern, but at the same time the state's power must be limited by the constitution to ensure that it does not violate the law or the human rights of its citizens. Constitutionalism therefore addresses the problem of "how to establish government with sufficient power to realise a community's shared purposes, yet so structured and controlled that oppression will be prevented". As a theory of governance, constitutionalism shares with democratic theory a central respect for human worth and dignity. This respect is the basis, in democratic theory, of the principle that individuals should participate in the governing of their society. Similarly, constitutionalism seeks to ensure respect for human worth and dignity by imposing substantive limits on the exercise of power, even when the decision in question reflects the will of the majority (Currie & De Waal, 2002:10).

Contemporary conceptualisations of constitutionalism have been broadened to accommodate moves for greater democratisation of government. While the principle that the governed should participate in government was implicit in earlier expressions of constitutionalism, it was only given the institutional backing of the universal franchise for men and women very late in its historical development. More recently, there has been a growing realisation that traditional forms of public participation in government, for example occasional elections, do not serve much

practical purpose in representing public opinion. New forms of popular participation have been established: referenda, public meetings, prior availability of legislation for comment, access to information, and various forms of consultation. They provide a different perspective to the normal constitutional emphasis on checks and balances, separation of powers, and judicial review. 'Representative government' has come to mean not only choosing in elections representatives who should make policy for society, but also participating directly in the policy-making process.

The question, at this point would be: does the public sector have any role to play in the processes that engender a culture of constitutionalism in general and constitutional democracy in particular, in South Africa? The answer to this question is in the affirmative! In the first instance, the public sector is a product of the constitutional order and therefore, at the basic level, it cannot undermine the very framework that establishes it. Further, the public sector not only has a critical role to play in the establishment of the institutions that engender a culture of constitutional democracy, like Parliament and the Judiciary, the interesting aspect is that these institutions, which are public sector institutions, constitute the very life-line of constitutionalism and constitutional democracy. In effect, in a working democratic order like the South African one, the public sector and the processes that engender a culture of constitutionalism are inextricable.

2.4 The place of multilingualism in public sector's core mandate areas

Multilingualism has a critical role to play in virtually all public sector mandate areas in South Africa. The linkage between multilingualism and the public sector mandate areas is expounded in the following arguments.

Multilingualism has a central role to play in efficient and effective service delivery. In the era of globalisation in which citizens have access to information in a variety of channels (Shah, 2005; Islam, 2005), citizens are increasingly demanding accountability from their governments. One area in which demand for accountability is most manifest is with regard to service delivery. Multilingualism is critical to service delivery in a variety of ways. Fundamentally, multilingual service delivery is a service in itself. That citizens should be able to access public services in languages that they understand and can be able to relate to is a legitimate expectation deeply rooted in constitutional rights-based discourse and progressive modern public sector ethos. Secondly, multilingualism should play a critical facilitative role in communicating public sector service expectations and standards to the citizenry. Citizens should be informed on the level and type of services to expect from the public sector. The role of multilingualism in this process cannot be gainsaid. The process of communicating service expectations and standards to the citizenry has intrinsic benefits to the public sector, namely – the process ensures that there is citizen by-in in initiatives aimed at delivering better services and often, citizens, through their own creativity can supplement the efforts of the public sector at rendering quality services. Thirdly, multilingualism has a central role to play in the feedback processes that constitute any citizen focused service delivery. When public services are rendered in languages that the citizens can understand and

can relate to, it is easier for them to give feedback on whether the services meet their expectations and how the said services can be sustained or further be improved.

Multilingualism has a role to play in public sector initiatives aimed at creating an enabling environment for private enterprise. The role of multilingualism in public sector initiatives at creating an enabling environment for private sector is embedded in an old adage that people are the real wealth of nations. If a majority of people in a country, and in South Africa in particular were to relate to the dynamics of the modern economy, which is essentially private enterprise driven in particular languages, in this case the multiplicity of previously marginalised languages, the public sector is duty and constraints bound to promote these languages for a thriving private sector. The interesting observation with regard to these is that many private enterprises are already rendering their services in a multilingual manner, having realised the potential in increasing their margins that this approach offers. The financial and retail sectors in South Africa are rendering services in a multilingual manner and so are software companies such as *Microsoft*. A direct investment in multilingualism by the public sector will further entrench private sector multilingual practices. The envisioned result from such an initiative will be a better private enterprise operating environment with accompanying better margins. Within the framework of democratic capitalism, this will translate into higher government revenues sourced from higher taxes and thus increase the capacity of the public sector to render better services.

It is in the area of engendering the processes of democratisation that the role of multilingualism is most apparent. Languages in their multiplicity have a role to play in the processes of consultation, participation and information and knowledge transfer. For effective consultation between the citizens and the various public sector agencies to occur, the processes and substance of the consultation process must be conducted and be in languages that the citizens understand and are able to relate to. The same applies to the processes and substance of participation. However, it is in the aspects of information and knowledge transfer and sharing that the dialectic relationship between multilingualism and democratisation is most apparent – democratic participation hinges on the notion of people being able to make informed choices. This process is compromised when people are not clued-up on the choices that they have to make. Informed and intelligent choices in this context can only be made if people have information and knowledge in languages that they understand and are able to relate to.

Development, defined as the enlargement of people's choices hinges on the ability of society to continuously to share information on the development choices that are available, or can be available. In a country like South Africa, with its peculiar history that has made the previously marginalised languages an integral part of the body public, inevitably the development discourse must take into consideration multilingualism.

Multilingualism also has a role to play in the processes that engender a culture of constitutionalism especially when constitutionalism is conceptualised as democratisation of government, which involves processes such as consultation and participation discussed above. The public sector

should be able to relate to the citizenry in languages that they understand. However, there is another perspective to the relationship between multilingualism and engendering a culture of constitutionalism namely, that multilingualism in South Africa is integral part of the advanced cultural politics and transformative constitutionalism espoused by the South African constitution. Therefore, in promoting multilingualism, the South African public sector will further be advancing the entrenchment of the new constitutional order.

2.5 Conclusion: Public sector reform as a driver of mainstreaming multilingualism into the public sector

Admittedly, mainstreaming multilingualism into South Africa's public sector is a daunting task especially when entrenched public sector practices are taken into consideration. Over the decades South Africa's public sector has been built around the notion of 'classical efficiency'. Within this framework, the underlying philosophy is minimum inputs for maximum outputs. This framework has over the years informed the dominant view held by policy makers that investment in multilingualism by and in the public sector is waste and only serves to further out-stretch already scarce resources within the public sector, in the face of ever increasing and competing public needs. Emerging data however, indicates that an investment in multilingualism by and in the South Africa's public sector can have a catalytic impact on the mandate of South Africa's public sector. A multilingual South Africa's public sector that renders services in a multilingual manner will better be equipped to deliver a wide range of public services and secure the good-will and support of the citizenry.

However, mainstreaming multilingualism into public sector operations and discourses requires coupling the idea and practices of multilingualism with government-wide public sector reform initiatives. Public sector reform can be very comprehensive and include process changes in areas such as organisational structures, decentralisation, personnel management, public finance, results-based management and regulatory reforms. It can also refer to targeted reforms such as the revision of the civil service statute. In the re-alignment that defines and constitutes the processes of public sector reform, multilingualism should be built into organisational structures and cultures; serve as a facilitator of decentralisation; be used as a management tool in personnel, finance and results-based management. Viewed from this perspective, multilingualism and public sector reform have a symbiotic relationship. Multilingualism is only sustainable when viewed as the rule, rather than the exception in public sector operations.

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CHAPTER 3

Multilingualism and
South Africa's Constitutionalism

3.1 Introduction

The discourse on multilingualism in South Africa is informed by several perspectives. There is the existential perspective that takes cognisance of the lived multilingual reality in South Africa i.e. that South Africa is a country in which a multiplicity of languages are spoken and used among them: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu, recognised in the Constitution as official languages, other languages such as German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telugu, Urdu, Arabic, Hebrew, Sanskrit, Khoi, Nama and San Languages and Sign Language, recognised in the Constitution but not as official languages. After decades under apartheid, which was notorious for human rights violations, the other perspective that is attendant to the discourse on multilingualism in South Africa is the human rights perspective. Legislating and entrenching a culture of multilingualism in the Constitution was one of the ways of redressing language related political, social and economic injustices and imbalances of the past. Related to the human rights perspective is the development perspective: there is an increasing realisation, especially within the Human Development paradigm that there is an inextricable relationship between multiculturalism and its embedded multilingualism, and development, especially when development is conceptualised as a process for the enlargement of people's choices. The other perspective that informs the discourse on multilingualism in South Africa is the constitutional perspective. The constitutional perspective does not only draw on the three other perspectives outlined above, but also draws from South Africa's peculiar historical circumstances and the need to create a new social, political and economic order where all sections of society, will be free to pursue and actualise their potential.

South Africa is a constitutional democracy. This fact has far reaching implications on the organisation of South Africa's body politic and all interactions whether between the state and the governed, within and among the governed and even in the conduct of government business. All conduct must be subservient to constitutional principles. This chapter maps out South Africa's constitutionalism in methodical detail for a book on sociolinguistics. The rubrics discussed include the notion of constitutionalism; constitutional values; transformational constitutionalism; advanced cultural politics; the notion of progressive realisation of rights; constitutional interpretation; and justiciability of language rights. This approach is informed by several factors, key among them being the need to place the discourse on multilingualism in South Africa within constitutional reality and the need to clearly demonstrate the South Africa's multilingual dispensation as encapsulated and envisioned in the Constitution, is not a default arrangement, but is rather part of the core discourse that runs through the entire Constitution – transformational constitutionalism and advanced cultural politics (Klare, 1998).

3.2 South Africa's constitutionalism

South Africa's constitutionalism has undergone something akin to a revolution over the last two decades. After centuries of colonial rule, maintained by foreign constitutions which were later amended to reflect the racial preoccupations of dominant groups and political parties, South Africa in 1996 adopted what has been termed "a people's constitution". This new Constitution embraced the democratic ideals of the entire nation, and provided for the protection of individual human rights. It sought to establish a set of enduring values befitting a civilised society and outlined a social pact through which reconstruction and development could be genuinely promoted involving all sections of the community. Indeed, the 1996 Constitution lays the foundation for both a formal and material constitutional state – a true *Rechtsstaat* (Wiechers, 1998:vii). The old South African legal system was justifiably characterised, as a transplanted Euro-centric and was North American in orientation, in addition to its indisputable racist institutional and legislative trademarks. The new constitutional order has gained a justifiable reputation, as an emergent constitutional democracy that is committed to and based on the rule of law and human rights (Gutto, 1998:79). At the core of South Africa's constitutionalism is the notion of constitutionalism, both as a theory of constitutional law and framework for jurisprudence.

3.2.1   Constitutionalism

Constitutionalism is the theory of constitutional law. In its modern form, constitutionalism is a body of theoretical prescriptions. It 'prescribes' what a constitution and constitutional law should do, as opposed to simply 'describing' what a particular constitution does. The particular version of constitutionalism that informs the South African Constitution prescribes that a constitution must structure and constrain (i.e. limit) state power. The constitution must ensure that the state has enough power to govern, but at the same time the state's power must be limited by the

constitution to ensure that it does not violate the law or the human rights of its citizens (Currie & De Waal, 2002:10).

While the doctrine of constitutionalism is a relatively modern one, its roots can be identified in the earliest forms of government. Over the centuries, the meaning of constitutionalism has evolved. As constitutional structures have changed, so have the theories used to explain, evaluate and justify them. The essence of the doctrine is that the power of the state should be defined and limited by law to protect the interests of society. Constitutionalism is a way of ensuring limited government as opposed to the arbitrariness of an autocracy or a dictatorship. The principle of limitation applies in two ways: first, in restricting the range of things which the various organs of state can do (their 'competence'), and secondly, in prescribing the procedures they must follow in doing those things within their competence. Constitutionalism therefore addresses the problem of 'how to establish government with sufficient power to realise a community's shared purposes, yet so structured and controlled that oppression will be prevented'. As a theory of governance, constitutionalism shares with democratic theory a central respect for human worth and dignity. This respect is the basis, in democratic theory, of the principle that individuals should participate in the governing of their society. Similarly, constitutionalism seeks to ensure respect for human worth and dignity by imposing substantive limits on the exercise of power, even when the decision in question reflects the will of the majority (Currie & De Waal, 2002:10).

Although constitutionalism prescribes limits on government and the exercise of state power, these limits on the will of the majority – whether procedural or substantive – are understood as in some sense self-imposed. This understanding distinguishes the concept of constitutionalism from the doctrine of the rule of law which in its bare form merely requires that laws are created according to established procedures and that they are "(relatively) stable and predictable"

Certain aspects of modern constitutionalism can be isolated, namely the prescriptive and the normative aspects. Modern constitutionalism is a prescriptive doctrine in that it indicates how state power should be exercised and does not simply describe how governments exercise their authority in practice. It is also normative, that is, it sets out the values that should be upheld in the governing process. These values require more than just a set of constitutional rules: it is not every country with a constitution that upholds the principles of constitutionalism. The fact that it is prescriptive and normative does not make constitutionalism something that is not 'real'. Its principles influence the practice of government and are a significant ingredient in the constitutional systems of the world. They provide a standard, which the record of individual governmental systems can be measured, and by which one can be compared with another. It influences those who operate the state system, namely the policy makers and the administrators (Currie & De Waal, 2002:11).

In the twentieth century the concept of constitutionalism has been broadened to accommodate moves for greater democratisation of government. While the principle that the governed should participate in government was implicit in earlier expressions of constitutionalism, it was only

given the institutional backing of the universal franchise for men and women very late in its historical development. More recently, there has been a growing realisation that traditional forms of public participation in government, for example occasional elections, do not serve mush practical purpose in representing public opinion. New forms of popular participation have been established: referenda, public meetings, prior availability of legislation for comment, access to information, and various forms of consultation. They provide a different perspective to the normal constitutional emphasis on checks and balances, separation of powers, and judicial review. 'Representative government' has come to mean not only choosing in elections representatives who should make policy for society, but also participating directly in the policy-making process.

Under constitutionalism, the constitutional language provisions 'prescribe' what the government should do in relation to language matters in the Republic. Constitutionalism therefore binds the South African government and its public sector to act proactively when addressing itself to the problems and challenges posed by multilingualism, and to harness multilingualism in the country as a resource for the entrenchment of democracy and human rights and the effective and efficient public service delivery. Language as a means of communication, information access and knowledge transfer has a critical role to play in the state's endeavours to create a direct, representative and participatory South African democracy that upholds individual and communal rights. Constitutionalism as a theory is bolstered by the sub-theories of "constitutional values" "transformative constitutionalism" and "progressive realisation of rights". These two sub-theories are elaborated on in the following sub-sections

3.2.2   Constitutional values

Constitutional values set requirements for the appropriate or desired interpretation, application and operationalisation of the constitution and everything dependent thereupon. If something, were not to conform to the standards of a particular value, it would mean that the standards of a lower, different, conflicting or extra-constitutional measure is being applied, which would therefore lead to unconstitutional results. Constitutional values may, therefore, be said to be distinguishable but related to principles in the sense that the principles of the constitution would be founded in and give expression to the values, e.g. the principle that the law must be applied fairly and equitably, is founded in and gives expression to the values of justice and equality (Venter, 2000:6-7).

The South African constitutional values are entrenched in section (1) of the Constitution. It states:

1.   The Republic of South Africa is one, sovereign, democratic state founded on the following values:

   ■   Human dignity, the achievement of equality and the advancement of human rights and freedoms.

   ■   Non-racialism and non-sexism.

   ■   Supremacy of the constitution and the rule of law.

■ Universal adult suffrage, a national common voter's roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

Without a system of constitutional values, the constitutional praxis would run the risk of favouring one particular value and right in a biased manner and pervert them to something totally opposite, into legitimation of injustice in the name of constitutional law. The South African constitutional values demand that the conduct of the state be founded upon these values. Human dignity is the core value with equality and freedom as supporting values. Democracy and the rule of law are structural values. Within constitutional law, constitutional values contribute to proper understanding of constitutional provisions.

The affirmation of (inherent) human dignity as a foundational value of constitutional order places the South African legal order firmly in line with the development of constitutionalism in the aftermath of the Second World War. It also brings the language of the Constitution closer to the Charter of the Organisation of African Unity (now African Union), and the African Charter on Human and Peoples Rights, which record that 'freedom, equality, justice and dignity are essential objectives for the legitimate aspirations of the African peoples (Chaskalson, 2000:196).

The Charter of the United Nations – its constitutive document – calls upon member states "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". The UN charter articulates aspirations for a quite different legal order. It goes beyond affirming faith in human rights. It requires also from members states, a pledge to promote "respect for and universal observance of human rights and fundamental freedoms" and the commitment to take joint and separate action in cooperation with the United Nations for the achievement of this purpose.

The Universal Declaration of Human Rights was the first major step taken in pursuit of this goal. Article 1 of the Declaration says "all human beings are born free and equal in dignity and rights". Building on this foundation, the second article makes clear that the rights to which everyone is entitled must be respect without distinction of any kind. The remaining articles enumerate the rights to which 'everyone' is entitled. The preamble to the International Covenant on Civil and Political Rights asserts that fundamental rights "derive from the inherent dignity of the human person". A foundational role is also attributed to the inherent dignity of all persons in the International Covenant on Economic, Social and Cultural Rights, and other international human rights instruments. Over the past fifty years human rights jurisprudence has developed in many different parts of the world, and human dignity has come to be accepted as a core area of these areas of jurisprudence (Chaskalson, 2000:196-198).

As an abstract value, common to the core values of the (South African) Constitution, dignity informs the content of all the concrete rights and plays a role in the balancing process necessary to bring different rights and values into harmony. It too, however, must find its place in the constitutional order. Nowhere is this more apparent than in the application of the social and

economic rights entrenched in the Constitution. In light of South African history, the recognition and realisation of the evolving demands of human dignity in the South African society – a society under transformation – is of particular importance for the type of South African society of the future (Chaskalson, 2000:204-205).

The achievement of equality is another constitutional value. South Africa is an unequal society and the Constitution recognises that positive action is necessary to establish conditions in which there is not only equality of rights but also equality of dignity. There is a close link between equality and dignity. No society can promise equality of goods and wealth. Nor could it be reasonably be thought that this is what the South African Constitution contemplates. It recognises that at the basic level of needs, such as housing, health care, food, water and social security, profound inadequacies require state intervention and that the state is being obliged to 'take reasonable legislative and other measures, within its available resources, to achieve realisation' of such goods (Chaskalson, 2000:202-203).

Equality must at the minimum mean that there is equality of rights. The Constitution recognises this providing that everyone is "equal before the law", and that everyone is entitled to "equal protection and benefit of law". It also prohibits unfair discrimination. To give these rights a purely formal meaning would serve to entrench, rather than dismantle patterns of past discrimination and that would be inconsistent with the transformative purpose of the Constitution. Something more is called for. To be consistent with the underlying values of the Constitution, equality must also include equality of worth, requiring everyone be treated with equal respect and equal concern. On this construction of equality, the relationship between equality and dignity is clear. It recognises a substantive content in equality and this is the approach that the Constitutional Court has taken to the interpretation and application of the equality (value) in the South African Constitution (Chaskalson, 2000:202-203).

The Constitution also refers to the "achievement of human rights and freedoms" as a founding value. Human rights (fundamental rights) primarily protect individuals from state power. They are derived from each human being's inborn dignity. Every person is born with these rights – hence human rights (Kleyn & Viljoen, 1995:236 cited in Niekerk *et al.,* 2001:127). On the basis of inherent dignity, citizens have a basic claim that government should treat them with respect and concern. Human rights are the means through which the goal of human dignity is attained. Human rights are usually divided into three categories or generations. First – generation rights provide a shield for individuals to protect themselves against state authority. These rights guarantee freedom from unlawful interference by the state. These rights are political and civil rights, including the right to life, freedom of speech and of association, and religious freedom. Second – generation rights are socio-economic rights. In general these rights do not require the state to refrain from doing something, but require the state to take positive action. Third – generation rights have been identified more recently and generally they pertain to groups. They include the right to a healthy living environment, the right to development, and the right to self-determination (Niekerk *et al.,* 2001:127-128).

The obligation to protect, promote and ensure that the enjoyment of human rights is the prime responsibility of states, thereby conferring on states the responsibility for the human rights of individuals. State responsibilities include the obligation to take pro-active measures to ensure that human rights are protected by providing effective remedies for persons whose rights are violated, as well as measures against violating the rights of persons within its territory.

Non-racialism and non-sexism constitute the second set of constitutional values. Racial inequality and accompanying social injustices are writ large in South Africa's history. These inequalities are often characterised as the 'inequities of apartheid', but this is as oversimplification. Many reasons of a historical, cultural and demographic nature can be given for any number of these inequities. However, racial inequities should largely be understood in systemic terms, i.e., in terms of deeply ingrained white power and black powerlessness. Four different levels or types of racial and class inequities can be distinguished:

(i)   Racial inequities in the share of income and per capita income of the different population groups;
(ii) Racial inequities in the distribution of political, military, economic, and ideological power and the ensuing power struggles in South African history;
(iii) Racial inequities in the distribution of economic, entrepreneurial, and educational opportunities; and
(iv) The highly differentiated class structure that has emerged among blacks and the rise of the black elite (Terreblanche, 2002:391-392).

By entrenching non-racialism as a constitutional value, the Constitution aims at redressing the above-cited systemic manifestations of racialism in the South African society.

The relationship between racialism and sexism is not of necessity a direct one. In recent years however, there has been considerable discussion about the relationship between social stratification, that is a social class system (as the one occasioned by racialism in South Africa), and sexual inequality. While it is true that most classless foraging societies appear to be more sexually egalitarian than many more complex societies, and socially stratified societies as we know them tend to be more sexually inegalitarian, the data do not support a simple or direct correlation (Schlegel, 1977:4-5). However, the links between racialism and sexism are apparent when both are considered as forms of discrimination. Discrimination is a form of differentiation. Unlike 'mere differentiation' discrimination is differentiation on illegitimate grounds. Illegitimate grounds are analogous grounds. An analogous ground is one which is 'based on attributes or characteristics which have the potential to impair the fundamental dignity of persons as human beings or to affect them seriously in a comparably serious manner (De Waal *et al.,* 2001:210). The analogous grounds listed in section 9(3) include race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Supremacy of the constitution and the rule of law are other constitutional values. Supremacy of the constitution as a value entails the recognition that everything in a state is bound by the

provisions of the constitution and that law or conduct that is inconsistent with it is invalid, and the obligations imposed by the constitution must be fulfilled. Supremacy of the constitution is bolstered by the entrenchment of the value of the rule of law in the founding provision of the Constitution. Put at its simplest, the rule of law requires state institutions to act in accordance with the law. This means two things. The first is that the branches of the state (no less than anyone else in the country) must obey the law. The second is that the state cannot exercise power over anyone unless the law permits it to do so (De Waal *et al.,* 2001:9-10).

Democracy and accountability are another set of constitutional values. The Constitution recognises three forms of democracy: representative democracy, participatory democracy and direct democracy. The Constitution aims at primarily establishing and safeguarding representative democracy. Representative democracy entails the idea and practice that people should participate in politics through their duly elected representatives. Representative democracy is enhanced where the role of the representative structures is supplemented by allowing and encouraging direct and participatory forms of democracy. Direct democracy serves as a counterweight to the importance of political parties in representative democracy. It further serves to balance the influence exerted by interest groups through the possibilities created by participatory democracy. Direct democracy is therefore of particular importance for those individuals and groups whose interests are neglected by political parties, or who find it difficult to make use of the possibilities of participation. Participatory democracy means that individuals or institutions must be given the opportunity to take part in the making of decisions that affect them (De Waal *et al*., 2001:17).

The framework of constitutional values as a sub-theory of constitutionalism is important for the overall understanding of the implications of South Africa's Constitution language provisions on the South African public sector. The Constitution enjoins the state to uphold all constitutional values. The realisation of the constitutional values has a direct bearing to the language question in South Africa. The respect, promotion and protection of language rights, positively and negatively, as stipulated in the constitution language provisions in an integral part of the promotion of human dignity, the achievement of equality and advancement of human rights and freedoms, creation of a non-racial and non-sexist society, respect for the supremacy of the constitution and the rule of law, and the entrenchment of democracy and accountability. The basis for this postulation is the understanding that language does not only define persons as individuals and members of groups and communities and thereby affecting their humanness, but also an understanding that language is a defining factor in access to information and knowledge and their transfer, as well as public services. Further, language is a defining aspect in the processes that constitute direct and participatory democracy. It is also important to note that the language provisions are part of a supreme constitution and obligations imposed on the state with respect to language must be fulfilled.

3.2.3   A project in transformative constitutionalism and progressive realisation of rights

South Africa's Constitution can be understood to establish a project of transformative constitutionalism. Klare (1998:150) defines transformative constitutionalism as a long-term project of constitutional enactment, interpretation, and enforcement committed (not in isolation, of course, but in a historical context of conducive political developments) to transforming a country's political and social institutions and power relationships in a democratic, participatory, and egalitarian direction. Transformative constitutionalism connotes an enterprise of inducing large-scale social change social change through non-violent political processes grounded in law. A transformation vast enough to be inadequately captured by the phrase 'reform,' but something short of or different from 'revolution' in any traditional sense of the word. In the background is a highly egalitarian, caring, multicultural community, governed through participatory, democratic processes in both the polity and large portions of what we now call the 'private sphere'. Transformative constitutionalism is not a neutral concept but is frankly intended to carry a positive valence, to connote a social good. Implicit in this transformative vision of the Constitution is the assumption that such a document burdens the state with both negative and positive obligations, obligations which sometimes be at variance or, at the very least, might have to be reconciled with one another within a specific context. The Constitutional Court has embraced this transformative vision of the Constitution, most notably in its acceptance of a contextual approach to interpretation (De Vos, 2001:261).

The state is thus constitutionally required to take steps to reach the rights-based goals that might at present seem difficult or even impossible to attain. Some of the goals (like equality) will be impossible to attain in the foreseeable future (or perhaps ever), but this does not mean that there is no duty on the state to take positive steps to work towards their realisation: to neglect to do so would entail a failure to engage meaningfully with the transformative vision of the Constitution (De Vos, 2001:262). The state has a constitutional duty to progressively pursue the realisation of rights contained in the Constitution, language rights included.

If it is accepted that the Constitution encompasses a transformative vision, a vision that requires the state to be more than a passive bystander in the shaping of society in which individuals can fully enjoy their rights, then it becomes difficult not to accept that the various rights in the Bill of Rights be viewed as interdependent, interrelated and mutually supporting. This view of rights as interrelated, interdependent and mutually supportive finds support in the structure and text of the Constitution text itself. Thus, all rights, without distinction, are placed in one chapter of the Constitution and made subject to the same limitation clause. At the same time, section 7 confirms that all rights in the Bill of Rights impose both positive and negative obligations on the state. This view also finds confirmation in the growing body of academic literature that there is no 'conceptual' difference between civil and political rights, on the one hand, and economic and social rights, on the other. The different rights will always operate in support of each other, since the realisation of one right may be dependent on the realisation of another.

This insight has important implications for the understanding of the nature and scope of the obligations imposed by social and economic rights. It implies that any interpretation of the scope and content of social and economic rights must be undertaken with reference to how they relate to other rights in the Bill of Rights, most notably the right to equality. To put more forcefully: it would be difficult to come to grips with the nature of the obligations imposed by social and economic rights without a solid understanding of the way that the Constitutional Court has developed the concept of substantive equality. At the heart of this approach is an understanding that the right to equality – and the concomitant interlinking value of human dignity – and the social and economic rights are two sides of the same coin. Both sets of rights have been included in the Bill of Rights to ensure the achievement of the same objective, namely the creation of a society in which all people can achieve their full potential as human beings, despite apparent differences created by race, gender, language, disability and sexual orientation, and differences in the social and economic status of individuals (De Vos, 2001:264-265).

The bulk of the language provisions are contained in the Bill of Rights and can be classified as social and economic rights, and without discounting their facilitative role in the realisation of civil and political rights. In this way, language rights are justiciable. Analysed from this perspective, language rights as contained in the Constitution language provisions are interdependent, interrelated and mutually supporting to the other rights in the Constitution and in achieving the transformative vision of the Constitution. The rights enshrined in the Bill of Rights will have to be pursued in a progressive fashion if they have to be achieved.

However, the importance of the sub-theory of progressive realisation of rights lies in the realisation that a commitment to the progressive realisation of language rights will not only ensure that the state's negative and positive obligations with regard to language are pursued, but also that the cost considerations that have so far defined the state's action with regard to the establishment of a multilingual dispensation are discounted because the costs can progressively be spread over a considerable span of time. The Constitution celebrates multiculturalism and diversity within a framework of national reconciliation and Ubuntu, and expressly promotes the rights for vulnerable and victimised groups and identities. It protects language diversity and respect for cultural tradition (Klare, 1998:155). The language provisions are an integral part of the transformative constitutionalism engendered by the Constitution and the obligation of ensuring that languages in South Africa play a role in the transformative project rests upon the government in general and the public sector specifically, albeit within the framework of progressive realisation of rights.

3.2.4   A framework for mitigation and advancement of advanced cultural politics

Over the last century, the predominant and enduring motif in the discourse on cultural politics has been *race*. In multicultural societies, this motif and its meta-discourse have always had linguistic underpinnings, where language has been used for racial profiling and in effect for inclusion and/or exclusion. In South Africa, probably more than anywhere else, the motif of race, due to apartheid

and its enduring legacy, has left sometimes-festering wounds in almost all spheres of body politic. This observation is true when the issue of language in South Africa is put into perspective: one defining aspect of cultural politics in South Africa over the last century has been the question of race. Inevitably, inextricably related to this conceptualisation of South African cultural politics has been the language question and how language has been used to advance the cultural politics of the sections of the populations that controlled political power and its attendant state and material largesse. That language had been used in South Africa to advance the cultural politics of those in power is a mute point.

The Constitution, in an attempt lay to rest a past which is disgracefully racist, authoritarian, insular, and repressive and to create framework for the construction of a committed democratic, universalistic, caring and aspirationally egalitarian society engages itself with the question of South Africa's cultural politics. The Constitution seeks to mitigate any cultural tensions that realistically do exist between various sections of South African society due to the peculiarities of the country's history. However, the Constitution does not only seek to mitigate the tensions that are attendant to South Africa's cultural politics. It also seeks to create a framework for the advancement of advanced cultural politics where every cultural grouping will find discursive and expressive space to live out their culture to the fullest. By recognising the multiplicity of languages in South Africa and according a great majority of them official status, the Constitution engages in advanced cultural politics where the language related injustices of the past are put to rest and space created for the vibrant re-invention of the languages of the Republic.

3.3 Constitutional interpretation – the bulwark of understanding the place of *language* in South Africa's constitutional order

It is trite that constitutionalism has meant exchanging an 'old' paradigm premised on the sovereignty of parliament for a 'new' paradigm premised on the supremacy of a justiciable constitution (Du Plessis, 2002:vii-viii). This transformation has an impact on constitutional interpretation. Constitutional interpretation is unique because of the uniqueness of the constitutional text. The constitutional text is unique in a number of ways:

- The Constitution, as supreme law, is a long-lasting, enacted law-text at the apex of the legal system.
- The Constitution is justiciable and therefore a standard for the assessment of the validity of both 'law' and 'conduct' in every (legislative and executive) echelon of government.
- The Constitution verbalises, in characteristically broad, inclusive and open-ended language, values and beliefs associated with democracy and the constitutional state.

Therefore constitutional interpretation cannot be just a technique-driven analysis of the provisions of a constitutional text in order to discover or decide their meaning. It is a consequential practice,

an observance, rooted in and emanating from a culture of constitutionalism that establishes and vouches for a democratic, constitutional state (Du Plessis, 2002:134-135).

Citing Haberle (2001), Du Plessis (2002:136), submits that a constitution is a 'public process' in the interpretation of which an 'open' as well as a 'public' community (including civil society) participates. This openness of a constitution and of constitutional interpretation brings to light something that, in statutory interpretation, is usually neglected, namely that the courts are not the only authorised (and *de facto*) interpreters of either the Constitution or statutes. Non-judicial readers usually initiate Court processes centred on interpretative issues, albeit mostly with the aid of legal experts. This means that not only the judiciary plays an active role in the eventual determination of the meaning of a statute or a constitution.

Organs of state other than the judiciary are also duty-bound to engage in the interpretation of a constitution, often before a judicial construction has been placed upon them. These non-judicial interpretations in the public sphere probably outnumber judicial interpretations by far. They come from, for instance, legislatures at the various levels (or in various spheres) of government (national, provincial and local) who must pass their legislation mindful of the law as it stands, or from organs of the executive. The original authors of a text, in other words, those actually writing it, those debating the draft and the deliberative body eventually agreeing to and passing it, are also interpreters of the text. Their interpretation is vital because it anticipates possible meanings that can be attributed to the text and determines its final formulation (Du Plessis, 2002:136).

As with ordinary language, the meaning of a constitutional provision depends on the context in which it is used. Much of constitutional interpretation is therefore about establishing the context or, perhaps, painting the picture within which a particular constitutional provision must be viewed. Sometimes, the context is obvious and the meaning of the provision is unlikely to give rise to controversy. Other provisions are however, quite likely to be the subject of argument about their proper meaning. This is because in some cases, provisions are the result of political compromises made during the drafting process, and were therefore left deliberately vague or open-ended. Other provisions, notably the rights in the Bill of Rights, are formulated in general and abstract terms. Their application to particular situations and particular circumstances will necessary be a matter for argument and controversy (De Waal, Currie & Erasmus, 2001:128).

What then are the rules and principles that apply to the interpretation of the Constitution? The Constitution itself does not prescribe how it should be interpreted. Section 39 contains an interpretation clause, which pertains to the Bill of Rights, and section 239 contains certain definitions that apply to the interpretation of the Constitution as a whole. However, the instructions contained in section 39, important as they may be, are themselves sufficiently abstract as to require interpretation. As for section 239, it defines only three terms: 'national legislation', 'organ of state' and 'provincial legislation'. Because the interpretation, application and limitation of fundamental rights is not (indeed, cannot be) regulated completely by the text of the Constitution, the Constitutional Court has laid down guidelines as to how the Constitution in general and the

Bill of Rights in particular should be interpreted (De Waal *et al.,* 2001:129). These guidelines are discussed in the following sub-sections, with a particular reference to the Constitution language provisions, and what their meaning would presuppose for the South African public sector.

3.3.1   Grammatical interpretation

Grammatical interpretation cautions the interpreter to take the meaning-generative functioning of language and of the text as linguistic signifier seriously. The notion of clear and unambiguous language is thereby disclaimed, because if language and the text as linguistic signifiers are really taken seriously, it becomes obvious that they generate too many instead of too few meanings. The cruciality of language as a generator of meaning is inconsistent with the notion of "clear and unambiguous language" that actually truncates and downplays the role of language in interpretation. Clarity and unambiguity are not functions of language as such, but of a reader's assessment of the (quality of) the language and this assessment is, in turn, shaped by the reader's pre-understanding (Du Plessis, 2002:197).

The rules of grammatical interpretation are therefore designed to limit the possible meanings that the language of a legislative instrument can generate. This limitation takes place on the assumption of conventions in the use of language that are attributed to the legislature, e.g. that 'ordinary language' is used, that technical language is meant to have a technical connotation, that the same word or phrase is meant to mean the same throughout the text etc. Definition clauses fulfil a similar limiting function and so too do value statements in the Constitution – even though they are couched in expansive and open-ended language. The dictum that the language of the constitutional text must be respected is best understood as a word of caution to take the language of the text seriously.

The fixation on 'words' and (perhaps) phrases in conventional dealings with the grammatical dimension of statutory interpretation is problematic. The language of a text is more than just its words. The words are cast in a 'wording' that makes sense on account of syntax. This has largely been overlooked in the South African jurisprudence of interpretation with its fixation on words (and phrases). Issues of syntax are mostly taken care of at an intuitive level. There are but few of the conventional canons of construction that guide the reader of legislation in this regard. What are held to be the (most) basic or primary rules of statutory interpretation express expectations about language. The primacy, according to which the canons of construction are hierarchised, is an incarnation of these expectations. Normative or rule-like enunciations of a literalist or, more accurately, a literalist-cum-intentionalist approach to statutory interpretation, for instance the golden rule, therefore count among the first or primary canons of (conventional) statutory construction (Du Plessis, 2002:198).

The literalist-cum-intentionalist approach to statutory interpretation assumes that the language of a legislative instrument can be clear and unambiguous and requires that, in such an event,

the language must be given effect without more ado. Clear and unambiguous language is, so it is believed, a 'correct' and authentic expression of the intention of the legislature. 'Ordinary language' is most often said to be such clear and unambiguous language, and literalist-cum-intentionalist assumptions are justified with reliance on the rule of statutory interpretation that the language of a statute must be understood in its ordinary signification. The ordinary meaning of statutory language is, in other words, glibly identified with what is believed to be the plain or literal or grammatical meaning of language.

The determination of the clarity of language depends on the reader more than on any 'objective quality' of language itself. Reliance has been placed on the ordinary-meaning rule in constitutional interpretation too. Since 'ordinary meaning' is the meaning that words, expressions, phrases and sentences bear in common parlance or 'ordinary colloquial speech', the rules of grammar may also (and must, as matter of fact) be invoked in order to determine the ordinary meaning of phrases and especially sentences and paragraphs. In order to avoid a conflation of the concepts 'ordinary language' and 'clear and unambiguous language' it is suggested that the conventional ordinary-meaning rule be reformulated as follows: The interpreter must observe usage and the conventions of the natural language (English, Afrikaans, isiXhosa, IsiZulu, Setswana etc.) in which the text (a statute or the Constitution) has been drafted.

This reformulated canon also says, by implication that time-bound and technical language must be understood for what they are. Usage and linguistic convention can keep up with variations in language over time and accommodate the pitching of language at different levels of technicality. Usage and convention dictate that constitutional language cannot be slang, but at the same time also not enigmatic formal language. It is, for want of a more accurate description, 'standard language'.

Another critical rule to consider in grammatical interpretation of the Constitution is that "language is not used unnecessarily". This rule, in its literalist manifestation, is the rule that each word of a constitution must be given a meaning. The rule does say much about the nature of legal and, in particular, statutory language, but to understand it in purely literalist terms is to overlook its purposive impetus and its close connection with the presumption that statute law is not invalid and purposeless. The literalist formulation of the rule is unduly narrow and encourages an excessive peering at the words of legislative documents. Words are not the only signifiers that generate statutory meaning. Phrases, sentences, paragraphs, sections and, finally, the instrument or text (Constitution) as a whole all generate meaning. The linguistic expression of the purposefulness of a statutory text should therefore be broader: all language used, that is, every linguistic signifier and the syntax must be taken seriously. Different words and signifiers are meant to generate different ideas or to refer to different situations (Du Plessis, 2002:212-213).

What does 'grammatical interpretation' hold for the interpretation of the Constitution language provisions, especially with regard to the obligations that they impose on the South African public sector and the implications deriving thereof?

When the Constitution states:

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

The use of the verb [**are**] in this provision which means [**to exist in actuality; have life or reality**] is prescriptive in that the actuality and vitality of these languages in the official domains of national endeavour in the Republic are reaffirmed and become an integral part of the South African constitutional order.

Further, when the Constitution states:

> 6.(2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.

It points towards the obligations and implications that derive from these Constitutional language provisions on the South African public sector. Through the use of the words **recognise** [to perceive or show acceptance of the validity or reality of] the historically **diminished** [to make smaller or less or to cause to appear so] use and **status** [position relative to that of others; standing] of the indigenous languages of our people the state **must** [to be obliged or required by morality, law, or custom] **take** [to charge or oblige oneself with the fulfilment of (a task or duty, for example); commit oneself to] **practical** [manifested in or involving practice] and **positive** [measured or moving forward or in a direction of increase or progress] **measures** [an action taken as a means to an end; an expedient; a legislative bill or enactment] to **elevate** [to raise to a higher moral, cultural, or intellectual level] and **advance** [to rise in rank, position, or value] the use of these languages, the Constitution 'prescribes' very clear guidelines that should guide the state when dealing with language matters in the Republic.

When the state is obliged to take "practical and positive measures to elevate and advance" the use of the previously marginalised languages, it logically follows that within a framework of constitutionalism, the state 'must' enact legislation that gives effect to the spirit of the constitution, whereupon it can be able to formulate policy to give effect to the legislation in pragmatic contexts. The implementation of the resultant policy on its part requires the state's commitment of human, capital and infrastructure resources.

The framework for the infrastructure that should be designed to meet the implications of the Constitution language provisions on the South African public sector is contained in section 6 (3, 4, & 5) and the Constitutional language provisions contained in the Bill of Rights. These provisions prescribe that such an infrastructure should be manifest at all spheres of government, national, provincial and local and must cover such critical sectors of state machinery such public administration, especially in public service delivery, protection and promotion of individual and group rights, education, the information, media and related sectors, arts and culture and the South African justice system.

3.3.2 Systematic interpretation

Systematic interpretation is an instance of contextualisation. First, it calls for the interpretation of individual legislative provisions in relation to, and in light of other provisions and components of the legislative text of which they form part, drawing on the 'system' or logic or 'scheme' of the text as a whole. These procedures of 'intra-textual' contextualisation have been variously referred to as 'logical interpretation'. Second, systematic interpretation requires cognisance of the ('extra-textual') 'macro-text' too – of meaning-generative signifiers in the 'textual environment'. The very purpose of systematic interpretation is to forge links with this macro-text (Du Plessis, 2002:225).

Tribe and Dorf (cited in Du Plessis, 2002), writing about constitutional interpretation, see intra-textual, systematic interpretation as a process of text-integration and warn against two opposite fallacies. On one hand, 'dis-integration' turns a blind eye to the systematic interconnectedness of text-components and then tries to understand them in splendid isolation from one another. 'Hyper-integration', on the other hand, links text-components that, according to the scheme of the text, are not inherently coherent. Systematic interpretation reveals the (logical or systematic) scheme of the text. Much is nowadays made of the interpretive value of "the scheme of the text" in especially constitutional interpretation. As far as the conventional canons of construction are concerned intra-textual, systematic interpretation sustains restrictive reasoning or extensive interpretation. This takes place in accordance with the scheme of the specific text to be construed, but also with a scheme attributed to legislative texts and legislative reasoning in general. Intra-textual, systematic interpretation lays the basis for relying on textual elements such as the preamble and to schedules as well as the long title of a legislative instrument in the interpretation of any of its specific provisions.

The Constitutional Court has recognised the feasibility of systematic interpretation in the context of constitutional in the following terms as submitted in the judgement of *Executive Council of the Western Cape v Minister for Provincial Affairs and Constitutional Development of the RSA*; *Executive Council of KwaZulu-Natal v President of the RSA* 1999 12 BCLR 1360 (CC) par 52 Ngcobo cited in Du Plessis, 2002:226:

> It is an accepted principle of interpretation that where two sub-sections deal with the same subject matter these are usually read together. This rule of construction is applicable in constitutional interpretation. It is consistent with a purposive interpretation of the Constitution.

This dictum forges links between systematic and purposive interpretation or teleological interpretation: A purposive or purposeful reading of a statutory or constitutional text cannot be but holistic (and historically sensitive) reading. A systematic reading of individual provisions, in the context of a whole, requires the broadest possible spectrum of textual elements to be taken into account. Within the framework of systematic interpretation, apart from the preamble and the long title of a legislative text, there may be other less explicit statements of purpose in the legislative text or provisions that, only on being read together with others, say something purposeful. The purposive potential of all such provisions can only be opened up through a

systematic reading of the provision to be construed in the context of the instrument as a whole and thereby in interaction with the provisions whose purposive potential stands to be realised.

The coalescence of systematic and purposive/teleological interpretation highlights the essential unity of interpretation and application. The interpreter is called upon to make sense of a provision in a purposive manner catering for the exigencies of an actual or hypothetical concrete situation. The situation poses a question, as it were. A legislative instrument is construed to find a possible answer – on the assumption that it can assist the formulation of an answer. The constitutional text read systematically in relation to the particular (and in the expectation that is purposeful) does not generate any meaning in isolation from the question(s) that the concrete situation poses.

Actual or potential applications of a constitutional provision determine its construction decisively. A constitutional provision acquires no meaning in isolation from or irrespective of either its de facto or its conceivable (or hypothesised) realisation in specific situations where legal solutions/ decisions are called for. The jurist makes sense of a law from out of a given case and for the sake of that case (Du Plessis, 2002:227).

What does 'systematic interpretation' hold for the interpretation of the Constitutional language provisions, especially with regard to the obligations that they impose on the South African public sector and the implications that derive thereof?

From a systematic interpretation of the Constitution language provisions with regard to the obligations that they impose on the South African public sector and the implications that should give effect to these obligations, the following can be submitted:

- Fundamentally, a systematic interpretation of the Constitutional language provisions must take into account the supremacy of the Constitution. In this way, the state, through its public sector agencies and functionaries are bound both, negatively and positively, by the Constitutional language provisions.

- The Constitution language provisions are an integral part of the 'spirit' of the constitution, or the 'constitutional project', namely to transform the South African society into a democratic society that pursues the ends of social justice, by a conscious redress of past injustices and channelling of societal resources towards a socially, politically and economically just egalitarian society.

- Related to the notion of South Africa's 'constitutional project' is the idea that a systematic interpretation of the Constitution language provision of necessity calls for a consideration of South Africa's historical circumstances when interpreting the Constitutional language provisions. The South African society has experienced a tempestuous history in the last three and a half centuries, which, in certain epochs of that history, and through systemic social, political and economic engineering, entails a conscious manipulation of the languages spoken in the Republic, to achieve social, political and economic ends. Seen from this perspective therefore, the Constitutional language provisions are an attempt at re-writing South African history, an attempt to erase the historical linguistic deficit that has been occasioned on some sections of the South African society over the centuries. To achieve this end, the state, as was the case over the historical times under review, must also engage in conscious language engineering, but this time, language engineering devised to serve the progressive social, political and economic aspirations of the new nation.

■ With a justiciable Bill of Rights which is described as a 'cornerstone of democracy in South Africa' and that 'enshrines the rights of all people in [South Africa] and 'affirms the democratic values of human dignity, equality and freedom' and further that binds the state to 'respect, protect, promote and fulfil the rights in the Bill of Rights' and into which many of the of the Constitution language provisions under analysis in the present study are embedded, the Constitutional language provisions forecast a justiciable regime of language rights. Further, it means that the state has to engage in proactive endeavours to advance the objects of the Constitution language provisions.

■ Systematic interpretation also calls for an interpretation that takes cognisance of the exigencies of an actual or hypothetical concrete situation. Constitutional language provisions, cast within this requirement mitigate for two perspectives. In the first instance, the overbearing considerations of the cost factor when implementing the implications of the Constitution language provisions on the public sector immediately becomes prohibitive, and may mitigate for 'short cuts', that inevitably call for a reductionist approach that takes refuge in monolingualism and/or bilingualism. However, and secondly, when the concrete language demographic situation in South Africa is considered, then a completely different scenario emerges. The language demographics scenario in South Africa mitigates the case for the Constitutional stipulation that all the eleven languages be official and be used in the day-to-day running of government, the reason being that in actuality, South Africans speak all these languages in their daily social, political and economic interactions. The challenge therefore becomes one of language planning in public service delivery so that different citizens of different language groups and profiles can access public services.

■ Lastly, and deriving from the cost factor discussed above, systematic interpretation of the Constitution language provisions challenges the interpreter of these provisions to consider practical ways of establishing a multilingual language dispensation in the Republic, while at the same time staying alive to the cost implications. The interpreter in this scenario is faced with two possibilities. First, the cost of facilitating a multilingual language dispensation as required by the Constitutional language provisions can be discounted as an investment in the creation of social capital, which is critical in the political and economic transformation dynamic in the Republic, and which its very hard, nay to attach a monetary value against. Secondly, the interpreter could opt for a more pragmatic route and follow the notion of 'progressive realisation of rights' and implement the obligations imposed by the Constitutional language provisions in phases. In both instances, the public sector, as the agent of the state, has to engage in a proactive endeavour to give effect to the Constitution language provisions.

3.3.3   Teleological interpretation

Teleological constitutional interpretation is preferable to ad hoc, purposive (only) interpretation. Teleological interpretation endeavours to realise the 'scheme of values' that informs the legal order. Kroon and Fronemann in *Qozoleni v Minister of Law and Order* 1994 1 BCLR 75 (E) 80D cited in Du Plessis (2002:247) sounded the following words of caution with reference to constitutional interpretation:

> It serves little purpose to characterise the proper approach to constitutional interpretation as liberal, generous, purposive or the like. These labels do not in themselves assist in the interpretation process and carry the danger of introducing concepts or notions associated with them which may not find expression in the Constitution itself.

Purposive interpretation in the abstract and by itself can be counterproductive. The interpretive process cannot start off (and proceed) as an exercise in giving effect to the purpose or objects of a constitutional provision, simply because such purpose or objects cannot be known prior to interpretation. They must be established through interpretation. If not so established, the door to surmise and conjecture is wide open. The effect of the provisions that are at odds with the scheme of values of the legal system can furthermore be maximised (Du Plessis, 2002:247).

Because of its vulnerability to misapplication some authors think that purposive (and even teleological) interpretation should enjoy the status of a secondary (as opposed to a primary) method of interpretation. The value – realising dimension of teleological interpretation can of course hardly be said to be 'secondary, but the word of caution concerns mainly the purposive element as such. This does not mean that purposivism is uncalled for. A purposive mind-set in constitutional interpretation is necessary to honour the operational intent (or 'effect-directedness') of the enacted law-texts (statutes and the Constitution). The interpreter starts off on the assumption that a provision to be construed has a purpose that will emerge in the course of the process of interpretation, that is, as the interpreter attributes meaning to the provision relying, inter alia on canons of construction associated with the different methods of interpretation. This purpose has to be taken seriously (and must eventually be realised) also because it is assumed that a law-making author had intended the provision to be of effect (Du Plessis, 2002:248).

Purposive interpretation, and beyond that, teleological interpretation joins forces with systematic interpretation to emphasise the unity of interpretation and application. The partnership of systematic interpretation and purposivism is not insignificant for the determination of a *ratio legis* in accordance with the scheme of a legislative instrument as a whole reins in the preferences and prejudices of the interpreter. These 'subjective factors' can of course not be totally banned from the interpretive arena. However, they might be left unchecked if a purposive reading in the abstract is acceded to without ado – a consequence as delusive as denying the effects of an interpreter's 'inarticulate premises' on interpretive outcomes.

Other canons of teleological interpretation pertain to the intensity of the operational effect of constitutional provisions in various circumstances. Questions regarding the hierarchy and status of legislation are, for instance, essentially questions of legislative teleology; the key issue being with what measure of force various kinds of legislation obtain *vis-à-vis* one another should they be applicable in and to similar concrete situations. The interpretive precepts pertaining to peremptory and directory provisions (elaborated on here below) are of the same order. Teleological interpretation is forward-looking interpretation based on what can be learnt from past experience. This is a general way of restating the (key issue) that the Constitution ought to be construed heedful of the continuing time frame within which it obtains. This being the case, the links between teleological and historical interpretation are obvious (Du Plessis, 2002:248-249).

Simply to state that (constitutional) precepts are purposive is not enough. The actual intensity of their operational effect in various circumstances and on different conditions must also be

discerned. This may be important for two reasons. First, if a provision authorises an individual functionary or a body to exercise a certain power or powers, it has to be determined exactly how strictly (s)he/it has to comply with the stipulations contained in the provision. Must (s)he/it give effect to these stipulations without ado or does (s)he/it have a discretion to adapt them as circumstances may from case to case require? Second, where a provision stipulates conditions for the performance of a certain act, for example compliance with procedures or time limits, it is necessary to establish whether non-compliance (or defective or partial compliance) with the prescribed conditions will render such action null and void or not.

Where a power or authorisation is granted in a permissive vein, for instance, by using the word 'may', it is as a rule assumed that the functionary exercising the power is vested with discretion. Linguistic considerations are, however, not always decisive and a mandatory 'shall' has, on occasion, been read as a permissive 'may' in an instance where the former reading would have fettered a punitive discretion. Conversely, 'may' has in some instances also been understood as imposing a duty (and not merely conferring discretion). The conclusion that, in exercising a power, a functionary has discretion does not open the floodgates of capriciousness. A functionary or body cannot for instance, be absolved from the very duty of 'exercising' the power if so required or from the requirement of legality; nor can (s)he/it exercise a power for a purpose other than that for which it has been granted or in conflict with a duty specifically imposed (Du Plessis, 2002:249-250).

For purposes of assessing the effects of defective or non-compliance with (constitutionally) prescribed conditions, peremptory (or imperative or mandatory) and directory (or permissive) constitutional provisions are distinguished. As a general rule, non-compliance with a peremptory provisions results in a nullity, while non-compliance with a directory provision does not. The courts have followed certain guidelines to determine, first, whether a provision is peremptory of directory and, second, what the effects of non-compliance with the conditions imposed by the provision will be.

Read from a teleological interpretation perspective, the Constitution language provisions have various implications on the South African public sector. These are summarised below:

- A reading of the Constitutional language provisions will have to be in tandem with the 'scheme of values' espoused by the Constitution. These values are otherwise known as constitutional values. They comprise of human dignity, equality, human rights and freedoms, non-racialism and non-sexism, supremacy of the constitution and the rule of law and democracy and accountability. If the Constitutional language provisions are read with this 'scheme of values' in mind, then it becomes logical to deduce that a multilingual dispensation is called for by the Constitution through the Constitution language provisions, as an integral part of securing these values.

- When a state takes 'practical and positive measures' within a constitutional state, it must always act within the bounds of law. In effect, if the state is not directly giving effect to the directives as contained in the Constitution, it must legislate so as to further the purport of the Constitution. But the state's 'positive and practical measures' do not end with legislation only. The state must proceed to give effect to the legislation by designing policy and implementing the same. This process, of necessity will require a commitment of human, financial and infrastructural resources.

- A teleological interpretation of the Constitutional language provisions also brings into the fore the peremptory and directory provisions within these provisions. The use of the word 'must' in the provisions, especially under section 6 is peremptory and therefore non-compliance with these provisions, can (in extreme situations) be said to result in a nullity. However, within the pragmatic world of everyday public sector interaction with citizens, non-compliance with these provisions may not result in nullity of public sector programmes, but points towards non-commitment to the Constitution and its values, the very set of values that establishes the public sector. Seen from this perspective, the state's reluctance to give effect to the peremptory constitution language provisions is self-defeatist.

3.3.4   Historical interpretation

Historical interpretation requires entry into identification with the historical situation from which the law emerged. The spirit of this history is more significant than the 'historical facts' (in other words, the events connected with the genesis of that law). From this 'spirit of history' much can be learnt about the *ratio legis*. Teleological interpretation lacking a historical foundation is in fact empty. The mischief rule, for instance, as a manifestation of teleological interpretation, shows an alertness to the historicity of a mischief that existed in a given historical situation and that situation, as well as the law as it then stood, must be appreciated in order fully to comprehend the effects of the provision as a measure aimed at redressing it. The 'new Constitution' has also been described as the remedy of a fundamental mischief in South Africa's history, namely the previous constitutional system (Du Plessis, 2002:259).

It is permissible to take into consideration relevant surrounding circumstances that existed at the time when the Constitution was passed in order to explore the meaning possibilities of the text. It also follows that only circumstances existing at the time when the enactment was passed, and not circumstances, which set in at a later stage, may be taken into account. The traditional precondition that recourse to surrounding circumstances is permissible only where the provision that stands to be construed is not clear and unambiguous seems to have given way to a more realistic reliance on surrounding circumstances irrespective of the kind of language in which a provision is couched.

Reliance on surrounding circumstances emphasises the close connection of the mischief rule with historical interpretation. It is therefore not surprising that in the interpretation of South Africa's two constitutions since 1993, both of which seek to redress the mischief of a previous constitutional system, reference is readily made to the circumstances surrounding and, indeed occasioning the adoption of these two texts (Du Plessis, 2002:267).

A historical interpretation of the Constitutional language provisions brings to the fore the following deductions:

- The Constitution language provisions are an attempt to address a language mischief of the past, namely, a situation where languages were treated inequitably with social, political and economic consequences to their speakers.

- The Constitution language provisions are an integral part of the attempt to redress the human rights violations that occasioned the ushering in of a new South Africa. These provisions, especially the ones contained in the Bill of Rights are designed to ensure that language related rights violations will never be entertained in South Africa again.

- The Constitutional language provisions aim at addressing one mischief (the state language engineering of South African society through centuries of colonialism and decades of apartheid) with another mischief, namely the state re-engineering of South African society language, albeit in a pluralistic way.

3.3.5   Comparative interpretation

With constitutionalism in South Africa still in its early youth, comparative interpretation has been considered in constitutional interpretation with such frequency that its restriction is nowadays more widely debated than its application. Comparative interpretation will probably play a lesser role in constitutional interpretation as the democratic, constitutional state continues to establish itself, but has so far nonetheless played a much pronounced role in constitutional interpretation than in statutory interpretation (Du Plessis, 2002:271).

Section 39(1) (b) of the Constitution enjoins interpreters of the Bill of Rights to consider international law. Such deference to international law does not actually amount to comparative interpretation *strictu sensu*, but situates South Africa in the comity of those nations which, jointly and severally, profess to take to heart the realisation of democracy and the protection of fundamental rights and freedoms in accordance with widely recognised standards. Much reliance was placed, in the drafting of both South Africa's constitution text, on international human rights instruments.

The international standards as embedded in the South African Constitution are gleaned from binding as well as non-biding international law, including customary international law, and even regional human rights treaties that South Africa cannot become a party, for example, the European Convention on Human Rights. Jurisprudence on all these sources of international law may presumably be consulted for purposes of constitutional interpretation in South Africa. From the fact that South Africa is situated in the international world flows a 'constitutional duty' for the state, namely to conduct its international affairs in such a manner that everyone in the country will enjoy the fullest possible protection of the fundamental rights entrenched in the South African Constitution (Du Plessis, 2002:272-273).

Comparative interpretation of the Constitution language provisions will indicate the following:

- Language rights are increasingly being recognised as an integral part of human rights regimes all over the world and South Africa is no exception, especially within the context of South Africa's progressive constitution.

- Multilingualism as espoused by the Constitution language provisions aims at entrenching a

culture of understanding and tolerance among the South Africa's diverse population and this is a noble goal for the government and its public sector to pursue.

- In line with the international language rights instruments that informed the formulation of the Constitution language provisions, the ultimate implementation of the implications of the language provisions will rely on government, at all spheres to give effect to the aspirations contained in them. Seen from this perspective, the South African public sector is duty bound to respect language rights and create legislative and policy mechanisms for the promotion of the same.

3.3.6   The linguistic turn

The linguistic turn as a method of constitutional interpretation is deeply steeped in the post-modernist philosophical tradition, where post-modernism has to do with epistemological critique of enlightenment metaphysics. The label 'post-modern' thus relates to:

> ... a complex set of reactions to modern philosophy and its presuppositions, as opposed to the kind of agreement on substantive doctrines or philosophical questions that often characterizes a philosophical movement [...] Post-modern philosophy typically opposes foundationalism, essentialism and realism.

It is postmodernism as "incredulity towards meta-narratives" that holds out promises for constitutional interpretation, since it challenges essentialist claims that complex interpretive doings can be explained within the confines of over-arching and inherently consistent theoretical models. There are five tangible implications of a post-modernist position for constitutional interpretation:

(i) Language cannot be said to have a perspicuous, clear and unambiguous meaning – this is an essentialist claim. However, language is decisive, and indeed all pervading, in determining the meaning of any law-text that stands to be construed, since all meaning derives from, is determined by and is to be found within language as a complex system of signifiers. To determine the meaning of a law-text, such as a statutory or constitutional provision, does not mean to find meaning in the text (and then to retrieve it), but to attribute meaning to the text or to decide on the meaning of the text (by engaging with the text in interaction with the other texts). This post-modern perception of language facilitated or is at least congruent with the linguistic turn in legal interpretation.

(ii) Meaning is always meaning-in-context because meaning is typically constituted through a complex interplay of linguistic signifiers.

(iii) Declamations of the neutrality of legal interpretation mask the perpetuation of the hegemony of dominant classes/groups/categories in society. Constitutional interpretation is politically predisposed action involving the exercise of choices with implications for the (mal-) distribution of power in society. Judicial decision-makers are *personally* responsible for the political choices they make.

(iv) Pre-understanding determines legal interpreters' understanding of the law decisively. The more deeply an assumption is hidden in the interpreter's pre-understanding, the more intense and far-reaching is its effect on his or her eventual understanding of the law.

(v) Actual or potential applications of constitutional provisions determine their construction decisively. There is, in other words, a unity in the duality of 'interpretation' and 'application' of the law.

Within (and progressively without) the parameters of the linguistic turn, the inevitable indeterminacy of the language in which the law is couched is to be embraced rather than feared, for law-texts with an open-ended meaning suggest, for judicious considerations, various ways of traversing the abyss of decision-making. The multiple possible meanings of law-at-the edge provide the wings that we need "to become more than we have been before". Legal meanings that have for time (and time without end) been pre-decided, do not only clog this 'becoming more', but also, by limiting responsible and accountable choice, prevent law from becoming the living approximation of justice that it could be. Recognition of the openness of meaning of the Constitution is probably the most forceful assertion of every legal decision-maker's personal responsibility to realise justice in construing these texts. It is the exact (albeit always indeterminate) opposite of both deference to pre-decided meanings and a 'free for all' (Du Plessis, 2002:xiv-xviii).

The present book is deeply steeped in the 'Linguistic Turn Tradition'. The book seeks to challenge what over the last one decade and a half has almost become a closed case with regard to the justiciability of South Africa's Constitutional language provisions. By refocusing the debate once more, the book aims to open possibilities for the search of language justice in the Republic premised on a post-modern rendering of the Constitutional language provisions. To achieve this end, the book engages in the text of the Constitution language provisions in a manner that brings to the fore the possible power relations (past, current, future and presumed) that the Constitution language provisions presuppose. However, the rendering of the Constitution language provisions does not end with an identification of the possible power relations.

The book engages in 'decision-making' with regard to South Africa's Constitution language provisions: it makes a standpoint that the state is liable to roll out a multilingual language infrastructure as per the Constitution language provisions and that the very efficiency of the public sector as it attempts to execute its constitutional mandate is reliant of this resultant infrastructure. Further, the book submits categorically that the public sector is critical in realising the multilingual language dispensation envisioned in the Constitution.

3.4 Justiciability of language rights

It is disturbing that with language provisions clearly embedded in a supreme Constitution, there is a persistent discourse in South Africa that seeks to argue against the justiciability of language rights as spelt out in the Constitution. However, suffice it to observe that the advocates of this discourse are in good company. A little background in this case is illuminating. The arbitrary subdivision of basic human rights as civil and political rights on one hand (with the attendant notion of justiciability) and economic, social and cultural rights on the other hand (with the attendant

notion of non-justiciability) have nothing to do with the nature of the rights themselves. Rather, it has everything to do with the political and ideological differences of different state actors in the process of drafting the Universal Declaration of Human Rights. Developed countries adopted the view that all human rights, be they civil, political, economic, social or cultural are justiciable. Developing countries, from fear of being held accountable by their developed counterparts on their track records in the management of economic, social and cultural aspects in their countries, argued that there is a distinction between civil and political rights on the one hand and economic, social and cultural rights on the other, with the view that civil and political rights do not have direct capital and infrastructural implications. What masks the real intention of this argument and the resultant arbitrary subdivision of basic human rights is a perennial tendency within developing countries' government and public sector mandarins to eschew taking responsibility for the establishment of human rights regimes, be it to cater for civil or political rights on the one hand or economic, social and cultural rights on the other hand. Isn't it telling that it is in developing countries that violations of civil and political rights, with their accepted justiciability and non-capital and infrastructural implications, have been abused with such abandon in the more than half a century since the adoption of the Universal Declaration of Human Rights?

Gutto (1998) candidly points out that although the expression of specific rights or freedoms in the Universal Declaration of Human Rights differs and may allow for different implementation or enforcement strategies and means, the Declaration did not categorise and divide rights and freedoms into two main groupings that later came to characterise human rights and freedoms. The bipolar ideological divisions within the United Nations that intensified after 1948, the year of adoption of the Universal Declaration, culminated in the adoption of two instruments on human rights and freedoms, civil and political, and economic, social and cultural, with different implementation/enforcement mechanisms and institutional arrangements at the UN level. The civil and political rights and freedoms came to be associated with 'justiciability', while economic, social and cultural rights became associated with 'non-justiciability', and with gradualist and less defined means and strategies of implementation/enforcement.

In 1993, at the Vienna World Human Rights Conference, the international community, represented officially by government representatives but under the shadow of the global civil society movement, grappled with the problems associated with the differential, and unequal approaches to the promotion and protection of rights on the basis of their being grouped as either belonging to the 'justiciable' civil and political group or the so-called 'non-justiciable' economic, social and cultural group. Vienna adopted a bold position that theoretically attempts to re-unite the rights and freedoms and to put them on equal footing.

> All human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless if their political, economic and cultural systems, to promote all human rights and fundamental

freedoms (Vienna Declaration, World Conference on Human Rights, Vienna, June 14-25, cited in Gutto 1998:88).

Nolan, Porter and Langford (2007) observe that the debate about the justiciability of social and economic rights is an old and well-worn one. In recent years, with an increasing number of countries including social and economic rights in their constitutions, and with domestic courts and regional bodies routinely adjudicating and ruling upon social and economic rights claims, the trend has been to pronounce that the debate is over, and that social and economic rights have been proven to be justiciable. As social and economic rights are litigated directly and indirectly before regional bodies, including the African Commission on Human Rights, the Inter-American Commission of Human Rights, the Inter- American Court of Human Rights, the European Committee of Social Rights and the European Court of Human Rights, and in many domestic courts, it becomes increasingly difficult to argue with any credibility that these rights are not justiciable.

It is important to remain reminded of the fact that language is a crosscutting phenomenon, which cannot simply be confined to social and cultural dimensions of universal rights as has been the practice in the discourses exploring this matter. When language is conceptualised as a key component in information and knowledge access as well as information and knowledge transfer, then language has direct underpinnings in the realisation and sustenance of civil, political and economic rights. Invariably, all rights depend on aspects of language as a channel for information and knowledge access and transfer for their access and sustainability. This position further underscores the universal, indivisible, interdependent and interrelated. In a continent plagued with conflict and the failure of governments, the South African constitution has been described as a beacon of hope. This description derives mainly from the unequivocal position that the South African constitution adopts with regard entrenchment and defence of human rights. The current book adopts the same unequivocal position with regard to language matters in South Africa and from an informed position asserts that language rights as encapsulated in the South African constitution are part of a human rights regime that is indivisible, interdependent and interrelated. Language rights, within South Africa's Constitution are justiciable.

3.5 Multilingualism – an integral part of South Africa's constitutional project

A reading of the constitution language provisions whether from a grammatical, systematic, teleological, historical or even comparative perspective indicates that multilingualism as ingrained in the Constitution is not a default arrangement. The inclusion of language provisions that recognise eleven official languages and other languages spoken in the Republic is deliberate for a Constitution that sets out in the words of De Vos (2001: 260) to engage seriously, not only with the past that produced it, but also the future that it will partly shape. It is a document that requires continual reinvention to make sense of the changing world and country. Viewed thus, the constitutional project becomes a long-term project of constitutional enactment, interpretation,

and enforcement committed to transforming South Africa's "political and social institutions and power relationships in a democratic, participatory, and egalitarian direction". The Constitution explicitly rejects the social and economic *status quo* and sets as one of its primary aims the transformation of society into a more just and equitable place where people would better be able to realise their full potential as human beings.

Multilingualism is an integral part of the constitution's project of transformative constitutionalism. The language provisions are a celebration of South Africa's linguistic diversity, and the commitment of the South African people to ensure that their languages survive for posterity. Further, the language provisions, by overtly celebrating multilingualism, seek to redress the language specific social, political and economic injustices of the past.

3.6 Multilingualism – an integral part of South Africa's contemporary/futuristic reality

Some pundits contend that in some decades to come South Africa will witness some form of linguistic convergence, in which the multilingual reality currently manifest in South Africa will disappear and its place be taken by a relatively monolingual or bilingual reality, usually dominated by English and another 'world language'. Historical and contemporary realities indicate quite the opposite. A few facts will suffice to support this argument. Education experts and linguists confidently assert that English language based education or even English language acquisition outside the schooling environment is an expensive exercise, which often does not achieve desired results (Brock-Utne, 2002). The current poverty levels in South Africa (with a Gini coefficient of 0.7) do not mitigate a massive language shift towards English, at least for a generation or two. Inasmuch as a majority of people may have material motivations to acquire English due to the social and economic mobility supposedly associated with the language, income levels in South Africa and the expenses involved in acquiring English to a level where it can be used for material gain, indicate that such attempts will only achieve a peripheral knowledge of the language that may not, ultimately, serve the social and economic mobility aspirations of would be English neo-speakers. The fall-back position is the multiplicity of languages currently being spoken in the Republic. Multilingualism is therefore a composite part of South Africa's contemporary reality.

There is also the small matter of international migration. South Africa produces approximately 40% of Africa's GDP making it arguably the biggest economy in the continent. This economic might of South Africa, in a continent, as noted in the preceding section, marked with conflict and failed governments, tends to attract emigrants into South Africa, in search of better living conditions. The emigrants come with their own languages and cultures, and continue to use their languages and practice their cultures in mostly their close-knit communities. However, there is an interesting scenario with regard to emigrant communities in South Africa – their numbers do not show any signs of decreasing, if anything, their numbers continue to increase year by year. The pattern of emigration into South Africa follows a similar pattern that has been witnessed in the

United States of America, Canada, the United Kingdom and Australia in recent decades. What this pattern has successfully managed to do is to make policy makers in these countries acknowledge that their countries are becoming more multicultural, and therefore the need for policy responses that deal with an increasingly multicultural society. The emigration dynamic is playing itself out in South Africa, and in decades to come, will only serve to make South Africa a more multicultural and multilingual country. Multiculturalism and its accompanying multilingualism is therefore a composite part of South Africa's futuristic reality.

For generations therefore, South Africa is going to be a multilingual country. It only makes sense for Government and the public sector to begin treating multilingualism as a resource that can be harnessed so as to bring out the best creative energies and ideas from all the citizenry and that which can be deployed to enhance service delivery to the citizenry and entrench constitutionalism.

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CHAPTER 4

Legislative and Policy imperatives
for Multilingualism in South Africa's
Public Sector

4.1 Introduction

It is sometimes surprising that the implications of a supreme Constitution; the very foundation of South Africa's constitutional democracy, are not fully appreciated with South Africa's public sector. The implications, as outlined in the preceding chapters are simple and clear: all organs of state are subservient to the stipulations of the Constitution and the onus is upon all actors to abide by the Constitution. State actors are legitimately expected to exercise political, executive, legislative and judicial authority to elaborate on Constitutional precepts. In a constitutional democracy, the public sector is legitimately expected to propose, formulate and enact legislation and policies that further elaborate constitutional precepts, coupled with tangible programmes of implementation.

That the full implications of a constitutional democracy have not been fully appreciated within South Africa's public sector can be attributed to some extent to the transitional nature of the South African public sector. After decades supporting a system where power was vested in the executive and parliament, the South African public sector, with attendant pressures of reform and transformation as it tries to mitigate the legacy of centuries of colonialism and decades of apartheid, while responding to demands of a restive population eager for tangible benefits from the democratic transition, is yet to appreciate its role in a constitutional democracy.

The handling of the language issue by the public sector over the last decade and a half is a case in point. Despite having justiciable language provisions in the constitution, the public sector support for language matters over that period has been tepid at best. The discussion in the following

sections outlines a road map of handling language matters in South Africa against a backdrop of justiciable language provisions in a supreme constitution – language legislation and language policies, at all spheres of government that are in tandem with the Constitution.

Apart from the "traditional" spheres of government, i.e. national, provincial and local government spheres, the formulation and implementation of language policies in the South African public sector should encompass the totality of the public sector. In chapter one, section 1.1, the public sector was defined so include the totality of all organisations that exist as part of government machinery or are established by government for the provision of social services. Such organizations or institutions with their career Personnel constitute the Public Sector. For purposes of clarity, it might be important to state that the public sector can be viewed as comprising the following:

- The civil service – the career personnel of the presidency, the ministries the extra ministerial departments and the services of the National Assembly and the Judiciary;

- The Armed Forces;

- The Police and other security agencies; and

- The parastatals – including social service providers, infrastructural/utility agencies, regulatory agencies, educational institutions and research institutes. These agencies should also formulate and implement multilingual language policies if the aspiration of multilingualism in and by the South African public sector is to be realised. This requirement is elaborated further under section 4.4.2.1.

4.2 The fundamental principle of legislative and policy consistency with the Constitution

Language legislation and policy in the South African public sector has to abide to one fundamental principle – it has to be consistent with the Constitution. A critical question, which arises from this assertion, is what does consistency with the constitution entail or comprise of? Basically, language legislation and language policies in the South African public sector have to espouse the constitutional values elaborated in chapter two. In effect, language legislation and language policy in the South African public sector has to serve the advancement of human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism and non-sexism. Language legislation and language policies in the South African public sector must also serve to entrench respect for the rule of law. The value of supremacy of the constitution can be said to be subsumed under the notion of the rule of law. Public sector language legislation and policies must also be designed in such a way that they are facilitative of South Africa's multi-party democracy.

Further, language legislation and language policy in the South African public sector must be in line with the language-specific clauses of the constitution, especially as contained in section 6 of the Constitution and in the Bill of Rights. Section 6 language provisions and the Bill of Rights language provisions are elaborated in the following sub-sections.

4.2.1   Section 6 language provisions

Although the Constitution stipulates that there are eleven official languages and that all official languages enjoy parity of esteem and equitable treatment, it appears from a reading of the section as a whole that the recognition and promotion of languages as official languages is a process, or an objective that still has to be realised. Parity of esteem and equitable recognition constitute a programme to be realised and not a state of affairs that simply has to be maintained. Because the recognition of official languages is put in a developmental perspective, the Constitution actually creates a language hierarchy, as far as the specific content or scope of the legal obligations regarding the recognition and promotion of languages is concerned. With regard to official status, it appears from section 6 that the Constitution distinguishes four categories of languages. Each category evokes different directives regarding the protection and promotion of languages concerned. These categories are:

- Official indigenous languages. These are the nine African languages that, apart from English and Afrikaans, are recognised as official languages. Over and above the recognition of the official status of these languages, the Constitution provides that

   ... recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages. This is the only category that enjoys this additional state protection.

- Official non-indigenous languages. (Afrikaans and English). In respect of these two languages the state has the duty to afford them equality of esteem and equitable treatment in relation to the other official languages.

- Non-official indigenous languages. This category involves the Khoe, Nama and San languages as well as Sign Language. They are not recognised as official languages but must, like the official indigenous languages, be promoted. Thus, conditions must be created for their development. This instruction is, however, not issued to the national or provincial legislatures, but to the Pan South African Language Board.

- Non-official non-indigenous languages. This includes languages of non-African origin, which are used in South Africa by specific communities, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu, as well as languages used in South Africa for religious purposes, such as Arabic, Hebrew and Sanskrit. These languages enjoy no official status, and are not considered to require promotion in terms of usage. The Pan South African Language Board must, however, promote respect for them.

From the above, it can be observed that the Constitution has reserved the most extensive instruction regarding the promotion and recognition of languages for the indigenous official languages, followed by the non-indigenous official languages (Pretorius, 1999:32-33).

The Constitution language provisions indicate that the national and provincial governments may use any particular official language for the purposes of government taking into account usage, practicality, expense, regional circumstances, and the balance of the needs and preferences of the population as a whole or in the province concerned. However, both national and provincial

government must use at least two of the official languages 'for the purposes of government'. Both the national and provincial governments are obliged by section 6 (4) to regulate and monitor their use of official languages by means of legislative and other measures (Currie, 1998:37-38).

The phrase 'purposes of government' encompasses the various activities of government, which entail communication between the government, its officials and the public. Two aspects of governmental activity can be distinguished for purposes of analysis: legislation and administration.

Legislation creates rights and duties throughout the jurisdiction of the legislature, and ought to be intelligible to the people to whom it applies. Legislation at national level should therefore in principle be published in all the principle languages of the state. Similarly, legislation at provincial level should be published in the principal languages spoken in the province. Similar obligations apply to the languages of the legislative process. Parliamentary debate should in principle take place in all the principal languages of the state. Members of a provincial legislature should be able to use the languages of the province in their deliberations. Failure to observe this principle will leave speakers of unaccommodated languages feeling that they are not represented in the legislative process. Members of Parliament will face the burdensome obstacle of communicating in languages that are not their mother tongue. This may make them less effective debaters, or may inhibit them from entering Parliament in the first place (Currie, 1998:37-38, 37-39).

In contrast to legislation, the activities of administration affect only limited sections of the population at different times. This allows greater flexibility in the formulation of a language policy appropriate to a particular region, section of the population, or administrative function. The government should in principle be able to respond to communication from the public in the principal languages of a region and offer public services in those languages (Currie, 1998:37-39, 37-40).

Whatever the government's obligations in principle, in practice its official language policy may be qualified by a number of considerations: usage, practicality, expense, regional circumstances, and the balance of needs and preferences of the population. The first of these – usage – presumably refers to the objective demographic factor of incidence of use of a language in a particular region. The incidence of use of the eleven official languages is not uniform throughout South Africa. In some regions there may be too few speakers of a particular language to justify measures protecting and encouraging the use of that language. This fact would clearly justify the use by a provincial government of only the principal languages used in that province for the purposes of legislation and administration. It would also justify the national government formulating a policy of using only the principal languages of a region for the provision of administrative services in that region (Currie, 1998:37-41).

The other limiting considerations – practicality, expense, regional circumstances, and the balance of the needs and preferences of the population – confer a considerable margin of appreciation on the government. While 'regional circumstances' sounds like it covers the same ground as usage, it presumably must mean something different. The term may refer to the conditions in a

region which impact on administration and which influence the provision of services in multiple languages. For example, the absence of translation facilities in a particularly undeveloped region may qualify as a regional circumstance justifying a restriction on the provision of multilingual services. As for practicality and expense, these considerations recognise that, however noble the intentions of the constitutional declaration of eleven official languages, the constraints inhibiting translation of intention into practice are considerable. It will be too often be practically and financially impossible to provide every type of government service in each of the official languages (Currie, 1998:37-41, 37-42).

In taking measures in relation to the language of local government, municipalities must take into account the language usage and preferences of their residents. There are two significant differences between the constitutional requirements bearing on national and provincial governments and those bearing on municipalities. First, there is no requirement that a municipality use at least two official languages. Secondly, rather than the long list of factors qualifying the obligation to provide multilingual services, municipalities are given a great less discretion: they may consider only usage and the preference of their residents. Usage refers to objective demographic factors. International practice suggests that a sliding scale is the important appropriate measure for determining the reasonableness of an official language policy for local government. The greater the concentration of speakers of a language in a particular municipal area, the greater the obligation to provide municipal services in that language. Where there are fewer speakers of a language in the area, the municipality might be justified in providing fewer of its services in that language, or even none at all. Preference refers to the fact that, in a multilingual state, individuals may be happy to communicate in languages other than their mother tongue. Presumably, where a municipality argues that its failure to provide services in a particular language is in accordance with the preferences of its residents, it should be able to demonstrate some evidence of these preferences (Currie, 1998:37-42).

Nevertheless, this does not distract from the fact that the language provisions of section 6 are also bolstered by the principle of constitutional supremacy (contained in sections 1 and 2). From this principle it emerges that no constitutional norm (which includes constitutional directives and instructions) can be viewed as mere political pronouncement. Also that these norms are binding for all law and on all organs of state, it is clear that practical considerations of feasibility cannot be allowed to dictate language policy to the same degree as the clear commitment to the promotion of language equity and diversity. Therefore no organ of state may approach section 6 with the sole intention of finding loopholes to justify its lack of commitment to overcoming practical problems on the road to the realisation of the Constitutional directives regarding language equity (Pretorius, 1999:35-36).

Notwithstanding the wide margin of appreciation conferred on the state in implementing its official language policy, it is required actively to promote the use and status of indigenous languages: recognising the historically diminished use and status of the indigenous languages of

the South African people, the state must take practical and positive measures to elevate the status and advance the use of these languages. The corrective measures required by the Constitution may obviously include, but are not confined to, the use of languages by government. Expense and practicality aside, the government should, in elaboration of its official language policy, actively promote the use of the historically diminished languages in legislation and administration (Currie, 1998:37-42).

4.2.2   Language provisions in the Bill of Rights

In the Bill of Rights, religious, cultural and language rights are first spelt out fully as individual rights in sections 15 and 30 respectively and section 31 emphasises the protection to be given to members of communities united in a shared language, culture or religion. The protection of diversity (or as it has been called 'the right to be different') is therefore to be achieved through the double mechanism of positively enabling individuals to join with other individuals of their community (section 30), and then by negatively enjoining the state not to deny them rights collectively to profess and practice their own religion, as well as their culture and use their language.

At a minimum, section 31 is a negative liberty, i.e. members of communities may freely engage in the practice of culture, language and religion without the interference by the state or any other source. Arguably, however, the purpose of the section 31 right requires more than that minority activities be simply permissible. The inclusion of section 31 in the Constitution indicates a commitment to the maintenance of cultural pluralism even where it requires positive measures to be taken by the state to ensure the survival and development of minority cultures where they are threatened by disintegration. A state committed to cultural pluralism cannot simply remain neutral as its cultural patrimony (including language diversity) fades to a dull uniformity. It is therefore likely that section 31 requires positive measures by the state in support of vulnerable or disadvantaged cultural, religious and linguistic communities that do not have the resources for such initiatives (Currie & De Waal, 2002:404).

4.3 Legislative imperatives

The Constitution distinguishes between national, provincial and local spheres of government when it refers to the legislative authority in the Republic [section 43]. The legislative authority of the national sphere of government is vested in parliament [section 44]; that of the provincial sphere in the provincial legislatures [section 104]; and that of the local sphere of government in the municipal councils [section 156]. In accordance with this distinction the constitution contains two schedules, which outline the functional areas of concurrent national and provincial competence [schedule 4] and the functional areas of exclusive provincial legislative competence [schedule 5] (Taljaard & Venter, 1998:42).

Under schedule 4, the national and provincial spheres of government have concurrent legislative competence on matters of language policy and the regulation of official languages to the extent that the provisions of section 6 of the Constitution expressly confer upon the provincial legislature's legislative competence. Under section 104 (c) the provincial legislatures can devolve their powers to legislate on language policy issues to a municipality within their jurisdiction. Municipalities, however, can also legislate on matters of language policy by way of municipal language policy by-laws through the constitutional instructions contained in sections 6 (3) (b), and 156.

4.3.1 National legislation on multilingualism

There are several pieces of legislations at national level that seek to give effect to the constitutional stipulations on language discussed above. These include the Pan South African Language Board Act (Act 59 of 1995); the National Educational Policy Act (Act 27 of 1996); the South African Schools Act (Act 84 of 1996); Higher Education Act (Act 101 of 1997); the Promotion of Access to Information Act (Act 2 of 2000); the Promotion of Administrative Justice Act (Act 3 of 2000); the Local Government Municipal Systems Act (Act 32 of 2000); and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act (Act 19 of 2002).

There is a missing piece of language legislation at national level, namely a comprehensive language act. However, attempts have been made to come up with a language act. There is before Parliament the South African Language Bill.

The Bill aims to provide an enabling framework for promoting South Africa's linguistic diversity and encouraging respect for language rights within the framework of building and consolidating a united, democratic South African nation, taking into account the broad acceptance of linguistic diversity, social justice, the principle of equal access to public services and programmes, respect for language rights, the establishment of language services in all spheres of government, the powers and functions of such services and other matters that may relate to making the realisation of the above objects possible.

The objects of the Bill are:

- To give effect to the letter and spirit of section 6 of the Constitution;
- To promote the equitable use of the official languages of South Africa;
- To enable all South Africans to use the official languages of their choice as a matter of right within a range of contexts, with a view to ensuring equal access to government services and programmes, to education, and to knowledge and information; and
- To provide for a regulatory framework to facilitate the effective implementation of the constitutional obligations concerning multilingualism.

The guiding principles of the Bill are:

- The promotion and accommodation of linguistic diversity must be pursued in accordance with the Constitution and relevant international law.

- ■ The promotion of the use of all indigenous languages and South African Sign Language(s).

- ■ The entrenchment of language equity and language rights must be pursued in such a way that both national unity and democracy are promoted.

- ■ The learning of South African languages, especially indigenous languages, must be encouraged.

- ■ Measures for the implementation of multilingualism must take into account the interests, needs and aspirations of all affected parties, and their participation in language matters must be promoted.

- ■ There must be intergovernmental coordination and harmonisation of policies, legislation and actions relating to the entrenchment and promotion of multilingualism.

The Bill states explicitly that the principles spelt out above shall apply to all organs of state and to other institutions where and when applicable.

The South African Languages Bill has not been enacted into legislation despite the fact that the Department of Arts and Culture through General Notice 1514 of 2003 published in the Government Gazette of 30th May 2003 invited public comments on the draft South African Language Bill with an explicit rider that the Bill is intended to become the South African Languages Act.

Failure to legislate the South African Languages Act is a major impediment in any effort to entrench a culture of multilingualism within and by the South African public sector. It is important that this all-important piece of legislation is enacted so as to provide a coherent framework at national level for managing multilingualism in South Africa. That Parliament as part of the public sector should enact this piece of legislation is a legitimate expectation of many South Africans.

4.3.2   Provincial legislation on multilingualism

As per schedule 4 of the Constitution, the provincial sphere of government has concurrent legislative competence with the national sphere of government to enact legislation giving effect to the mandate conferred upon the provincial sphere of government with regard to language policy and the regulation of official languages to the extent that the provisions of section 6 of the Constitution expressly confer upon the provincial legislatures legislative competence. In effect, the nine provinces of the Republic of South Africa must enact language legislation to give effect to the provisions of section 6(3)(a) of the constitution.

Only two of the nine South Africa's provinces have provincial language Acts, namely KwaZulu-Natal (KwaZulu-Natal Parliamentary Official Languages Act; 1998 (Act 10 of 1998)) and Western Cape (Western Cape Provincial Languages Act; 1998 (Act 13 of 1998). There is need for the other seven provinces to enact provincial language Acts in order to provide for legislative framework for the realisation of multilingualism in the respective provinces, and particularly to provide public sector departments at provincial level with a coherent framework of managing language matters in the province. Such legislation should take cognisance of the Constitution language provisions and the other national language legislation discussed in the preceding section. Such legislation

will also demonstrate the commitment of provincial governments to give effect to the spirit of the Constitution to establish a functional multilingual system in the country.

Apart from the short and long titles, the preamble and definitions, a provincial language Act will of necessity contain clauses on provincial languages and the use of these languages in diverse aspects such as provincial parliament, official notices and advertisements, communication with and services with the public and identification signs. A provincial language Act should also contain clauses that establish the provincial language committee, clearly outlining the mechanisms for the establishment of such a committee and its composition, powers, duties and privileges and the management of the affairs of the provincial language committee.

4.3.3   Local government legislation on multilingualism

Under section 104 (c) of the Constitution, the provincial legislatures can devolve their powers to legislate on language policy issues to a municipality within their jurisdiction. Municipalities, however, can also legislate on matters of language policy by way of municipal language policy by-laws through the constitutional instructions contained in sections 6 (3) (b), and 156. The local government sphere language legislation should take the form of language by-laws.

Since the end of the apartheid era in 1994, South Africa has been reforming its local government system – like the rest of its governance policy – along non-racial lines. This has involved the abolition of racially demarcated local authorities, South Africa's first democratic local elections in 1995 and the publication of a White Paper on Local Government in 1998, which has since been enacted as the Local Government: Municipal Systems Act (Act 32 of 2000). A new demarcation of local government boundaries reduced the number of local authorities from 843 to 283 in December 2000: six metropolitan councils, 46 district councils and 231 local councils (Commonwealth Local Government Forum, 2002:1-3).

The 283 municipalities should enact language by-laws to provide a framework for the realisation of a multilingual dispensation in their areas of jurisdiction. However, there are certain factors (as outlined in preceding discussions) that local authorities have to consider in the process of enacting their language by-laws. The Constitution, section 6 (3) (b) requires that municipalities must take into account the language usage and preferences of their residents. Therefore, any language by-law enacted by any municipality in South Africa must be preceded by an elaborate language survey so designed to establish the language usages and preferences of the residents.

4.4 Policy imperatives

By and large, language policies are public policies. This assertion does not distract the fact that private entities and quasi-governmental agencies can engage in language policy formulation and implementation processes. However, even in situations where language policies are formulated by private entities and quasi-governmental agencies, the target audience is usually a 'public', either

internal, or external to the organisation. Inevitably therefore, any justifiable elaboration and analysis of language policies, especially in the public sector, has to be approached from a public policy perspective. Why is it important to approach the elaboration and analysis of language policies from a public policy perspective?

The public policy perspective in language policy elaboration and analysis manages to bring to the fore the complexities that of necessity accompany any public policy formulation. Fundamentally, public policy processes are complex processes and are usually sites of serious ideological and political contestation. Language policies, as public policies are not cushioned from these dynamics. An acknowledgement that language policies are public policies and therefore subject to the ideological and political contests that characterise many a public policy process is important because it primes parties involved in language policy formulation and implementation at all spheres of government with insights on how to guide the processes that constitute language policy formulation and implementation.

There are many schools of thought on public policy processes in South Africa. However, one of the most compelling schools of thought on public policy processes in South Africa is the "integrated stream approach" to public policy making. The approach is recommended for language policy formulation in all the three spheres of government in South Africa. The reason for recommending this approach hinges on the approach's ability to contextualise the policy making dynamic as well as building a cumulative repertoire of experiences from the policy making process and then integrating all these into a comprehensive framework for implementation of public policies. The fundamental precepts of the "integrated stream approach" to public policy making are discussed briefly in the section below.

4.4.1 The "integrated stream approach" (ISA) to public policy-making in South Africa

Booysen (2006) provides a detailed elaboration of the "integrated stream approach" to public policy making in South Africa. The elaboration on this approach in this section heavily borrows from Booysen (2006) insights.

According to Booysen (2006:175-176), public policy-making in South Africa is viewed as an on-going and interactive process. It can be assessed in terms of a contextualised, cumulative and integrated 'stream' of actions that combine to deliver policies, directives for their implementation, and continuous midstream adaptations of the policy in order to achieve policy objectives. This "stream of policy action" is at most stages open to influences, and to confluence with concurrent, related processes. Policy is made and shaped throughout the policy process. Thus, earlier influences may lose their impact either because of success or failure in affecting the policy in an earlier stage.

A range of 'policy actors' organises into policy communities and policy networks to initiate, direct or influence policy-making. The 'stream' is interspersed with a number of 'clearing houses', or landmark points, along which draft policies are channelled. The emergent and draft policies evolve

along a number of 'documentary stages'. These policy actors, clearing-houses and documentary stages constitute the three core components of this analysis of policy-making processes in South Africa. This process does not conceptualise three distinctive streams that occasionally converge and, in those moments, provide the break-through for agenda-setting and policy statement. This approach conceptualises the process as one continuous stream that can be dissected, at any given point in time, with attention to at least the three dimensions.

Consecutive 'clearing-houses' along the policy stream include community forums (often linked to a political organisation), public participation forums, departmental forums and task groups, parliamentary portfolio committees, the National Assembly, the National Council of Provinces, the Constitutional Court, government departments, district and local municipalities, and the Office of the President. Both the clearing-houses and documentary stages dimensions of policy-making involve all three spheres of government in South Africa. The 1996 Constitution introduced the notion of 'cooperative governance' as guideline for cooperation between the three spheres of government – national, provincial and local.

The integrated stream approach also focuses on the consecutive 'documentary stages' of emerging public policy. The documentary stages of policy-making include discussion documents, government directives, White Papers, Legislation, regulations for policy implementation and Cabinet memoranda on progress with policy implementation. In the extra governmental domain, petitions, community letters or narratives regarding the need for policy may drive the earlier parts of the process. Should government interpret these as representing a wider community need, they may become formalised and the government may issue discussion papers for community assessment and inputs. Alternatively, the government itself may have taken the policy initiative, and the process would not be preceded by an explicit community-based articulation of needs. The intragovernmental part of the policy process is linked to the production of government memoranda, policy documents of various statuses including discussion papers, Green papers, White Papers, draft legislation, legislation and finally the regulations and subsidiary legislation to cover policy implementation. Documentary phases have self-evident links to the clearing-houses.

The third dimension of the integrated stream approach to public policy-making in South Africa deals with the policy actors or policy communities. Policy actors organise themselves into policy communities according to the issue at hand. The policy communities consist of relatively small groups of participants with interests in a specific set of issues that concern central government. Generically, this community may consist of national and provincial politicians from different political parties, officials from the civil service, representatives of the non-governmental (NGO) community and leaders of relevant interest groups. The policy community therefore includes what are known as 'participant stakeholders'. The specific community differs from policy issue to policy issue. Policy communities are the major influences on unfolding policy.

The integrated stream approach holds a lot of promise for the formulation and implementation of language policies in all the three spheres of government in South Africa due to its inclusive and interactive approach to public policy formulation. However, it is important to observe that inasmuch as the integrated stream approach framework is in place, what seems to have happened with regard to multilingual language policy formulation and implementation in and by the South African public sector is a loss of inertia where the policy actors seemingly are not keen to pursue the ideal and reality of creating a multilingual public sector, that was evidently there in the first ten years of democratic rule. It is important to re-ignite the enthusiasm of policy actors so that the enthusiasm with regard to implementation of multilingual language policies in South Africa can be rekindled.

4.4.2   National policies on multilingualism

Several national language policies derive from the national language legislation including the Constitution. The national language policies are supported by a corpus of reports including but not exclusive to Education Initiative Report (1999), Curriculum Review (2000), Values – in – Education Report (2000) and Manifesto on Values, Education and Democracy (2001). National language policies include the Language – in – Education Policy (1997); Norms and Standards Regarding Language Policy (1997); Language Policy Framework for South African Higher Education (2001); and the National Language Policy Framework (2002). All these national policies aim at establishing a multilingual dispensation in South Africa. The challenge is for the South African public sector to translate the aspirations of these policies into tangible programme interventions.

4.4.2.1   Sectoral policies on multilingualism

Apart from the generic national policies on multilingualism such as the Norms and Standards Regarding Language Policy (1997) and the National Language Policy Framework (2002) cited above, there is need for more sector specific policies on multilingualism in the South African public sector, more in the mould of the Language – in – Education Policy (1997) and the Language Policy Framework for the South African Higher Education (2001).

Such policies should be driven from the Presidency where the department of Government Communication and Information System (GCIS) is domiciled. This view is informed by GCIS's declared vision, mission and responsibility which state inter alia: to help meet the communication and information needs of government and the people, to ensure a better life for all; to provide leadership in government communication and to ensure that the public is informed of government's implementation of its mandate; and communication between government and the people where a high premium is placed on development communication that emphasises direct dialogue, especially with people in disadvantaged areas, respectively. It is also instructive

that part of the responsibilities of the Deputy Presidency, which falls under the Presidency, is to coordinate and promote language matters in the Republic.

At a level below the Presidency, the line Department in charge of language matters in the Republic, i.e. the Department of Arts and Culture, should be incorporated into this sectoral approach to the formulation and implementation of multilingualism in South Africa's public sector. At this level, the Department of Arts and Culture should closely liaise with the Department of Public Service and Administration and the Pan South African Language Board (PanSALB) so as to develop sector-specific approaches for the formulation and implementation of multilingualism in the entirety of the South African public sector. The ultimate aim should be to delegate to specific government departments the responsibility of ensuring that public sector agencies that fall within their purview formulate and implement multilingual language policies aimed at enhancing service delivery and engendering a culture of representative and participatory democracy. A few examples will illustrate how the sectoral approach to the formulation and implementation of multilingual language policies in South Africa's public sector should work.

The Department of Provincial and Local Government, the line department charged with coordinating the affairs of provinces and municipalities should work closely with the nine provinces and the 283 municipalities to ensure that provinces and municipalities meet their constitutional mandate with regard to implementing multilingualism. The National Treasury should work closely with the quasi-independent agencies under its mandate namely the South African Revenue Service (SARS) and Statistics South Africa to formulate and implement multilingual language policies so as to enhance service delivery. With regard to these two quasi-independent agencies, it will greatly enhance SARS reach with regard to revenue collection and tax education if its material was available in all the eleven official languages. It will also be of critical relevance if the statistics produced by Statistics South Africa are made available in languages other than English. The Department of Defence should work closely with the South African National Defence Force (SANDF) to ensure that its structures that incorporate the South African Army, the South African Air-Force, the South African Navy, the South African Military Health Services and Corporate Staff formulate and implement multilingual language policies. The Department of Justice and Constitutional Development should work closely with the judiciary to ensure that all the courts in the country including the Constitutional Court, the Supreme Court of Appeal, the High Courts, the Magistrate's Courts and special tribunals formulate and implement multilingual language policies.

The Department of Public Enterprises should work closely with the public enterprises under its purview, which include Alexkor, Denel, Eskom, PBMR (Pebble-Bed Modular Reactors) (Pty) Limited, SAA, SA Express, Safcol, Transnet and Broadband Infraco to ensure that these public enterprises develop and implement workplace multilingual language policies. The Department of Correctional Services should ensure that there are multilingual policies in place in all correctional facilities in the country, considering the language demographics of inmates. The Department of Health,

working closely with Provinces should ensure that all health facilities in the Republic formulate and implement multilingual language policies. This is of critical importance considering the fact that there are reports of fatalities within the South African health system due to language barriers (*Cape Times*, Wednesday, June 18 2008). The cited scenarios where a national department should coordinate the formulation and implementation in its area of operation can be replicated for virtually all departments. In these processes, the integrated stream approach to public policy-making should be applied so as to ensure that there is buy-in by all stakeholders involved in the process.

4.4.3   Provincial policies on multilingualism

To actualise the provincial government's sphere obligations with regard to language, provinces will have to formulate language policies in tandem with their language legislation discussed in the previous section. Two of South Africa's nine provinces have language policies that have been adopted by their respective legislatures. These are KwaZulu-Natal and Western Cape.

4.4.4   Local government policies on multilingualism

To give effect to their constitutional obligations with regard to language and their respective language by-laws, local authorities in South Africa are required to formulate and implement language policies. Municipal language policies should be based on the language use and preferences of the residents living within a municipality's areas of jurisdiction, and on the general framework provided by the respective province language legislation and language policy. It is expected that all the 283 local authorities should formulate and implement multilingual language policies.

4.5 Why legislation and policies on multilingualism are critical?

Legislation and policies on multilingualism at all spheres of government are critical because they further elaborate on the Constitutional provisions on language. In effect, when the national, provincial and local spheres of government formulate and enact legislation and policies in support of multilingualism, they give the public sector a far much firmer basis in which to pursue multilingualism as a national, provincial and local government aspiration.

Further, legislation and policies on multilingualism provide a logical framework in which all spheres of government can justifiably commit resources for the realisation of a multilingual dispensation in the country. As observed earlier, in a constitutional democracy, every act of government and the public sector that supports its operations must be based on a legal basis. Legislation and policies on multilingualism serve to further elaborate the legal basis for the implementation of multilingualism by and in the public sector.

4.6 The need for coordination and logistical support

The formulation, enactment and adoption of national, provincial and local government sphere multilingual language legislation and policies are processes that require massive coordination and logistical support. The coordination should be both horizontal and vertical: At the horizontal level, national government departments should coordinate among themselves to ensure that their operations are being conducted in a multilingual manner and that they have sector multilingual language policies in place. Further at this horizontal level, national departments must support the Departments of Arts and Culture, the line department charged with the responsibility of ensuring that there is a multilingual dispensation in the country, in its efforts to roll out multilingualism in the country. This horizontal coordination should be replicated at the provincial and local government sphere where different departments within provincial and local governments support each other in rolling out services in a multilingual manner.

At a vertical level, all national departments should ensure that their provincial and district based service centres, and agencies that fall within their purview are integrated into the system of offering services to South Africans in a multilingual manner. Apart from the examples provided under section 4.4.2.1 a few other examples will further illustrate this point. The Department of Home Affairs, the South African Police Service, to name only but a few, have service centres outside Pretoria where their national headquarters are domiciled. These departments have the obligations of ensuring that their regional service centres offer services to South Africans in languages that they are comfortable with.

Further, at the vertical level, there should be coordination between the various spheres of government. At the national sphere, the Department of Arts and Culture, as the line department in charge of language matters in the Republic, should take upon itself the responsibility of ensuring that provinces and municipalities have multilingual language policies in place and that they are being implemented. Coordination with the Department of Provincial and Local Government, the line department charged with the responsibility of supporting the provincial and local government spheres in order for them to realise their constitutional mandate, as well as the Department of Public Service and Administration will be crucial. In effect, coordination for multilingual legislation and policy formulation and implementation from the national sphere through to the provincial sphere and local sphere is a multi-layered and multifaceted exercise.

There is also need for coordination and logistical support so as to ensure that the myriad of legislation and policies that need to be developed and implemented in all the three spheres of government so as to support the realisation of a multilingual public sector are put in place. Fundamentally, legislation and policies are technical documents that need expert input in their formulation, processing through various stages, adoption and implementation. There is therefore need for logistical support in terms of expertise to be provided in the formulation and implementation of multilingual language policies in all the three spheres of government.

4.7 The challenge of implementation

To give effect to the Constitution language provisions, national, provincial and local government sphere language legislation, as well as national, provincial and local government language policies, needs a coherent framework of measurable targets that are to be realised during implementation. It is important to note that the greatest challenge to the eventual realisation of South Africa's multilingual dispensation lies with the efficiency and effectiveness of the implementation programmes that are put in place at the national, provincial and local government spheres.

Within the *new public management* paradigm, implementation of public policies is referred to as *execution* and has been identified as the most challenging of all public sector undertakings. The successful implementation (execution) of language legislation and policies (as public policies) at the national, provincial and local government sphere will ultimately depend on an optimal mix of the following variables:

- The human resource component, inclusive of people with strategic knowledge, skills and attitudes for successful language policy implementation;
- The financial resource component, inclusive of monetary aspects and social capitalisation.
- The infrastructure component, inclusive of all systems needed to meet the objectives set out in national, provincial and local government sphere language legislation and language policies.

The discussion in the following chapters focuses on the above variables and how they can be brought to bear in an optimal way so that a multilingual dispensation is realised in and by the South African public sector.

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CHAPTER 5

Human Resource and Organisational
Culture Imperatives for Multilingualism
in South Africa's Public Sector

5.1 Introduction

The implementation of national, provincial and local government sphere multilingual language legislation and language policies as well as sectoral multilingual language policies will depend on a critical mass of human resources within the South African public sector. Both managerial and technical human resources are required for the successful implementation of national, provincial and local government sphere multilingual language legislation and language policies as well as sectoral multilingual language policies. The managerial and technical human resource requirements for successful implementation of national, provincial and local government sphere language legislation and language policies and sectoral multilingual language policies constitute the human resource imperatives for the implementation of multilingualism in and by the South African public sector.

Successful deployment of critical human resources for the implementation of multilingualism in South Africa's public sector will have to be supported by a re-engineering of the organisational culture of South Africa's public sector. Due to its evolution under peculiar historical circumstances, the South African public sector is not attuned to multilingualism. Rather, it was designed and evolved and eventually came to embrace an organisational culture where a maximum of two languages, namely English and Afrikaans were the dominant languages of intra and extra system communication. This bilingual organisational culture needs to be re-engineered to accommodate multilingualism if the implementation of multilingualism in and by South Africa's public sector has to be successful.

There is a dialectic relationship between the critical mass of human resources required for the implementation of multilingualism in South Africa's public sector and the organisational culture of South Africa's public sector – the organisational culture prevalent in South Africa's public sector and which is largely inimical to multilingualism, is a consequence of deliberate actions by members (the human resource component) of South Africa's public sector. However, a re-engineering of this organisational culture cannot happen on its own. It has to be driven by members of South Africa's public sector. Members of South Africa's public sector who currently may not be very supportive of multilingualism, will nonetheless be required, due to constitutional and service delivery requirements, to embrace multilingualism as a tool for facilitating system efficiency and effectiveness. Consequently, the use of the terms *critical mass of human resources*, because the kind of human resources required for the re-engineering of South Africa's public sector organisational culture so that it can be accommodative of multilingualism will have to be different, in skills and attitudinal orientation.

Related to the issue of organisational culture, especially within the framework of a *critical mass of human resources*, is the issue of *ethics* in the public sector. Why is the issue of *ethics* important when discoursing on human resource and organisational culture imperatives for the implementation of multilingualism in South Africa's public sector? The issue of ethics is central in this discourse, not just as a standard requirement for all conduct by public sector employees, but due to the massive nature of the interventions needed to ensure that the entire public sector is multilingual, and consequently the monumental amount of resources involved. Inevitably, these interventions will include outsourcing of services such as technical management support, interpreting, translation and training. The legal process of outsourcing services in the South Africa's public service is through the tendering system. However, literature is replete with examples where public sector officials through rent-seeking behaviour have manipulated the public sector tendering system in South Africa. It is important to guard against any form of rent seeking in the tendering processes that of necessity will accompany the implementation of multilingualism in South Africa's public sector. The *critical mass of human resources* handling the implementation of multilingualism in South Africa's public sector must be of high integrity and their moral infrastructure must be beyond reproach. Of necessity, therefore, they should all be thoroughly vetted and screened, especially at managerial levels.

The current chapter discourses on the human resources and organisational culture imperatives for the implementation of multilingualism in South Africa's public sector, with a deliberate focus on the issue of *ethics*. The use of the term *imperative* is deliberate. It is meant to stress the critical role that human resources and organisational culture should play in the implementation of multilingualism in South Africa's public sector.

5.2 Human resource imperatives

That any organisation is as good as its human resources is a cliché. However, the turbulent times that have marked the beginning of the twenty-first century make this statement even more valid in our contemporary times – organisations that will be able to survive these turbulent times and make a positive contribution to the betterment of the human condition will be those organisations with *people* cued up to meet the challenges of modern times with innovative and sustainable solutions. This simple but fundamental fact applies even more to public sector organisations because of the critical nature of their mandate: public sector organisations have an express mandate of ensuring that they facilitate the creation of a better life for all citizens, by not only being people focused, but by tackling societal constraints that hinder development, defined in the broadest terms, head-on. That creating a better life for all while remaining people focused and tackling societal constraints that hinder development is a monumental task is an understatement.

But these are the kind of challenges that public sector organisations are designed to tackle and their very existence is meant to address these kinds of challenges. The success or otherwise of public sector organisations in delivering on their mandate depends on their human resource capacities. Erasmus *et al.* (2005:4) echo this observation when they observe that to a very large extent, the South African nation's ability to achieve success through effective public service delivery depends on the performance, honesty and motivation of public employees. Logically, the success or otherwise of South Africa's public sector on delivering its constitutional mandate with regard to multilingualism will depend, almost entirely, on a critical mass of human resources, who understand the inextricable relationship between the public sector's core mandate areas (as elaborated on in chapter 2) and multilingualism.

The human resources required to facilitate multilingualism in South Africa's public sector can be divided into two categories – managerial and technical human resources. However, it is important to point out that this sub-division is for discussion purposes only because it is possible that a public sector employee designated as a *managerial language specialist* can perform the tasks of a *technical language specialist*, and vice-versa. If anything, this kind of or *all-round* expertise is what should be encouraged in the public sector. There is also the issue of whether *managerial* tasks are not *technical* tasks, and vice-versa. The current discussion does not address these epistemological issues. It simply creates a taxonomy aimed at facilitating an easy elucidation of the human resource requirements necessary for the implementation of multilingualism in South Africa's public sector.

5.3 Managerial and technical human resource requirements

Managerial and technical human resources are required for the eventual implementation of South Africa's public sector language legislation and language policies. Human resources are critical in determining the success or otherwise of any organisation, the public sector

included. However, it is also important to note that human resources, like any other variable in a management environment, needs to be managed. This brings to the fore the notion of human resource management. Therefore, it can be postulated that the successful implementation of South Africa's public sector language legislation and language policies will depend on language issues focused human resource management. Human resource management has been defined as that part of the management process that specialises with the management of people in work organisations. Human resource management emphasises that employees are critical to achieving sustainable competitive advantage, that human resource practices need to be integrated with the corporate strategy, and that human resource specialists help organisational controllers to meet both efficiency and equity objectives (Bratton & Gold, 1999:11).

But what will be required for successful implementation of multilingualism in South Africa's public sector is not generic human resource management, but *public sector human resource management*. Some insights on public sector human resource management are outlined in this section. The insights are drawn from Erasmus *et al.* (2005), one of the most comprehensive and concise renditions on the human resource management dynamic in South Africa's public sector. These insights assist in illuminating the discussion that follows.

Public sector human resource management is taken to be that part of management concerned with all the factors, decisions, principles, strategies, operations, practices, functions, activities, methods, processes and procedures related to employees in public sector institutions, all the dimensions related to people in their employment relationships, and all the dynamics that flow from it. These are all aimed at helping to ensure continuous success of public sector institutions through *good fit* employment relationships in turbulent and ever-changing environmental conditions. The perspective is thus broad rather than narrow, in that public sector human resource management is viewed as referring to all practices and decisions aimed at continuously an optimal match or fit between work, the human resources required to execute the work of public sector institutions, and the environment in which these institutions operate (Erasmus *et al.,* 2005:4).

Some of the more important characteristics of public sector human resource management include:

- It has a management perspective.
- It focuses on the public sector and therefore has a unique "public" sector dimension.
- It utilises certain resources to guide the HR (Human Resource) function optimally.
- It is a tripartite division of responsibilities assigned to executive political managers, line function employees, and human resource specialists to achieve certain institutional objectives.
- It is guided by certain ethical guidelines designed to ensure professional behaviour.
- It is an integrated process that mainly comprises four activities that are connected with each other, namely, key functions and practices, management tasks, additional management skills, and specific outcomes that have long-term consequences. All these activities are directed towards the purpose of enhanced performance (better service delivery) of public sector institutions (Erasmus *et al.,* 2005:5).

These characteristics are unpacked in the following paragraphs.

Public sector institutions are non profit-seeking institutions. But this does not mean that public sector institutions do not fulfil a particular role in life and therefore have no purpose for their existence. All public sector institutions consist of people who are supposed to interact consciously in an endeavour to achieve certain institutional goals by serving a particular need in society. Therefore, all public sector institutions strive towards being successful. Successful, in this context, means doing the right things (being effective) the right way (being efficient). The 'right things' refer to the specific services, which a particular public sector institution serves to provide. The provision of such services constitutes the basic *raison d' etre* of any institution that is established to satisfy society's needs. Furthermore, all public sector institutions also have to do things in the right way. This means that, in providing these 'right services', public sector institutions must also function in such a way that all the stakeholders – in particular the citizens/customers or end users of these services – are satisfied. The nature and quality of the services must be right, and they must be provided at the right price, at the right time, and at the right place. If the citizens/customers are satisfied and they use the services, the institution's chances of being successful are better. Therefore, one major pre-occupation of public human resource management is with activities and decisions that ensure the success of public sector institutions and the gradual improvement of the quality of life of all their stakeholders (such as the citizens/customers, the employees, and the community at large). To ensure that public sector institutions are successful, the management perspective is critical. Management is concerned with the utilisation and mobilisation of all of a public sector institution's resources so that it can be successful and survive in the changing environment within which any institution exists and operates. These resources can be tangible or intangible. They include natural resources such as water and land, financial resources such as cash, technological resources such as machinery, equipment and computer technology, information and knowledge-based resources, energy related resources, and *human resources*. All these resources have to be utilised, combined, and transformed into need-satisfying services by a wide range of public sector institutions. It is the responsibility of management (which is also represented in the human resources field) to manage all of these resources.

As observed in chapters one and two, the public sector covers a wide terrain. In general terms, the concept 'public sector' constitutes the public service (which includes employees in government departments at national and provincial level) and local government, as well as a host of statutory bodies, parastatals, and quasi-government institutions. The dynamics that define the public sector are unique, and therefore the need for a public sector focused human resource management.

At any given situation, a public sector manager has four basic resources at his disposal on order to execute the HR function successfully. These resources are roughly classifiable as financial, physical, informational, and human resources. An important responsibility that faces the public sector manager is to ensure that these resources are utilised optimally. It can be stated categorically that human resources probably play a larger and more strategic role than the other resources because

public sector managers in any public sector institution have the responsibility to take decisions on how to utilise the other resources (Erasmus *et al.,* 2005:8).

In accordance with Section 7(3)(b) of the Public Service Act 103 of 1994, public managers (including human resource managers) are responsible for the efficient management and administration of public sector institutions, including the effective utilisation and training of staff, the maintenance of discipline, and the promotion of sound labour relations. The focus falls squarely on the term 'responsibility'. Undoubtedly, responsibility in terms of public sector human resource management has wide and varied implications. In this regard, the White Paper in Human Resource Management in the Public Service of 1997 clearly states that human resource management will no longer be the responsibility of human resource specialists, but rather a dual responsibility between human resource specialists and all other public sector managers. Because public sector human resource management takes place in the public domain, one can add another role player, namely, 'political managers'. Therefore, public sector human resource management involves a tripartite division of responsibilities between the executive political heads (political managers), the line function employees (mostly managers), and human resource specialists (including HR managers) (Erasmus *et al*., 2005:8-9).

The need to develop a critical mass of specialised human resources for the South African public sector has been identified in the literature (Gerber *et al.,* 1998, Carrell *et al.,* 1999, Erasmus *et al*., 2005). This critical need for specialised human resources also applies to language related services in South Africa's public sector. The human resource requirements for successful implementation of South Africa's public sector language legislation and language policies can be categorised into two broad categories. These are *managerial language specialists* and *technical language specialists*. These two categories of human resources are discussed in detail in the following sub-sections.

5.3.1   Managerial language specialists

Language, when conceptualised as a critical component of public sector operations needs to be managed. Within the public sector, language plays a critical role in knowledge and information access and transfer. It also plays a critical role in public service delivery and also in entrenching and maintaining a culture of equity, human rights and community participation. Therefore, the successful implementation of multilingualism in South Africa's public sector will have to be driven by a cadre of managers who understand the critical role that language must play in public sector operations at the national, provincial, local government spheres and sectoral levels.

Fundamentally, managerial language specialists need to understand and execute the processes and/or series of activities that will give necessary direction to the country's language resources so that the objective of creating an egalitarian South African society founded on the constitutional values of human dignity, achievement of equality and the advancement of human rights and

freedoms can be achieved as productively as possible given South Africa's peculiar historical and contemporary circumstances.

Managerial language specialists will first have to be equipped with the knowledge, skills and attitudes to apply traditional management functions (Smit *et al.,* 1997) of planning; organising, leading and controlling in addressing language problems and harnessing language resources in South Africa.

With regard to planning, managerial language specialists need to determine very clearly what goals that the language enterprise must play in South African society and how the public sector can apply itself to meet these goals. This includes a determination of the ways to attain these goals as well as the resources needed to attain these goals. Planning in this sense will have to encompass the determination of the future position of the South African public sector with regard to language matters in the Republic, and guidelines on how to attain the determined futuristic goals. Managerial language specialists have to ensure that goals of the public sector with regard to language matters in the Republic are not pursued in a random manner, but should follow a specific logic, scientific method or plan.

With regard to organising, managerial language specialists have to ensure that once the goals and plans of the public sector with regard to language have been determined, the requisite human and physical resources are allocated and made available to different departments and sectors that are charged with the implementation process. Duties will have to be defined, as well as procedures determined to attain the specified objectives. Essentially, managerial language specialists will have to develop a framework or organisational structure to indicate how personnel and materials should be employed to achieve the goals set out in national, provincial and local government sphere language legislation and language policies as well as sectoral language policies. Its critical to note that the success of the public sector in realising its mandate with regard to language will depend to a greater extent on how managerial language specialists direct different resources for the achievement of a multilingual South Africa. The better the resources are co-ordinated and organised, the more successful the public sector will be in meeting its constitutional obligation with regard to language matters in the Republic.

With regard to leading, managerial language specialists will have to be equipped with the knowledge, skill and attitudes required to supervise the public sector language services corps and motivate them in such a way that their actions are in accordance with the goals and plans formulated to achieve a multilingual South Africa. Managerial language specialists must be alive to the reality that as managers, they cannot act in isolation and their mandate will not only constitute of giving orders – they will have to collaborate with their superiors, equals and subordinates, with individuals and groups in the public sector to attain the goal of a multilingual South African public sector. Leadership, that is, getting and keeping language service related activities going, motivating and influencing personnel, as well as communication with and among personnel

provided by managerial language specialists will have a profound effect on the implementation of multilingualism in South Africa's public sector.

With regard to controlling, managerial language specialists need to be equipped with the knowledge, skills and attitudes needed to ensure that language services in the public sector are kept on the right track in the attainment of stated goals. The aim of control in this regard will be to check that performance conforms to language plans designed to attain the predetermined goals of language services in the public sector. Control as a management function will ensure that managerial language specialists identify and rectify any deviations from the language plans, and to continuously revise the language plans to ensure the achievement of overall goals.

Apart from performing the traditional management functions, managerial language specialists need to have particular management skills. These skills include conceptual, human and technical skills. Conceptual skills refer to the mental ability to see multilingualism in South Africa's public sector as a whole and complex system and to co-ordinate and integrate all the interests and activities attendant implementing multilingualism in South Africa's public sector. When approaching multilingualism in South Africa's public sector conceptually, managers will have to display the following skills: (1) working out well-conceived plans in collaboration with all stakeholders, and (2) taking rational and informed decisions about multilingualism issues in the public sector. Human skills refer to the ability to work with, understand, and motivate people. This skill is fundamentally important considering the multicultural and multilingual nature of South Africa. Multicultural and multilingual attributes manifest themselves in South Africa's public sector. In essence, a manager's human skills will be judged by (1) how successfully one communicates with others, especially those from different cultural and linguistic backgrounds and (2) the extent to which one is involved in motivating employees. Technical skills refer to the ability to apply professional, functional, and specialised knowledge and expertise (in this case language management expertise) to ensure that implementation of multilingualism takes place smoothly.

Managerial language specialists also need to have operational knowledge of the variables that impact on language legislation and language policy implementation. Cluver (1991) has identified these variables and include: socio-political; administrative; educational; economic and legal. Mwaniki (2004) identified additional variables that include managerial, technological and linguistic variables.

Further, managerial language specialists need to be able to conceptualise the potential role that language can play in South African society and its efforts at transformation. Fundamentally, they should be able to understand that language plays a facilitative role in the enlargement of people's choices, whether at the macro level of development and democracy, or at the micro level of service delivery and access; and information and knowledge access, transfer and application. To this end, managerial language specialists should be able to design and deploy optimal methodologies and strategies to address language problems and harness language resources in South African society.

However, for managerial language specialists to facilitate the implementation of multilingualism in South Africa's public sector, they require a critical mass of technical language specialists. The various specialisations of technical language specialists required for the successful implementation of multilingualism in South Africa's public sector are discussed under the following sub-section.

5.3.2   Technical language specialists

Technical language specialists are critical in determining the success or otherwise of the efforts to implement multilingualism in South Africa's public sector. Technical language specialists can be defined as professionals who specialise in particular and/or diverse knowledge-intensive and skill-intensive language services fields. Technical language specialists include interpreters; translators; lexicographers; terminologists and language technologists. The role of these technical language specialists in facilitating the successful implementation of multilingualism in South Africa's public sector is discussed in the following sub-sections.

5.3.2.1   *Interpreters*

Interpreters are technical language specialists who relay discourse from one language to another language, usually in the verbal and/or sign mode. Within the South African situation, interpreters are required for all eleven official languages and sign language, especially at the national government and national sectoral sphere. However, it is important to note that interpreters work with language combinations, i.e. a minimum of two languages, because interpreters have to relay discourse from one language to another language. However, at the provincial and local government sphere as well as provincial and local level sectoral offices, interpreters will be required for those languages that are designated as official in respective regions, and sign language.

Public sector interpreters, as community interpreters (Roberts, 1997:9), will have to be trained in the various forms of interpreting, namely consecutive and simultaneous interpreting (Seleskovitch *et al.*, 1989:27, 105) and lately whisper interpreting.

5.3.2.2   *Translators*

Translators are technical language specialists who act as bilingual (multilingual) mediating agents between monolingual communications participants in two different language communities, i.e. the translator decodes messages transmitted in one language and re-encodes them in another (Bell, 1995:15). Translators are required to carry out the task of translation, which in the generic sense may include interpreting. Three forms of translation have been identified. These are:

(i)   Intralingual translation or *rewording* (an interpretation of verbal signs by means of other signs in the same language).

(ii)   Interlingual translation or *translation proper* (an interpretation of verbal signs by means of some other language).

(iii)   Intersemiotic translation or *transmutation* (an interpretation of verbal signs by means of signs of nonverbal sign systems) (Bassnett, 2002:22).

The South African public sector, especially at the national sphere requires translators who can handle all the eleven official languages, sign language and Braille. The demand for translators at the provincial and local government sphere as well as provincial and local sphere offices of sectoral agencies should be determined by the combination of languages that have been designated as official in respective regions, and through needs analysis.

5.3.2.3   Lexicographers and terminologists

Lexicographers and terminologists are responsible for developing new terminologies [words and word forms] in a language, especially with regard to the need to *modernise* a language so that it can meet demands of a changing social, political, economic and technological environment.

Within the South African context, lexicographers and terminologists have a critical role to play in developing terminology particularly in the previously marginalised languages. Lexicographers will have to develop a corpus of terminologies in all the previously marginalised languages if these languages are to be used effectively in all public domains in South Africa.

However, it is important to note that terminology development is not only a technical linguistic enterprise. Terminology development must be sensitive to the attitudes and needs of the native speakers of the respective languages. In this regard, lexicographers and terminologists are development workers who strive to ensure that there is a match between communities communication needs are the communities' cultural, social, political and economic fabric.

5.3.3.4   Language technologists

With the growing emphasis on knowledge, innovation, and the new information and communications technologies in the broad discourse of development, and the many claims about the world entering a new era – the Information Age – (Burton, 2001:433) there is need for language technologists in the public sector if there is to be successful implementation of multilingualism in South Africa's public sector. Language technologists deal with such aspects such as machine translation, interpreting facilities design and sustenance, the creation and maintenance of databases, web pages and other Information Communication Technologies (ICTs) infrastructure that facilitate e-government. It is important to note that language technologists have to work closely with lexicographers and terminologists because, as a requirement and of necessity the information technology interfaces supporting the implementation of multilingualism in South Africa's public sector will have to be in the multiplicity of South Africa's official languages.

5.4 Organisational culture imperatives

Contemporary management thinkers are increasingly identifying 'organisational culture' as an important imperative in determining the success or otherwise of organisations. This truism equally applies to the public sector. This truism applies even more to South Africa's public sector due to South Africa's tumultuous history and challenging contemporary dynamics. In the tumultuous South Africa's history, the public sector played a central role in the sometimes-regrettable incidences that mark that by-gone era, but whose ramifications are still manifest in South Africa's body politic. The public sector also played a central role in the events that marked the democratic transition in South Africa. After the democratic transition, the public sector has been and continues to be in the centre of efforts to transform South African society to a more egalitarian society, in the face of daunting challenges, as outlined in chapter one.

These historical circumstances impact on the organisational culture of South Africa's public sector. Originally, South Africa's public sector was designed to serve colonial interests (which are essentially exploitative and non-egalitarian in nature), especially in the period between 1910 and 1948. Between 1948 and 1994, South Africa's public sector was designed to serve the interests of the apartheid state (an exclusive system which bordered on perpetuating crimes against humanity). As from 1994, South Africa's public sector is being re-engineered to as to serve the interests of an emerging democratic and egalitarian state. Basically, this historical timeline is indicative of a gradual evolution of an organisational culture in South Africa's public sector, from an exclusive organisational culture to a gradually inclusive organisational culture. These different organisational cultures in South Africa's public sector have responded differently to the issue of language. This issue is discussed at length at the end of this section. However, attention in the following sub-sections focuses on some salient issues in the discourse on organisational culture because it is not very common to find a book on linguistics that addresses itself to issues of organisational culture.

5.4.1   Organisational culture defined

Various definitions of organisational culture have been developed over the years. Most of these definitions agree that organisational culture refers to a system of shared assumptions held by members, which distinguishes one organisation from others (Werner, 2003:22). Organisational culture is perceived as a three-layered entity consisting of:

(i)   Basic assumptions people in an organisation hold;
(ii)   These give rise to shared feelings, beliefs and values; and
(iii)   This is manifested in symbols, processes, forms and some aspects of group behaviour (Weisner & Millet, 2000:123 cited in Werner, 2003:22).

Studying and diagnosing organisational culture is complex: underlying assumptions are not usually openly discussed and they subconsciously influence behaviour. This dilemma is further illustrated by the difference between espoused and enacted values. Espoused values are those values explicitly stated by the organisation as preferred values. Enacted values are those values that are reflected in the everyday behaviour of employees and managers (Werner, 2003:23).

Organisational culture is the way of life of an organisation that is passed on through successive 'generations' of employees. It is about what the employees of an organisation perceive themselves, what it is that they believe in, what they do and the way in which they do it. Employees in an organisation maintain a set of believes, act in certain ways, and follow rules and customs, assuming that this way of life is the natural order of things. This intricate set of assumptions and behaviour is what constitutes the organisational culture of an organisation.

5.4.2   The importance of organisational culture

The study of cultural differences in organisations not only makes very interesting reading but also serves a very good purpose. Ultimately leaders and managers are interested in understanding how the organisational culture influences employee's behaviour and performance and whether it enhances or hinders overall organisational excellence. Based on this knowledge, they can decide whether the culture should be changed or modified, or whether it should be reinforced. The function of organisational culture can be summarised as follows:

- It creates a corporate identity that distinguishes one organisation from others.
- As a result, it gives members of the organisation an identity.
- Identifying with the organisation creates greater commitment to organisational goals and objectives.
- Organisational culture guides employees in terms of acceptable behaviours and attitudes, especially when they have to make decisions and solve problems.
- It creates social system stability with associated emotional security.
- It serves as a yardstick for evaluating and correcting deviant behaviours and for rewarding desired behaviours (Werner, 2003:24).

5.4.3   Competency cornerstones supporting successful organisational culture

There are three cornerstones that form the foundation of successful organisation culture:

(i)   Competence of Leadership.
(ii)   Competence of Employees.
(iii)   Degree to which the organisational culture fosters and maximises competence.

By strengthening these cornerstones, organisations, the public sector included, can improve almost every aspect of their functioning and come closer to achieving their stated vision. The importance

of competence of the leadership of any organisation cannot be gainsaid. If any organisation has to be successful, the leadership of that organisation has to be competent, especially in charting a strategic path for the organisation. The competence of employees is also of critical importance because the employees translate the strategic objectives of an organisation into tangible products and services. Of critical importance also is the degree to which organisational culture fosters and maximises competence. Ideally, therefore, all organisations, the public sector included, should strive for an optimal mix of these three cornerstones that form the foundation of successful organisational culture.

5.4.4   South Africa's public sector organisational culture in relation to multilingualism

It was observed under section 5.4 that South Africa's public sector organisational culture has undergone tremendous changes over the last 100 years. These changes have tended to mirror the political developments that have marked South Africa's rather tumultuous history. Apart from the public sectors of the pseudo-independent Bantustan Republics, much the organisational culture of South Africa's public sector was designed around bilingualism (English and Afrikaans) and sought to perpetuate this bilingual organisational culture.

Vestiges of this bilingual organisational culture are still present in contemporary South Africa's public sector where negative attitudes toward formerly marginalised African languages are rife, despite the Constitutional provisions that point toward a multilingual dispensation. Public sector managers need to conceptualise multilingualism and especially development and use of previously marginalised languages, as an integral part of the core function of South Africa's public sector – service provisions to the citizens of South Africa.

The political and executive leadership of South Africa's public sector should increasingly be seen to engage the country in general and the citizenry in particular in a multilingual way, especially in the formerly marginalised languages. In this way, they will greatly help raise awareness of the importance of multilingualism, not only to the general population, but also to employees in the public sector, some of whom may be having negative attitudes toward the formerly marginalised languages.

Deliberate human resource practices aimed at attracting employees who understand the critical role of multilingualism in all the functions of South Africa's public sector should be instituted in South Africa's public sector. These practices could range from head-hunting professionals with track records of excellence in the language industry, training and development programmes for the development of managerial and technical language specialists and performance based employment packages that recognise and reward multilingual competence.

Non-prioritisation of budgeting for multilingualism in South Africa's public sector is another feature that marks South Africa's public sector organisational culture. This trend needs to be radically altered. Budgeting for the implementation of multilingualism in South Africa's public

sector should be a permanent feature in all recurrent and capital expenditure estimates. Public sector employees should not use budgets as rationalisations for not implementing multilingualism. Rather, failure to budget for multilingualism on the part of any South Africa's public sector employee charged with the budgeting process should signal a singular failure in understanding public sector mandate and dynamics.

There is also the worrying trend of rent seeking among public sector employees in South Africa. Implementation of multilingualism in South Africa's public sector is a multi-billion Rand undertaking. The sheer magnitude of resources involved in making multilingualism a reality in South Africa's public sector can be particularly tempting for public sector employees with shaky and dubious moral and ethical infrastructure. Attempts have to be made at all levels in the public sector to ensure that implementation of multilingualism is handled in an ethical manner as laid out in the various regulations that guide ethical behaviour in South Africa's public sector.

5.5 Training and management development

Training and management development are critical components in the human resource development processes for managerial and technical language specialists as well as for re-engineering organisational culture. Training can be defined as an organised set of learning activities capable of improving individual performance through changes in knowledge, skills and attitude (Nadler, 1980 cited in Gerber *et al.*, 1998:453). In a broad sense, it includes experiences intended to evoke new insights, update skills, prepare employees for career movement and rectify knowledge or skills deficiencies (Gerber *et al.,* 1998:453).

Corsellis (1999) observes that training of public sector language specialists must competently address both linguistic skills and professional practice. The long-term aim is to train language specialists for public service work in such a way as to prepare them for true professional responsibilities. Corsellis (1999:202) identifies the 'golden' threads that should guide the training of public sector language specialists. These are:

- Adequate background knowledge and understanding of the domain, public service aims, structures, processes, procedures and personnel.
- A standard of knowledge in languages, including the formal and informal terminology likely to be used.
- Accurate transfer techniques for example short consecutive interpreting and whispered simultaneous interpreting, as well as sufficient translation skill to deal with straightforward texts and complex texts.
- An understanding of the code of ethics and good practice as well as how they should be implemented, what would happen if they are not, and how to solve ethical dilemmas such as confidentiality, impartiality, or business proprieties.

■ Strategies for personal and professional growth, enabling public sector language specialists to operate independently and to undertake their own continuous professional development (Corsellis, 1999:2002).

Historically, non-management personnel have used the term 'training' to designate the acquisition of technically oriented skills. The term management development has been normally associated with the methods and activities designed to enhance the skills of managers or future managers. Training and management development have been seen as different in other ways. First, management development activities tend to focus on a broad range of skills, whereas training programmes focus on a smaller number of technical skills. Second, management development is usually aimed at the long run, whereas training often concentrates on the short run. Developmental activities should take place continually throughout a manager's career and be an integral, on-going part of the manager's job (Carrell *et al.*, 1999:308-309).

From the foregoing, it would seem that training for public sector language specialists should focus on the training of technical language specialists, while management development should focus on managerial language specialists. However, this does not preclude technical language specialists from being exposed to management development as part of their career development within the public sector.

After the managerial and technical language specialists have been recruited in the public sector, there is need for coordination of the diverse public sector language specialists so that they can, singularly and collectively, and in partnership with other public sector human resources serve to create an egalitarian South African society based on the constitutional values of human dignity, the achievement of equality and the advancement of human rights and freedoms – in short, re-engineer the organisational culture of South Africa's public sector to be accommodative and supportive of multilingualism.

5.6 The human resource and organisational culture challenge

The emerging trend in human resource (HR) management is clearly towards the adoption of the human resource approach, through which organisations benefit in two significant ways: an increase in organisational effectiveness and the satisfaction of each employee's needs. Rather than addressing organisational goals and employee needs as separate and exclusive, the human resource approach holds that organisational goals and human needs are mutual and compatible: one set need not be gained at the expense of the other (Carrell *et al.*, 1999:10).

The human resource approach is relatively new in the management of people. The term became popular in the 1970s as research in the behavioural sciences showed that managing people as resources rather than as factors of production, or as human beings who act solely on the basis of emotions, could result in real benefits to both the organisation and the employee. A number of principles provide for the basis for a human resource approach. These are:

- Employees are investments that will, if effectively managed and developed, provide long-term rewards to the organisation in the form of greater productivity.

- Policies, programmes and practices must be created that satisfy both the economic and emotional needs of employees.

- A working environment must be created in which employees are encouraged to develop and utilise their skills to the maximum extent.

- Human resource programmes and practices must be implemented with the goal of balancing the needs and meeting the goals of both the organisation and the employee (Carrell *et al.*, 1999:10).

The above principles form the kernel of the human resource challenge in South Africa's public sector with regard to the management of language services human resources. Language services-related human resource management in the South African public sector must take cognisance of these principles. They can be summarised as follows:

- Language specialists are investments that will, if effectively managed and developed, provide long-term rewards to the South African public sector in the form of greater productivity. In the public service, productivity can be measured as the effectiveness and efficiency of service delivery.

- Policies, programmes and practices must be created within South Africa's public sector that satisfies both the economic and emotional needs of language specialists.

- A working environment must be created within South Africa's public sector in which language specialists are encouraged to develop and utilise their skills to the maximum extent.

- Human resource programmes and practices aimed for language specialists in South Africa's public sector must be implemented with the goal of balancing the needs and meeting the goals of both the public sector and language specialists.

It is simplistic to contend that it is an easy task to alter the organisational culture of South Africa's public sector that was designed around bilingualism and has served to entrench official bilingualism over a long period of time, into one that comprehensively embraces multilingualism and serves to entrench multilingualism in South Africa's body politic. The process of re-engineering South Africa's public sector organisational culture to be supportive of multilingualism is of necessity going to be a slow, deliberate, expensive and painstaking process. It is for this reason that a different kind of public sector employees are needed to drive this process, what were referred to earlier as a *critical mass of human resources*. They have to be people of irreproachable moral and ethical rectitude who believe in ethical practices in the course of executing public sector functions. Further, they have to be convinced of the centrality of multilingualism in shaping South Africa's destiny in terms of service delivery by the public sector and entrenching of a culture of participatory and representative democracy as well as facilitating sustainable development.

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CHAPTER 6

Capital and Infrastructure
Imperatives for Multilingualism
in South Africa's Public Sector

6.1 Introduction

The development of a multilingual dispensation by and in South Africa's public sector requires a deliberate investment in capital and infrastructure resources. Capital and infrastructure resources are critical because they are the 'raw materials' that the human resource component of the public sector requires actualising language related constitutional, legislative, policy and programming precepts. The discussion in the present chapter does not only outline the capital and infrastructure imperatives for multilingualism in South Africa's public sector. It outlines the mechanisms required to secure the requisite capital and infrastructure resources for the development of a multilingual dispensation by and in South Africa's public sector. Central to these mechanisms is the budget process, at all spheres of government.

In discussing the centrality of the budget process in securing requisite capital and infrastructure resources for the development of a multilingual dispensation by and in South Africa's public sector, the current chapter is premised on the observation that part of the challenges attendant to budgeting for multilingualism in South Africa's public sector are historical and systemic – South Africa's public sector budgeting processes were designed and operated in an organisational culture characterised by too much emphasis on inputs, strict fiscal rules and historic incrementalism in budgetary decision-making processes. Traditionally, budget information included only financial information about input resources. Non-financial or performance information relating to outputs and outcomes was non-existent (Nkoana, 2007). From this perspective, the input resources that could have been budgeted for languages could at best have been for capital and infrastructure resources to support a bilingual dispensation comprising of Afrikaans and English (as the official

languages of the Republic before the transition to democracy) and not eleven languages, as is the case since the democratic transition.

From this perspective, it is easy to fathom why many public sector entities in South Africa struggle to factor and cost multilingualism in their budgets – many public sector entities have not fully appreciated, internalised and operationalised the changes occasioned by the shift from traditional line item budgeting to performance budgeting. The current chapter seeks to demonstrate that when performance budgeting is fully implemented in South Africa's public sector, it will be easy and logical to budget for multilingualism because there are inextricable linkages between outputs as envisioned by performance budgeting and potential effectiveness and efficiency that the public sector stands to realise from implementing multilingualism. To provide a background for this analysis, the chapter begins with a discussion of the shift in the budget process, from incremental to performance budgeting. Following this background, attention turns to the implementation of performance budgeting in South Africa's public sector and the opportunities that this shift provides for the implementation of multilingualism, especially with regard to securing capital and infrastructure resources.

Further, and in line with the new public management paradigm that informs South Africa's public sector dynamics, other mechanisms of securing capital and infrastructure resources aimed at facilitating the development of a multilingual dispensation by and in South Africa's public sector are also discussed. These other mechanisms include *public-public partnerships, public-private partnerships, contracting,* and *donor-funded projects*. To provide a background for the discussion of these mechanisms, an overview of the new public management paradigm as well as the nascent public value paradigm in public management is provided. The discussion also discourses on the challenges that South Africa's public sector faces in its attempts to secure capital and infrastructure resources for multilingualism. The chapter concludes with arguments of how the capital and infrastructure investment in multilingualism in South Africa's public sector can be discounted against the emerging human development paradigm that stresses the importance of developing social capital.

6.2 Shifts in the budget process: From incremental to performance budgeting

Before discussing shifts in the budget process, it is important to briefly explain what a budget entails within the public sector. A budget is a statement containing a forecast of revenues and expenditures for a period of time, usually a year. It is a comprehensive plan if action designed to achieve the policy objectives of government for the coming year. A budget is a plan and a budget document is a reflection of what the government expects to do in future. It shows detailed allocation of resources and proposed taxation or other measures for their realisation. More specifically, a budget contains information about: plans, programmes, projects, schemes and activities – current as well as new proposals for the coming year; resource position and income from different sources, including tax and non-tax revenues; actual receipts and expenditure for

the previous year; and economic, statistical and accounting data regarding financial and physical performance of the various agencies and organs of governments. A budget has manifold functions that include accountability, management, control and planning.

Public budgeting involves the selection of ends and the selection of means to reach those ends. It involves the division of society's economic and financial resources between the public and the private sector and the allocation of such resources among competing public sector needs. Public budgeting systems are systems for making choices of ends and means. These choices are guided by theory, by hunch, by partisan politics, by narrow self-interest, by altruism, and by many other sources of value judgement. Public budgeting systems work by channelling various types of information about societal conditions and about the private and public values that guide resource allocation decision-making. Complex channels for information exchange exist. Through these channels, people process information on what is desired, make assessments of what is or is not being achieved, and analyse what might or might not be achieved. Integral to budgeting systems are intricate processes that link both political and economic values. In making decisions that ultimately determine how resources are allocated, the political process uses sometimes bewildering and often conflicting information about values, about actual conditions, and about possible condition changes (Lee *et al.*, 2004:1-2).

Budgeting is intended as a mechanism for setting goals and objectives, for measuring progress toward objectives, for identifying weaknesses or inadequacies in organisations, and for controlling and integrating the diverse activities carried out by numerous sub-units. Budgeting is a manifestation of an organisation's strategies, whether those strategies are a result of thoughtful strategic planning processes, of the inertia of long years of doing approximately the same thing, or of the competing political forces within the organisation bargaining for shares of resources. Once resources are allocated through the budgetary process, the organisation's strategies become apparent even if they have not been articulated as strategies. Budgeting means examining how the organisation's resources have been used in the past, analysing what has been accomplished and at what cost, and charting a course for the future by allocating resources for the coming budget period. Budgeting is also about assigning responsibility for accomplishing the results intended by the executive and legislative branch actors that ultimately set the public budget. Budgets are executed by individuals within (mostly) large bureaucracies; budget allocations identify not only the amounts to be spent and the intended purposes of those expenditures, but also the unit within the bureaucracy, and by implication the individuals managing that unit, responsible for achieving the results intended in the budget decisions (Lee *et al.*, 2004:2-3).

Traditionally, government departments, agencies and municipalities used the incremental budgeting approach, or 'incrementalism'. Basically, this consisted of preparing the estimates of expenditure for one fiscal year by adjusting the estimates of the previous year. Such adjustments normally consisted of increases. Budgeting was also normally done per *line item*. This type of budgeting concentrates on resources (inputs) and not on the output and objectives to be

achieved, which are the reasons for budgeting in the first place. The incremental approach is not conducive to measuring the quality or quantity of performance or delivery. Such budgets were often compiled without thought of the value that should be added through the use of resources (Pauw *et al.*, 2009:56).

Within this approach, it becomes easy to fathom why budgeting for multilingualism has been such a monumental challenge for many public sector managers and public sector departments and agencies in South Africa. In many instances there are no line items to cater for multilingualism, especially with regard to allocation of capital resources for the development of an infrastructure to support multilingualism, and within the framework of incremental budgeting; introducing line items to cater for multilingualism has always been problematic. Inasmuch as performance budgeting alone may not be the panacea to budgeting and service deliver challenges in South Africa, it is the considered position of the current discussion that many of the challenges encountered within the framework of incremental budgeting with regard to securing capital and infrastructure resources for the actualisation of multilingualism in and by South Africa's public sector can be resolved to a greater extent through a diligent application of performance budgeting. But, what is performance budgeting?

6.2.1 Performance budgeting

According to Shah (2007 cited in Nkoana, 2007), performance budgeting is a system of budgeting that presents the purpose and objectives for which funds are required, the costs of programmes and associated activities proposed for achieving those objectives, and the outputs to be produced or services to be rendered under each programme. In simple terms, performance budgeting is about shifting emphasis from inputs to outcomes and outputs associated with government expenditure and taking this into account when making decisions on the future allocation of resources. The implementation of performance budgeting also requires that the government becomes more transparent and accountable to its citizens on how allocated resources were used to achieve planned policy objectives. Promoting efficiency and effectiveness in the utilisation of public resources is therefore the primary goal of performance budgeting (Robin & Brumby, 2005 cited in Nkoana, 2007:3).

It is interesting to note that the concept of performance budgeting is not a new one, but one that has a long history. Preconditions necessary for performance measurement were met in the late 1800s and early 1900s. Although other developments are relevant, the most specific beginning of performance measurement was the rise of government research at the New York Bureau of Municipal Research. The practice narrowed in the late 1920s and became associated with proto-performance budgeting in the early 1930s, while it became associated with the specific practice of performance budgeting in 1949. The period of the 1950s and 1960s reflects the rise of performance budgeting (Williams, 2004 cited in Nkoana, 2007:4). The term performance budgeting was first used in the United States federal government during this period following

the Hoover Commission recommendations that the federal government should develop a budget that presented programme accomplishments in addition to programme costs. These Hoover Commission recommendations laid the foundation for several efforts to reform budgeting in ways that would establish clear links between government expenditure and results (i.e. outputs and outcomes) in the United States and other countries such as Australia, Canada, United Kingdom, New Zealand, the Nordic Countries, Singapore, etc. (Office of the Legislative Auditor, 1994; Diamond, 2001; Niu *et al.*, 2006 cited in Nkoana, 2007:4). It is instructive to note that although performance budgeting has been experimented with in both developed and developing countries; the system has been met with little success and in some instances, complete failure. However, this failure has nothing to do with performance budgeting as a system, but due to a motley of factors including: stiff resistance to reform; lack of specialised expertise; lack of performance information systems to capture performance information, administrative complexities; lack of investment in managerial, accounting and information systems; the absence of institutional incentives to promote gains in economic efficiency; pervasive corruption; and hastily conceived reform with unrealistic expectations, among other factors (McNab & Melese, 2003 cited in Nkoana, 2007:4). However, despite all these factors acting as challenges to the implementation of performance budgeting, increasingly many countries, South Africa included, are moving towards performance budgeting and there are many lessons that have been learnt from these initiatives. This tendency is based on several reasons and the lessons learnt are proving invaluable in assisting governments not only streamlining their budgeting processes, but in aligning budgets with service delivery. These reasons and the lessons learnt are elaborated on in the next sub-section.

6.2.2 Reasons for adopting performance budgeting and lessons learnt

Nkoana (2007) submits that traditionally, government's view of budget management focused primarily on input control and resource allocation based on poorly articulated and unquantified policy objectives, and it was also highly centralised. Central budgeting departments focused exclusively on control and compliance as the primary modus operandi in budget management with little or no follow-up in checking the performance of spending departments in terms of achieving planned objectives. Therefore, performance budgeting as an alternative model of budget management aims at bringing a more direct link between allocating resources with budgets and performance in reaching planned objectives. Implementing performance budgeting necessitates a number of changes in traditional budget management. First, performance budgeting provides increased flexibility to spending departments to reallocate funds within controls on budget line items. These changes give departments and managers greater freedom in operational decisions and removing unnecessary constraints in resource management. In return, departments and managers are made directly accountable for results. Second, it provides greater certainty in the operating environment of spending departments with regard to the availability of funds. Medium Term Expenditure Frameworks represent an important step in this area. Third, reorientation of Budget Offices from compliance issues based on input control, to more performance-orientated

issues concerned with improving programme results in the form of outputs relevant to achieve programme outcomes (Diamond, 2001 cited in Nkoana, 2007:5).

Tough lessons have been learnt in the process of implementing performance budgeting in many countries, and more are yet to be learnt and consolidated. Some of these lessons include, but are not restricted to: for performance budgeting to get entrenched in government, there must be a general recognition of the need for reform; the reform strategy must form the core of the government overall policy so that all government departments share ownership of the reform initiative; performance budgeting must be coupled with adequate levels of fiscal control so as to ensure that compliance and stabilisation objectives are realised; performance budgeting must be supported by a comprehensive programme of institutional organisational change especially with regard to human resource capitalisation; there is a critical need for top executive and legislative support for any reforms that seek to introduce performance budgeting; performance budgeting should be supported by positive and negative incentives for workers to focus on performance; performance budgeting is not just about data collection and reporting, but cultural transformation that requires government officials to think and work differently; and that actualisation of performance budgeting take time because liken other public sector policy initiatives, time lags are attendant to performance budgeting implementation.

6.3 Implementation of performance budgeting in South Africa and the opportunities it provides for the implementation of multilingualism

According to Nkoana (2007), the implementation of performance budgeting in South Africa cannot be separated from the broader public service transformation, budgeting and financial management reforms that were introduced after the 1994 democratic elections. When the African National Congress (ANC) government took over in 1994, it inherited a budgeting system based on traditional line item budgeting. The emphasis of this approach was on controlling how much the government spent rather than what outputs and outcomes the government delivered within the appropriated budget. The strong focus on controlling inputs was supported by the existence of two separate ministries of finance, i.e. Department of Finance and the Department of State Expenditure, each with its own political head. The Department of Finance was in charge of tax policy and the Department of State Expenditure was responsible for budgeting and expenditure control.

The reform process followed a well thought out strategy that was driven from the political leadership level. Several policy and legislative frameworks in support of budget reform, and aimed at entrenching performance budgeting, have been formulated and implemented since 1994. These include:

- Reconstruction and Development Programme (RDP) of 1994 whose purpose was to provide a new policy framework for planning and budgeting, with a particular focus being on addressing development backlogs;

- The Reconstruction and Development Programme Fund (RDP FUND) of 1994 whose purpose was to provide parallel funding of RDP projects separate from the budget that existed at the time;

- The Medium Term Budget Policy Statement (MTBPS) of 1997 whose aim was to clarify on budget policy framework with particular emphasis being on explaining future government revenue and expenditure plans;

- The Medium Term Expenditure Framework (MTEF) of 1998/1999 whose aim was to ensure certainty of resources and fiscal discipline in spending departments through the expansion of the single-year budget plan into a multi-year budget planning covering a period of three to five years;

- The Public Finance Management Act (PFMA) of 1999 whose aim is to improve accountability and modernise the accounts of government at national and provincial level;

- The New Economic Reporting Format (NERF) of 2003 which sought to introduce new standard chart of accounts to bring expenditure reporting in line with international best practice; and

- The Municipal Finance Management Act (MFMA) of 2003 is to improve accountability and modernise the accounts of government at local government level.

With the implementation of all these policy and legislative frameworks in support of performance budgeting in South Africa, the emphasis has since shifted from the traditional line/item budgeting, however. With the implementation of the Public Financial Management Act (PFMA) (Act No. 1 of 1999 as amended by Act No. 29 of 1999), the emphasis is now on the value that needs to be added. What was traditional has now become a question of being lazy. All budget planning should now be based on the strategic and operational – or business – plans of an institution:

- The strategic plan indicates the strategy and structure that will be followed in producing the output facilitating the desired outcomes. The strategic plan in the PFMA regime covers a period of three years and forms the basis for the operational plan.

- The operational plan covers a period of one year and provides the detail on how the work will be done. The operational plan should furnish sufficient detail as to the resources to be used and the expenditure to be incurred. The operational plan should also provide for the allocation of specific responsibilities with timelines, to ensure efficient and effective service delivery (Pauw *et al.,* 2009:56-57).

It is important to consider the PFMA in some detail so as provide the basis for the argument that budgeting is central in securing capital and infrastructure resources for multilingualism in South Africa's public sector.

The PFMA was promulgated as one of the government's key milestones of budget and financial reform agenda (Republic of South Africa, 1999). The main aims of this act are:

- To regulate the financial management in the public sector;

- To ensure that all revenue, expenditure, assets and liabilities are managed effectively and efficiently; and

- To provide for the responsibilities of persons entrusted with financial management.

In pursuit of the *value-for-money* principle, the PFMA emphasises operational efficiency within the public sector. That is, it seeks to optimise service delivery of government departments within the limits of available resources. As part of the management reform agenda, the PFMA represents a departure from past Exchequer acts and their concern with procedural accountability for public finances towards an emphasis on accountability for results. Hence, the PFMA seeks to envisage budgeting and financial management within the performance budgeting framework (Mkhize & Ajam, 2006:762-763).

The PFMA is concerned with efficient and effective management of state resources with emphasis on the need for accountability for results. Budgeting and financial management does not only entail compliance with the relevant Appropriations Act, but also value for money for every Rand spent within government. The PFMA attempts to promote the efficient and effective management of government resources by linking inputs to outputs and outcomes, and performance. Management of government resources does not only entail accountability by Treasury or finance officials alone, but also the line managers in their areas of responsibility. The *Local Government: Municipal Finance Management Act, 2003* (MFMA) attempts to extend the principles of PFMA to the sphere of local government. Certain principles underlie the PFMA and MFMA. Mkhize & Ajam (2006:765-770) discuss these principles. They are abridged in the following discussion.

Mkhize & Ajam (2006:765) begin their elaboration of the principles underlying the PFMA and MFMA with a reaffirmation that in principle, the reason underpinning the existence of government departments and the public sector in general is to yield positive impact/outcomes to communities and individual citizens. The approach underpinning the performance management framework is that in order to achieve a set of desired outcomes and output mix of goods and services should be produced. These service delivery outputs are generated from the utilisation of resource inputs which include financial, human and other resources, i.e., in order for input to be converted into outputs, a number of processes have to be undertaken within departments. During the strategic planning phase (which mirrors the government's policy priorities) departments spell out a set of measurable objectives for each programme within the vote. The MTEF budgets are in essence the resourcing of the multi-year strategic plans. In the implementation phase, there is continuous monitoring and evaluation, which feeds back to planning for the next cycle. One fundamental underlying principle in both the PFMA and MFMA is the realisation that linking strategic plans and budgets is crucial in addressing the process and allocation of public resources in support of government's social economic goals and priorities. However, it is important that integration is not viewed as a technical process that involves regulation, but rather as an approach, which endeavours to impact on the structure of the organisation and its performance and institutional management systems (Mkhize & Ajam, 2006:766). The integration process involves the following stages:

(i)   Preparing strategic plans and prioritising planned objectives;
(ii)   Assessing costs and resource implications;
(iii)   Finalising MTEF allocations and preparing budget documentation;
(iv)   Monitoring and reprioritising spending plans;

(v)   Measuring performance and service delivery; and

(vi)   Finalising annual financial statements and reports.

(vii)   In all these stages, there are immense opportunities to introduce and integrate votes that cater for multilingualism in the public sector.

The point of departure will be to clearly state in a department's or an agency's strategic plan that multilingualism is part of its declared priorities and planned over the period of the strategic plan. This declaration should be backed by an exhaustive elaboration of how multilingualism links to all the strategic priorities of the concerned department or agency. Since strategic plans guide the budget process as they establish the key areas, strategic objectives and goals which a particular department or agency wants to focus in support of the government's policy priorities, it is at the stage of formulation of strategic plans that multilingualism must be established as a key focus area in all government departments and agencies. This view is further supported by the fact that strategic plans set out the direction to guide departments and agencies toward achieving their goals and objectives by focusing on their organisational purpose, available resources and deliverable outputs.

The logic of fitting multilingualism in a department's or an agency's expenditure estimates, strategic planning and prioritisation, over and above the department's or agency's reprioritisation within the baseline allocations, should be a simple factor of up to a maximum of one percent (1%) of capital and recurrent budgets (Mwaniki, 2004b:274). This should be the guide when assessing costs and resource implications for implementing multilingualism in the public sector. The assessment of costs and resource implications for multilingualism must always be carried out against medium term allocations. This approach will ensure that departmental and agency budgets for multilingualism feed to the preparation of the departmental MTEF budget submissions that are submitted to Treasury (usually in June) in preparation of the budget in the following year. Since in the preparation for the MTEF submission, departments and agencies use a bottom-up approach in estimation of costs and resource implications of the revised strategic plan in relation to the medium-term budget allocation, they should link the costs of implementing multilingualism to end-user services and the communicative infrastructure required to support the rendering of multilingual end-user services.

For those departments or agencies with a semblance of a budget for multilingualism, they should employ incremental costing (or budgeting) of existing multilingual policies to a threshold of 1% of their capital and recurrent budgets. Incremental costing for multilingualism should take the present baseline budget for multilingualism and evaluate the budget against the language and/ or communicative realities, needs and challenges of a department with a view of determining whether the budget for multilingualism should be increased, reduced or left unchanged in order to attain or sustain the multilingual dispensation of a public sector department or agency. For those departments without a budget for multilingualism, they should use zero-based costing (or budgeting) for multilingualism. Again, within this approach, the 1% threshold should be an

important beacon. Zero-based budgeting for multilingualism should take an in-depth look at the language and/or communicative realities, needs and challenges of a department or agency, with a particular focus being on how investment in multilingualism will enhance the product and/or service offered by the department or agency. Zero-based budgeting for multilingualism should involve questioning the amount and type of inputs required for the implementation of multilingualism and re-assessing them as if starting from a blank sheet (i.e. from zero).

It is important to point out that departments and agencies must be prepared to defend their multilingualism budgets when the time for finalising MTEF allocations and preparing budget documentations. During the budget process in July and August, Treasury teams engage in a rigorous review and evaluation of departmental MTEF budget submissions in regular consultation with departments. This includes a critical assessment of policy options against departmental strategic priorities and service delivery achievements, reprioritisation and funding levels of programmes. Following the review process is the Medium Term Expenditure Committee (MTEC) hearings in September that marks the beginning of the allocation stage. This Committee formulates recommendations to political decision makers on changes to medium-term allocations of departments, given the division of revenue among the three spheres of government. The MTEC hearings and discussions focus on reprioritisation within the baseline allocations as well as allocations for the third year of the medium-term expenditure period. These recommendations are forwarded to the Minister of Finance or the relevant MEC on changes to the MTEF allocations for departments who then reviews the final allocations and table these to the relevant committees on budget. It is important to emphasise that the process of finalising MTEF allocations and preparations of budget documentation provides departments and agencies with immense opportunities to not only integrate budgets for multilingualism, but with opportunities to defend and lobby for budgets for the implementation of multilingualism whenever queries are raised.

Another important aspect established by the PFMA and MFMA is the leeway afforded to public sector managers to monitor budgets and reprioritise spending plans. The ambit of these two pieces of legislation that allows managers to monitor budgets and reprioritise spending plans permits them to utilise available resources in a way that meets their departmental objectives. The greater degree of flexibility allows managers to monitor in-year expenditure and reprioritise resources in line with changes to strategic and operational plans. The implication of this arrangement for multilingual policy implementation budgets is that public sector managers can, with justifiable motivations, integrate budgets for the implementation of multilingualism in in-year expenditure as they reprioritise resource allocations, especially in instances where multilingualism has a direct bearing to effective and efficient service delivery.

6.4 Paradigm changes in public management and their implications on securing capital and infrastructure resources for the public sector

When one engages with public sector functionaries in South Africa on the issue of securing capital and infrastructure resources for the public sector a myriad of issues emerge. Fundamentally, there is a general non-appreciation of the implications of performance budgeting and the new public management on the management of public finances especially with regard to the shift from incremental budgeting to output based performance budgeting. Public sector functionaries seem to be fixated on the simplicity of incremental budgeting and are reluctant to explore and exploit the opportunities provided by performance budgeting. Part of this reluctance could be due to the perceived complexity of performance budgeting, but complexity should never be an excuse for non-execution of legislation, policies and programmes by public sector functionaries. The other part of this reluctance could be attributable to a 'genuine' lack of knowledge of what is expected of public sector functionaries with regard to performance budgeting. Again, *ignorance* should never be an excuse for non-execution of legislation, policies and programmes by public sector functionaries. Further, there is a non-appreciation of the latent responsibilities of public sector functionaries in South Africa, especially the latent responsibilities of that select cadre of public sector functionaries who are assigned managerial responsibilities. A core responsibility of managers in any public sector is to actualise the government mandate as outlined by the political leadership. In executing this responsibility, the resources provided by the exchequer may not be enough [rarely are resources in surplus of needs] to execute all stated government policy intentions, especially in a setting like South Africa that is marked by deep inequities, and that need immediate redress. The question that arises is whether public sector managers should be content to implement only government policy intentions that can be directly financed by the exchequer; or they should exhibit creativity and seek funding outside the traditional sources of finance, i.e. the exchequer, to implement government policy intentions? The answer to this question is that if South African public sector managers have to live up to their manager designation and to what is substantially expected of them [in line to what managers outside the public sector do]; they have to be creative and seek funding outside the exchequer to implement government intentions. The following discussion justifies this interpretation of the role of public sector managers through an exposition of the paradigm shifts in public management.

At the end of the twentieth century, a post-bureaucratic paradigm of public management was firmly embedded in many countries reflecting the outcome of the suite of reforms intended to enact a break from the traditional model of public administration underpinned by Weber (1946) bureaucracy, Wilson (1887) policy-administration divide, and Taylor's (1911) scientific management model of work organisation. In part at least, new public management (NPM) was a reaction to perceived weaknesses of the traditional bureaucratic paradigm of public administration, and it encompassed a "critique of monopolistic forms of service provision and an argument for a wider range of service providers and a more market-oriented approach to

management" (O'Flynn, 2007:354). In articulating this NPM paradigm in the early 1990s, Hood (1991:4-5) set out its key doctrinal components:

(i)   Hands-on professional management;
(ii)   Explicit standards and measures of performance;
(iii)   Greater emphasis on output control;
(iv)   Disaggregation of units in the public sector;
(v)   Greater competition in the public sector;
(vi)   Private sector styles of management practice; and
(vii)   Greater discipline and parsimony in resource use.

Within this new paradigm, the doctrinal components sat alongside four reinforcing megatrends: slowing down or reversing government growth; privatisation and quasi-privatisation; automation in the production of distribution of public services; and international agenda in public sector reforms. Later, Hughes (2006) articulated four grand themes which characterised NPM: management (i.e. results and managerial responsibility) is a higher order function than administration (i.e. following instructions); economic principles (i.e. drawn from public choice theory, principal-agent theory, contracting, competition, and the theory of the firm) can assist public management; modern management theory and practices (i.e. flexibility in staffing and organisation) can improve public management; and service delivery is important to citizens. As Stoker (2006:46 cited in O'Flynn, 2007:354) noted, NPM sought:

> ... to dismantle the bureaucratic pillar of the Weberian model of traditional public administration. Out with the large, multipurpose hierarchical bureaucracies, [NPM] proclaims, and in with the lean, flat, autonomous organisations drawn from the public and private spheres and steered by a tight central leadership corps.

The implementation of NPM in many countries has been carried out in phases. In the first phase, which has come to be known as the post-bureaucratic phase, focus is usually on internal reforms and corporate management. Commonly adopted practices include: corporate planning based on central goals; comprehensive programme budgeting; management improvement programmes; contract employment for managers; central auditing; and performance monitoring of individuals. The key aims were to empower public servants and increase managerial quality. The second phase is what has come to be known as the marketisation phase. This phase represents an overt challenge to the efficacy of the traditional approach with its monopoly over the production and delivery of public services because it focuses on developing market solutions to government failure. The marketisation phase rests on the creation of markets in the public sector and the use of contracts to define and govern relationships (O'Flynn, 2007:355).

NPM challenged conventional thinking and brought together a range of practices, policies and theories rather than proposing some coherent theory. Notwithstanding this point there has been some agreement on critical theoretical perspectives informing policy makers and underpinning thinking in the NPM paradigm including: public choice theory, principal-agent theory, transaction

cost economics and competition theory (Kaboolian, 1998; O'Flynn, 2005 cited in O'Flynn, 2007:355).

Public choice theory was extremely influential in the development of NPM. NPM encompassed the public choice belief that governments were unresponsive, inefficient, monopolistic, and unable to reach formal goals. In the main this reflected the inherent failures of government:

- Politicians are captured by interest groups and will act in their own interest;
- The bureaucracy doers not necessarily carry out political directions because of the self-interest of bureaucrats and
- Bureaucrats act in pursuit of self-interest rather than efficiency (Walsh, 1995).

Following this line of argument, bureaucracy leads to resource wastage and budget maximisation in the pursuit of power, status, income, ideology, patronage, discretionary power and ease of management, producing allocative inefficiency and oversupply. The aim of public choice advocates then was to persuade policy-makers to adopt policies and practices, which would import incentive structures, based on principal-agent theory and property rights in order to increase efficiency and downsize the state. Public choice theory has been critical in underpinning key features of NPM including: separation and fragmentation; competitive markets for public services; and preference for private sector provision governed by contracts (O'Flynn, 2007).

Principal-agent theory focuses on the relationship between principals and agents and the issues that arise when we assume their interests diverge. It provides a means of conceptualising both human behaviour in the agency relationship and the development of organisational forms based on assumptions of self-interest, opportunism, incomplete information, and goal divergence. These assumptions predict the emergence of agency issues when contracts are formed and where the actions of the agent have implications for the welfare of both parties. The critical challenge for the principal becomes how to choose an agent and construct incentive structures to align goals in an environment of uncertainty, information asymmetry, and high cost monitoring; and where incentives exist for agents to shirk (Foss, 1995). Such structures, which aim to produce optimal outcomes and combat adverse selection and moral hazard, are termed agency costs (Althaus, 1997). Hence, at the core of this perspective is the notion that contracts formally setting out requirements, monitoring, reward and incentive systems provide the legitimate connection between principal and agent. Principal-agent theory played an important part in the NPM paradigm and it underpinned many practical reforms including the structural separation of purchasers and providers to establish contractual and quasi-contractual relationships. In total, this laid the foundation for a process whereby it was expected that:

> ... the government manager clearly articulates the policy, sets the performance standards, and chooses in a competitive market an agent who will faithfully act in the government's behalf to deliver the goods and services so that the outcome sought will be attained (Kelly, 1998:205 cited in O'Flynn, 2007:356).

Transaction cost economics has also played an important role in the NPM era. Transaction costs are crucial. It is hypothesised that an assessment of these costs determines whether transactions are internalised or not. Based on Coase (1937) theory of the firm and the associated make-buy decisions, this is translated to constitute the public sector procurement decision – whether public agencies produce themselves (i.e. make) or contract out (i.e. buy). Williamson (1979) extended Coase (1937) ideas through the development of a schema setting out his propositions for the most efficient matching of transactions and governance structures. This ranged from market governance based on classical contracting and formally prescribed relationships and remedies to unified governance (i.e. hierarchy) whereby relationship norms and customs govern behaviour rather than formally written contracts. The most efficient structure is that which best matches specific transaction characteristics (i.e. the levels of frequency and asset specificity) with governance structures allowing for economising on the costs associated with bounded rationality, opportunism, and asset specificity; and an overall reduction in the cost of transacting. Transaction cost economics was important to NPM as it set out options for governments including markets, hybrids, and hierarchy (O'Flynn, 2007:356).

The doctrine of completion has been central to the development of NPM. While perfect competition rarely exists in reality, governments have sought to pursue activity to stimulate competition rather than replicate pure markets. Public choice advocates have been vocal in calling for the discipline of competition to be imposed on public sector operations as a means of improving efficiency:

> One of the most fundamental determinants of the efficiency of any arrangement is competition; that is, the degree of competition that an arrangement permits will, to a significant degree, determine how efficiently that arrangement will supply a service [...] market [...] and contract [...] systems are most conducive to fostering competition and thereby achieving economic efficiency (Savas, 1982:80-81 cited in O'Flynn, 2007:356).

Competitive tendering, in particular, has been a popular instrument of government. The adoption of such practices 'carries the belief that planners remain the ultimate arbiters of resource allocation but that gains in productive efficiency can be achieved by some degree of competitive regulation' (Hensher & Beesley, 1989:236). Competition between bidders is intended to spur efficiency gains and cost savings for purchasers, as market forces can drive out marginal producers. Interestingly, it has been argued that the mere threat of competition can generate efficiency gains and cost savings within the public sector as internal providers seek to protect themselves from unemployment (O'Flynn, 2007:357).

The NPM paradigm encompassed specific assumptions about human behaviour centred on individualism, instrumentality and individual rationality and from here came new performance motivated administration and institutional arrangements, new structural forms and new managerial doctrines. Flowing from these perspectives were a set of core principles that sustained NPM:

(i)   Economic markets should be the model for relationships in the public sector;

(ii)   Policy, implementation and delivery functions should be separated and constructed as a series of contracts; and

(iii) A range of new administrative technologies should be introduced including performance-based contracting, competition, market incentives, and deregulation (Kaboolian, 1968).

Within the NPM paradigm, the way in which government was viewed, constructed and arranged was firmly rooted within an economic frame and, from here, policy rhetoric focused on the notion that small government was superior and that government failure must be addressed in order to maximise efficiency. This often resulted in prescriptions built around competition and contracts, with the result being a firmly embedded post-bureaucratic model in many countries across the world. The practical application of NPM, like its bureaucratic predecessor, suffered from a range of weaknesses that reflected both implementation challenges and fundamental tensions. For example, competitive regimes have been commonly adopted, but evidence shows that they are usually costly to implement and rarely deliver genuine competition. Further, there is evidence that such approaches have resulted in increased transaction costs due to the high costs of contract preparation, monitoring and enforcement. Even the OECD, long a NPM advocate, acknowledged in a 2003 report that 'reforms produced some unexpected negative results' (OECD, 2003:2). Partly, this reflected the wholesale application of private sector models and the failure to pay heed to the interconnected and interdependent nature of the public sector. Perhaps more fundamentally the competitive government model failed 'to understand that public management arrangements not only deliver public services, but also enshrine deeper governance values' (OECD, 2003:3). The NPM paradigm rested on economic foundations, which defined government activity, policy-making and service delivery. However, a range of weaknesses have emerged following almost two decades of experimentation and, consequently, a new discourse of public management is emerging (O'Flynn, 2007:358).

Given the problems and challenges of experiences with NPM, especially during the 1990s, there is increasing interest in what can be termed a public value approach which draws heavily on the work of Moore (1994; 1995), and signals a shift away from strong ideological position of market versus state provision. In part, this may reflect a growing recognition that the social values inherent in public services may not be adequately addressed by economic efficiency calculus of markets. Further, it may underpin what has been referred to as the new pragmatism where the old ideological debates are largely disappearing. A new 'post-competitive' paradigm then could signal a shift away from the primary focus on results and efficiency toward the achievement of the broader governmental goal of public value creation. Public value has been described as a multi-dimensional construct – a reflection of collectively expressed, politically mediated preferences consumed by the citizenry – created not just through 'outcomes' but also through processes which may generate trust or fairness (O'Flynn, 2005). Others have defined public value as 'the value created by government through services, laws regulation and other actions' (Kelly *et al.,* 2002:4). It could easily be used as a 'rough yardstick' against which performance can be gauged,

resource allocation decisions made, and appropriate systems of delivery determined. Horner and Hazel (2005:34) define public value as the correlate of private value or shareholder return:

> Think of citizens as shareholders in how their tax is spent. The value may be created through economic prosperity, social cohesion or cultural development. Ultimately, the value – such as better services, enhanced trust or social capital, or social problems diminished or avoided – is decided by the citizen. Citizens do this through the democratic process, not just through the ballot box, but through taking part in [...] consultations and surveys, for example.

This links well with some of the points advanced by Moore (1995) who argues that the creation of public value is the central activity of public managers, just as the creation of private value is at the core of private sectors manager's action. Public value advocates recognise something fundamentally unique about the public sector that distinguishes it from the private sector. At the most basic level we can differentiate public and private based on the types of relationships that exist or based on the fact 5that public sector managers operate in a political marketplace first and foremost. From this perspective, policy and management strategies must be substantively valuable to the citizenry, politically legitimate, feasible and sustainable, and operationally possible and practical. In attempting to define the public value paradigm, Stoker (2006:47-49) develops four key propositions. The first argues public interventions are defined by the search for public value, which contrasts with market failure justifications commonly advanced by economists. The second, that a wide range of stakeholders have legitimacy and should be included and involved in government activity, contrasts starkly with the traditional model and points toward a more collaborative, consultative approach. The third, adopting a open-minded relational approach to procurement roots for a new pragmatism in public sector management, rejecting a one-size-fits-all approach to contracting and procurement. The final proposition is that an adaptable, learning-based approach is required in public service delivery. Encapsulating these propositions into a new way of thinking forms the basis for major change and for Stoker (2006:56) adopting the public value management model would represent a paradigmatic shift:

> Public value management does offer a new paradigm and a different narrative of reform. Its strength lies in its redefinitions of how to meet the challenges of efficiency, accountability, and equity and in its ability to point to a motivational force that does not rely on rules or incentives to drive public service reform. It rests on a fuller and rounder vision of humanity than does either the traditional public administration or new public management.

The key differences between NPM and public value are set out in the following table:

	New Public Management	**Public Value Management**
Characterisation	Post-Bureaucratic, Competitive Government	Post-competitive
Dominant focus	Results	Relationships
Managerial Goals	Achieve agreed performance targets	Multiple goals including responding to citizen/ user preferences, renewing mandate and trust through quality services, steering network
Definition of the Public interest	Individual preference are aggregated	Collective preferences are expressed
Performance Objective	Management of inputs and outputs to ensure economy and responsiveness to consumers	Multiple objectives are pursued including service outputs, satisfaction, outcomes, trust and legitimacy
Dominant Model of Accountability	Upward accountability via performance contracts; outwards to customers via market mechanisms	Multiple accountability systems including citizens as overseers of government, customers as users and taxpayers as funders
Preferred System of Delivery	Private sector or tightly defined arms-length public agency	Menu of alternatives selected pragmatically

Source: O'Flynn (2007).

NPM can be characterised as both post-bureaucratic and competitive with a clear and dominant focus on results. Public managers in this paradigm had goals built around the achievement of performance targets. In the public value paradigm, public managers have multiple goals, which, in addition to the achievement of performance targets, are more broadly concerned with aspects such as steering networks of providers in the quest for public value creation, creating and maintaining trust, and responding to the collective preferences of the citizenry in addition to those of clients. Such goals dovetail well into the idea that the dominant focus for managers' shifts from results to relationships in the public value paradigm. Collective preferences are used to gauge what the public values as opposed to the notion of adding up individual preferences in the economically focused NPM. In the NPM paradigm, the critical performance objectives were centred on efficiency and economy largely reflecting the economic framing of government activity and the reconstruction of citizens as customers. In the public value paradigm multiple objectives are pursued by public managers including narrower service objectives, broader outcomes, and

the creation and maintenance of trust and legitimacy. Such changes necessitate a shift in models of accountability away from narrow performance contracts toward the use of more complex systems. The public value paradigm recognises that a more pragmatic approach to selecting providers to deliver public services would create more space for the maximisation of public value (O'Flynn, 2007:360-361).

Such a radical paradigmatic change has important and wide-ranging implications for public sector management and public sector managers. In part, this reflects the positioning of politics at the centre of the public value paradigm, as opposed to its construction as an input in previous models. In a public value paradigm, managers negotiate and engage with different constituencies: they must negotiate up into the authorising environment or the political realm and out toward clients. This presents public managers with a profound challenge because they have to make a case for the value they claim to create. This requires a radical redefinition of the role of public managers as they would move beyond the constrained roles they adopted in the traditional administration paradigm (i.e. as implementers of political grand plans) and the NPM paradigm (i.e. pursuers of results and efficiency gains) to advocates in the public value paradigm (O'Flynn, 2007:361).

Moore (1995:55, 299) construction of the public value-creating manager essentially upends previous roles:

> Like private sector managers, managers in the public sector must work hard at the task of defining publicly valuable enterprises as well as producing value. Moreover they must be prepared to adapt and reposition their organisations in their political and task environments in addition to simply ensuring their continuity [...] they are neither clerks nor martyrs. Instead they are explorers commissioned by society to search for public value.

Such radical challenges will create managerial challenges. This is especially so given the complexity that the public value paradigm acknowledges and its attempts to overcome the fracturing and fragmentation that occurred under NPM as managers were encouraged to pursue agency specific targets rather than broader goals (Stoker, 2006). Within the public value paradigm it is more readily accepted that government activity is interconnected and interdependent and, as such, may require more collaborative effort in the pursuit of public value. For example, there should be explicit attempts to link public value management with network governance forms. Public managers need to be able to manage through networks, to be open to learning in different ways, and to draw in resources from a range of sources (Stoker, 2006:41). Smith (2004) argues this will place considerable strain and pressure on public officials through increased emphasis on consultation, communication, deliberation and ultimately defining public value. This brings to the fore a questioning of whether governments actually have the policy and managerial capability to deal with the issues confronting them. This is because, on the ground, it means that:

> Public officials must engage political authority, collaborate with each other within and across institutional boundaries, manage efficiently and effectively, engage with communities and users of services and reflectively develop their own sense of vocation and public duty (Smith, 2004:69-70).

Such inter-agency and cross-boundary methods of operating; place considerable stress on public managers to develop both boundary spanning and diplomacy skills to navigate the complexities of new arrangements. Redrawing the basis for government activity through a public value paradigm provides a basis for redefining and reconstructing public sector activity and efforts, especially to confront complex policy problems where public value creation or depletion may occur. Such interconnected problems pose challenges to public sector managers schooled in the virtues of competition, contracts and efficiency first and foremost. As Broussine has observed:

> In order to solve complex problems, public leaders have to be able to initiate concerted action not only within their organisations but also among a set of stakeholders with different and competing interests. This means that traditional models of organisational leadership have their limitations, as they may help make public organisations more performance- and customer-oriented but they are not adequate to address boundary-spanning public problems in a context of fragmented authority (Broussine, 2003:175).

Such a call to arms fits well with a new role for public managers, one that sharply contrasts with the neutral, anonymous bureaucrat of the traditional model, but also with the narrow agency-focused manager of the competitive model. In order to create strategic action on urgent public problems, national, regional and local agencies and communities have to reach out beyond their boundaries and engage a much wider set of individuals, agencies and stakeholders. Such problems or broader pursuits can be interpreted as the creation of public value (O'Flynn, 2007:362).

Broussine (2003) cited above highlights a range of leadership skills that modern public managers require to operate effectively including: tolerance for ambiguity; recognition of omniscience (i.e. that they can never have full knowledge); maintenance of personal perspective and self-knowledge; critical reflection; and distributed leadership (i.e. within and outside the immediate organisation). These leadership skill requirements link well with notions of public value, especially when moves toward whole-of-government or joined-up models of governing and network governance forms are considered. Another important managerial implication is the requirement to develop a keen sense of 'what works' – a form of new pragmatism. If a bureaucratic solution is best for a particular task, then it should be used – if a market solution is best for a particular task then use it. More fundamentally, it requires an ability to weigh up which governance structures will work best in what circumstances, or which relationship form is most appropriate under what conditions (O'Flynn, 2005). This new pragmatism therefore might underpin better functional matching; allowing public managers to select the sector (for example, public, private, or not-for-profit) that best undertakes activities to do so. However, such recognition is not automatic and is often driven by political factors. Weighing up the options, negotiating the authorising environment, selecting the most appropriate means of managing relationships, and putting such systems in place presents an enormous challenge to existing public sector managerial capabilities (O'Flynn, 2007:362-363). But the challenges that public sectors worldwide generally and public sectors in the developing world specifically face demand an adoption of the public value paradigm. It is against the backdrop of the paradigm shift from the NPM to public value that

the other mechanisms for securing capital and infrastructure for multilingualism in South Africa's public sector are discussed in the following section.

6.5 Other mechanisms of securing capital and infrastructure for multilingualism in South Africa's public sector

The search for other mechanisms of securing capital and infrastructure for multilingualism in South Africa's public sector will have to be premised on the paradigm of public value as elaborated on in the preceding section. This approach will require an alignment of these mechanisms with broader public sector goals. These goals are elaborated in chapter one and include service delivery; creating a conducive environment for private enterprise; engendering a culture of democratisation; engineering the discourses and processes of development; and engendering a culture of constitutionalism. Further, these mechanisms must underpin better functional matching; allowing public managers to select the sector, be it public, private, or not-for-profit that best undertakes the task of providing capital and infrastructure for multilingualism in South Africa's public sector. Four mechanisms are discussed in the following subsections. They include: public-public partnerships (PuPs); public-private partnerships (PPPs); contracting; and donor funded projects.

6.5.1   Public-Public Partnerships (PuPs)

According to Hall *et al*. (2005) the concept of a public-public partnership (PuP) was developed in the context of private-private partnerships. As a result, it can be regarded as a partnership in which there is no private-sector partner. However, there are many definitions for the concept of a public-public partnership. For practical purposes, PuPs can be categorised according to:

1. The different types of partners, such as:

   ■ Partnerships between two public authorities;
   ■ Partnerships between public authorities and communities;
   ■ Development partnerships; and
   ■ International associations.

6.5.1.1   *The partnership's objectives*

PuPs can be used to achieve the following objectives:

■ They can lead to improved services because they are a way of restructuring the public sector, which helps to overcome some of the current limitations of the public sector. They may lead to greater efficiency, improved access to services and more equitable treatment.

■ PuPs can be used to build capacity in public agencies and the skills of a workforce. There is evidence that the process of capacity building, which involves different groups or parts of the public sector, is often the most successful in drawing together groups to learn.

- They can be an effective way of restructuring the public sector and improving public services as a defence against privatisation. However, PuPs do not necessarily stop privatisation in the medium to long term. They are themselves part of a country's political processes, which makes them vulnerable to other changes.
- They can help to build stronger community support and accountability for services. Partnerships with a strong community presence and with robust accountability mechanisms may also be better able to survive political changes, and so be easier to defend against privatisation. PuPs can be used to develop a significant increase in the level of public participation, but time is needed to develop strong partnerships with community participation. The extent of community involvement may also be affected by political conditions.
- They can be used to achieve other objectives, such as paving the way for privatisation.

It is advisable for partners entering a PuP to have a clear statement of their own objectives and show an understanding of other partners' objectives. PuPs are most effective when all partners have an understanding of each other's goals and are willing to work together to reach their shared goals. External partners who provide advice and expertise may be crucial, not only by helping with technical improvements but also by playing a facilitative role, helping different partners work together more effectively. The specific objectives of external partners do not necessarily dominate the agendas of PuPs (Hall *et al.*, 2005:2).

A typology of PuPs according to types of partners would include:

- Public authority – public authority
- Public authority – community
- Development partnerships
- International PuPs

Partnerships between two or more public authorities in the same country are common. Two or more public authorities may cooperate in order to carry out functions on a larger scale. Normally, it occurs between public authorities at the same level of government. However, it can also occur between public authorities on different levels. For example, a public authority that is at a higher level of government (usually national or provincial government) may finance or guarantee the activities of a local authority. Partnerships with NGOs or community groups usually mean the community has some role in the managing or even delivering the service. Other partnerships may involve trade unions. One type of international partnership is the 'development partnership', in which a public authority from a country with a higher income enters into a partnership with a public authority in a country with a lower income, usually to assist development in the country with a lower income. This practice is similar to 'twinning', which originated in attempts to develop international cultural ties after World War II. A second type of PuP between international partners occurs when public authorities from different countries work together to address common issues.

A typology of PuPs according to objectives would include:

- Service efficiency and/or effectiveness
- Capacity development and human resources
- Defence against privatisation
- Public participation

Most PuPs aim to achieve efficiency by improving efficiencies of scale, thereby intending to improve service provision. A PuP can also be used as a capacity-building instrument, most notably in the international context, where an established public authority in one country may help a public authority in another country to train its staff and improve its service delivery. This may also happen within the same country. PuPs that seek to defend public services against privatisation attempt to develop a social democratic model of public service provision. Therefore, where there are sharp inequities of income and service provision, such PuPs may facilitate more equal redistribution of resources and promote economic development better than privatisation. PuPs are also used to express a notion of participatory democracy because some of them include the public itself as a partner – or an organised element of it.

PuPs can be harnessed to secure capital and infrastructure for multilingualism in South Africa's public sector. Such a mechanism would include:

- Partnership between two public authorities: in this case, one public authority that has an established multilingual dispensation would partner with another public authority that does not have an established multilingual dispensation and share expertise and resources in the rendering of multilingual services in the public authority without a multilingual dispensation.
- Partnership between public authorities and communities: in this case, a public authority can use community based language practitioners to render multilingual services especially in instances where the public authority has development and service delivery programmes that are domiciled within communities far from its administrative headquarters. The cost of running such a service can always be discounted against the social responsibility budget of the public authority.
- Development partnerships: in this instance, a public authority in South Africa can partner with another public authority from a country with a higher income and with a track record of offering multilingual services to finance the capital and infrastructure for multilingualism in South Africa's public authority. This kind of PuP can also include the training of language professionals in a South African public authority in the country with a higher income and one that has a track record of offering multilingual services, or the provision of resources to train language professionals in South Africa's training institutions.

In all these initiatives, the objective would be to enhance service efficiency and/or effectiveness; capacity development of human resources in the languages sector of the public authority; defence against the privatisation of multilingual service provision; and engendering a culture of public participation.

6.5.2   Public-Private Partnerships (PPPs)

Grimsey & Lewis (2004:12-13) writing on the general characteristics of PPPs document that there are many different types of PPPs and the models applied differ from country to country. In fact, the PPP concept is evolving in different ways in each country in which the arrangements are being implemented. Some countries have a central body dealing with PPPs (e.g. the Netherlands); some do so for particular applications (e.g. the UK), while others leave it to individual states or municipalities (Australia, United States). Chile is experimenting with a different system for auctioning franchises (the least-present-value-of-revenue or LPVR system). France has an administrative framework governing PPP-type private concessions (*delegation de service public*) different from that which operates under English law.

Given this diversity, Grimsey & Lewis (2004:13) pose the following questions: what are the common threads? What are the distinguishing features of a PPP? In short, what are the characteristics, which might entitle us to say that any arrangement is part of the PPP family? After posing these questions, they proceed to list the following as some of the most important elements of PPPs (Grimsey & Lewis, 2004:13-14).

(i)   *Participants*. A PPP fairly obviously involves two (or more) parties, and at least one of them has to be a public body. Each, however, needs to be a principal, capable of negotiating and contracting on its own behalf. All parties must make an organisational commitment to the partnership.

(ii)   *Relationship*. Partnerships need to be enduring and relational. Governments buy goods and services, they give grants, and they impose fines and taxes. None of these transactions implies any real continuity of behaviour. Even if a public sector body were to use the same supplier year after year, this pattern would not be regarded as a partnership.

(iii)   *Resourcing*. Each of the participants must bring something of value to the partnership. PPPs seek to draw on the best available skills, knowledge and resources, whether they are in the public or private sector, and deliver value for money in the provision of public infrastructure services. For this to happen, each partner must transfer resources (money, property, authority, reputation) to the arrangement.

(iv)   *Sharing*. PPPs involve a sharing of responsibility and risk for outcomes (whether financial, economic, environmental or social) in a collaborative framework. This mutual responsibility contrasts with relationships between the public and private sectors in which the public body retains control over policy decisions after getting the advice of private sector entities. It also contrasts with relations between the public and private sectors that are primarily contractual in nature and involve essentially command relationships. In these cases, the private sector bodies are not partners in any real sense. There has to be a mutual interest and unified commitment.

(v)   *Continuity*. Underpinning the partnership will be a framework contract, which sets out the 'rules of the game' and provides partners with some certainty. Its existence enables the parties involved to make decisions without having to start from scratch each time and develop from first principles the rules that govern these interactions. While the PPP contract provides the basic architecture of the arrangement, it is necessarily 'incomplete' and does not (and cannot)

specify all components and allow for all outcomes. There must be shared values, a common understanding of priorities and policy objectives, and a good measure of trust.

There are specific characteristics of PPPs. These are:

(i)   *Type*. While some partnerships are created for the purpose of policy formulation, priority setting and coordinating organisations from various sectors, the core concern of PPPs is with asset-based services and long-term service provisions contracts related to social and economic infrastructure.

(ii) *Focus on services*. The emphasis is on services received by government, not government procurement of economic or social infrastructure. Government pays for services provided by the private party, which are delivered through privately owned or rented infrastructure as part of the service package.

(iii) *Whole-of-life cycle costing.* With a PPP contract there is the opportunity for a complete integration – under one party – of upfront design and construction costs with ongoing service delivery, operational maintenance and refurbishment costs.

(iv) *Innovation.* A PPP approach focuses on output specifications, and provides enhanced opportunities and incentives for bidders to fashion innovative solutions to meet those requirements.

(v)   *Risk allocations.* Risk retained by government in owning and operating infrastructure typically carries substantial, often unvalued, cost. Transferring some of the risk to a private party, which can manage it at less cost, can substantially lower the overall cost to government (Grimsey & Lewis, 2004:14).

South Africa has a framework for the execution of PPPs. South African PPPs are governed by particular pieces of legislation, regulations and practice notes. The Public Finance Management Act (PFMA) and Treasury Regulations and Treasury Practice Notes issued in terms of the PFMA govern national and provincial departments and public entities. The Municipal Finance Management Act and Treasury Regulations and Practice Notes issued in terms of the MFMA, govern the municipal sphere.

PPPs can be harnessed to secure capital and infrastructure for multilingualism in South Africa's public sector. Such a mechanism would include:

- A public sector authority getting into a multilingual service provision agreement with a private sector entity. It is important that in this arrangement, all the parties involved should be capable of negotiating and contracting on their own behalf. All parties involved must make an organisational commitment to the partnership.

- Multilingual service provision by a private entity to a public sector authority should not be ad hoc. Rather, it must be enduring and relational.

- A multilingual service provision PPP should be able to draw the best available skills, knowledge and resources from the public sector organisation and the private entity, and deliver value for money in the provision of multilingual services by the public sector entity. For this to happen, the public sector authority and the private entity must transfer resources to the arrangement.

- The public sector authority and the private entity must be able to share responsibility and any risks associated with multilingual service provision. For this to happen, the responsibilities of

each entity in the arrangement should be well spelt out.

■ The framework of multilingual service provision within the context of PPPs should allow for continuity, i.e. since multilingual service provision is an enduring function of public sector organisations, the PPP should be structured in such a way that it allows for the development of shared values, a common understanding of priorities and policy objectives [especially on the fundamental importance of multilingual service provision] and a good measure of trust.

PPPs are therefore one of the mechanisms that can be used to secure capital and infrastructure for multilingualism in South Africa's public sector. The question that arises with regard to the use of PPPs is usually one with regard to whether the resources used to secure services from the private entity could not be used to develop in-house capacity within public sector authorities to deliver the same service. This may seem the case in the short term, but in the medium-term to the long term transferring some of the service provision risk to a private entity can substantially lower the overall cost to government. This can be secured through a rigorous and transparent bidding process that not only seeks to get value for money (in relation to what the service could cost if provided by the public sector authority), but that is cognisant of functional matching; allowing public managers to select the private entity that best undertakes multilingual service provision.

In securing capital and infrastructure for multilingualism in South Africa's public sector, all PPPs should be underpinned by the new pragmatism of the public value paradigm. Essentially, this would involve two approaches. The first approach would involve entering into a contractual arrangement with a private entity for multilingual service provision that is delivered through privately owned or rented infrastructure as part of the service package. The second approach would entail having a requirement that all PPPs that have a customer service orientation must incorporate a multilingual service provision component and that all bidders make a commitment to honour this requirement, right from the start of the bidding process.

6.5.3   Contracting

Contracting has become a central feature of modern government, and one of the key institutions to deliver public service to the citizens and build new infrastructure. Contracting has been a feature in the ongoing public management reforms. In order to engage private providers in delivering public services, the purchaser must enter a contract between one or more providers. The contract is the key document around which communication between purchasers and providers revolves. The contract is a formal agreement between a purchaser and a provider. A contract is an agreement between a purchaser and a provider (buyer and seller) that states the terms of delivery of a service or product. Contracting is the design and implementation of contractual relationships between purchasers and suppliers (Greve, 2008:4-5).

Cooper (2003:12-13 cited in Greve, 2008:5) observes that contracts in the business world operate on a horizontal model, based not on authority but on a foundation of negotiations. The rules of the

relationship are established by mutual consent and can be enforced by either of the parties to the agreement. He contrasts this approach with a vertical approach where:

> The political process that produces the decision to contract, the appropriations to be used for that purpose, and the techniques of accountability to be employed to maintain oversight of contract operations come from a vertical, authority-based processes starting from the Constitution and flowing down through legislative processes and administrative agencies to the point where contracts are made and managed (Cooper, 2003:12 cited in Greve, 2008:5).

From the above, it can be deduced that the challenge for public managers in executing contracting of public services is that they operate at the intersection between the horizontal and the vertical approaches to contracts.

Contracting has been used to achieve the best quality for the lowest cost. Governments, with a myriad of needs to satisfy for the citizenry must know what they want to buy, whom to buy it from and later assess what they have bought. Emergent literature, such as Kelman (2002) is indicating that there is more to contracting than just obtaining a good deal. This has led to the notion of 'strategic contracting' – the use of contracting to further an organisation's mission. Contracting is a strategic management tool, not just a technique to achieve better and cheaper products and services in the short term. Strategic contracting sets contracting right at the centre of any government's public management strategy. OECD (2005:132 cited in Greve (2008:7) suggests the following key reasons for contracting out government services:

- To reduce costs;
- To access expertise not available in-house to meet one-off needs;
- To access expertise on a long-term basis in order to be able to vary its quantity and mix over time; and
- To replace current government operations in extreme cases where their provision is unsatisfactory. This is rare and limited to cases where there is a long history of poor performance.

Savas (2000:149) observes that there is by now a lengthy list of quantitative studies demonstrating quite conclusively that, in general, contracted services cost less and are at least as good in quality as corresponding services produced in-house by government agencies. The savings do not come from firing people, but rather that people work harder and better under a private management regime than a public management regime. The productivity gains through contracting result, in general, from work performed per employee per unit time, not from lower wages. People believe that the market is more efficient than hierarchy. Therefore, providing services on the market will mean more competition, which again means that prices will be set at a competitive level (Greve, 2008:7-8).

The argument about saving money is often coupled with a belief that quality can be maintained even though money is saved. The chief argument for this is that private companies have more efficient ways of organising work and they can create value for money. Therefore, they can both save the government money and make themselves a profit. The value-for-money argument is probably the most widely used argument for contracting out. The argument is easy to communicate

from politicians to citizens. It remains the most powerful reason governments have when they want to contract out services. One of the most recent arguments is that contracting enhances innovation. Innovation has been a highly popular concept in the public sector during recent years. Innovation may be thought of as the introduction of new elements into a public service – in the form of new knowledge, a new organisation, and/or new management or processual skills. It represents discontinuity with the past (Osborne & Brown, 2005:4). According to Greve (2008:12) contracting can play a part in the innovation process. A contract is a key institutional device that can connect public and private organisations, and through the contract, the different strengths and weaknesses of each organisation can be specified. Innovation through contracting means that private sector providers can get an opportunity to show their different innovative suggestions from improved public service delivery.

Contracting can be used to secure capital and infrastructure for multilingualism in South Africa's public sector. South Africa has a relatively well-established private language services sector. Contracting will entail having private language services providers servicing the multilingual needs of public sector organisations with an eye at achieving the best quality multilingual service for the lowest cost.

6.5.4   Donor funded projects

Another mechanism of securing capital and infrastructure for multilingualism in South Africa's public sector is through donor funded projects. According to Kaija (2009) donor funding is received as loans (repayable with or without interest) or grants (non-repayable) and comes from bilateral (between countries), financial institutions that may be regional (such as the Development Bank of Southern Africa [DBSA]), continental (such as African Development Bank [ADB]) and international institutions such as the World Bank. The World Bank group for example lends funds thorough two arms: the International Bank for Reconstruction and Development [IBRD] and International Development Association [IDA]. IDA provides interest free loans and grants to Least Developed Countries (LDCs) – whose per capita income is less than US$ 1,000. IBRD provides loans to countries with a per capita income of more than US$ 1,000 and some LCDs that are considered credit worthy. Donors owe a responsibility to their funders (government and boards) of ensuring that the funds disbursed to the recipients are used for intended purposes. To meet this objective, disbursements are preceded by a funding agreement, which stipulates how the funds will be spent among other conditions. Expenditure ceilings are thus built into these agreements to prevent misuse and align the impact and outcome of these projects to the country's direction of development.

The use of donor funded projects to secure capital and infrastructure for multilingualism in South Africa's public sector would entail the development of a project proposal by a public sector organisation detailing the need to secure capital and infrastructure for multilingualism. The proposal should then be submitted to an appropriate donor agency for funding. The existing

framework of South Africa's bilateral and multilateral agreements can be used to identify potential donors who can support projects that seek to secure capital and infrastructure for multilingualism in South Africa's public sector.

6.6 The capital and infrastructure challenge

Mwaniki (2004a) observes that the capital and infrastructure challenge posed by the implementation of multilingualism in South Africa's public sector is fundamentally a management challenge. Managers at all levels of the public sector should be able to plan for and secure the capital and infrastructure for multilingualism. This is in line with the emerging public value paradigm. In this paradigm which has been characterised as being post-competitive and focusing on relationships in the pursuit of multiple goals including responding to citizen/user preferences, renewing mandate and trust through quality services and the steering of networks while recognising collective preferences and multiple accountability systems including citizens as overseers of government, customers as users and taxpayers as funders; the failure to attempt to secure capital and infrastructure for multilingualism by public sector managers cannot be presented as legitimate. Public sector managers must remain cognisant of the fact that they are explorers commissioned by society to search for public value. In attempting to secure capital and infrastructure for multilingualism through different mechanisms, public sector managers should attempt to exploit network governance forms, be open to learning in different ways, and draw in resources from a range of sources, like the ones elaborated in the preceding section.

6.7 Discounting the capital and infrastructure challenge

The successful securing of capital and infrastructure resources for multilingualism in South Africa's public sector is admittedly a daunting challenge. However, the capital and infrastructure challenge can be discounted against the opportunities that a multilingual dispensation in and by South Africa's public sector can and should offer. Mwaniki (2004b:293-294) documents some of these opportunities. They include:

- Entrenchment of the respect for the Constitution, its principles and its underlying ideology.
- Development of South African languages, especially the previously marginalised languages.
- Enhancement of public service delivery within the context of the *Batho Pele* principles.
- Enhancement of a culture of direct, representative and participatory democracy.
- Entrenchment of a culture of human rights with the corollaries of the development and entrenchment of a culture of respect for language rights and linguistic human rights.
- Contribute toward the realisation of social justice.
- Contribute toward human resource development.
- Development of a language services industry.
- Creation of social capital.

- Enable access to indigenous knowledge and information systems.
- Serve the ends of human development.

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CHAPTER 7

Multilingual Service Delivery –
the benchmark for South Africa's
Public Sector Service Delivery

7.1 Introduction

Several factors militate for a fact that multilingual service delivery should be the benchmark for public sector service delivery in South Africa. Apart from constitutional imperatives with regard to language discussed in chapters one and two, there are other factors that mitigate for multilingual service delivery as a benchmark for public sector service delivery in South Africa. Some of these factors include South Africa's peculiar history in which the systemic exclusion of people of colour from core social and economic processes entrenched a dynamic whose defining character, though not exclusive to language, has language overtones where a statistically significant proportion of the population uses previously marginalised languages as their entry points and means of participating in social, political and economic intercourse; the existential exigencies that characterise everyday life in South Africa; and South Africa's public sector strategic imperatives with regard to service delivery and as conceptualised in the *Batho Pele* White Paper. The current chapter provides a detailed discussion of the inextricable relationship between *Batho Pele* principles and multilingualism. The chapter concludes by providing a detailed justification of multilingual service delivery as the benchmark of public sector service delivery in South Africa. However, the discussion begins with an exposition of the concept of *benchmarking*, why benchmarking is important in the design, execution and evaluation of public sector service delivery and an overview of contemporary discourse on Citizen's Charters as tools for benchmarking best practices in public service delivery.

7.2 Benchmarking: 'What is it?' and 'Why is it important?'

Governments are going through a major transformation as nations move from industrial societies to information societies. As people become more accustomed to the kind of instantaneous, high-quality response occasioned by the information revolution, they are less likely to accept the long delays and red tape that have often characterised government services. In fact they are already demanding that government act more like a business. To succeed in this environment, government must act differently – very differently – from the way it has acted in the past (Keehley *et al.,* 1997:xi). This view is echoed by Islam (2005:xi) by observing that globalisation, localisation, and information revolution are empowering citizens to demand accountability from their governments. For such accountability to be an effective tool, a framework of measuring government performance for public services delivery is required.

In an attempt to act differently in the delivery of services to citizens and to engender a culture of accountability, governments are adopting, among other strategies, benchmarking as framework for measuring government performance in public service delivery. Several definitions of benchmarking can be found in management literature. Thor (1995:1) defines benchmarking as the systematic comparison of elements of performance in an organisation against those of other organisations, usually with the aim of mutual improvement. Keehley *et al.* (1997:xii) define benchmarking as a methodology that shows how to improve performance dramatically by comparing the performance of one's own organisation with the best practices of others. Essentially, it provides a map showing where the organisation needs to go in order to improve.

In further developing the definition of benchmarking, Keehley *et al.* (1997:38-40) observe that after a survey of available management literature, a quick analysis boiled down the reigning views of benchmarking to the most common characteristics associated with it. These are:

- Comparison and comparing.
- Practices.
- Performance.
- The words outstanding, best, or leaders.
- Improvement
- Process/processes.
- Measuring.

From their analysis Keehley *et al.* (1997) observe that benchmarking is most commonly known as a process of measuring and comparing to identify ways to improve processes and achieve higher performance. Keehley *et al.* (1997:39) synthesise the preceding arguments and define benchmarking as "a process for identifying and importing best practices to improve performance". Thus, benchmarking is a process – a series of actions, steps, functions, or activities that bring about an end or a result: the identification and importation of best practices to improve performance.

It is important to note that simply identifying best practices – that is, without importing them to the target organisation – is not benchmarking. Nor are importing practices that have not been identified as best or most effective. Consequently, it is important to understand what benchmarking is not.

(i) *Benchmarking is not a simple comparative study.* Benchmarking not only defines what an organisation produces but how it designs, produces, and markets its products and services. What sets benchmarking apart from comparative studies is the borrowing, adapting, and adopting of the methods of others, not just reviewing their outcome data.

(ii) *Benchmarking is not simply copying practices from other organisations.* It is a process of identifying best practices, adapting them, and then implementing the practice to improve performance. Copying practices from other organisations without analysis, understanding, and adaptation is as likely to hurt performance, as it is to improve it. And even when the newly copied practice improves performance, it was probably found serendipitously through organisational tourism rather than through benchmarking.

(iii) *Benchmarking is not performance assessment.* Performance measurement or assessment is just one element of or step in the benchmarking exercise. It only lays the foundation of data on which an organisation will act to improve a process.

(iv) *Benchmarks are not static.* In order to work, benchmarks should not remain the same from year to year; instead, they should incorporate knowledge gained, a mission revised, and structural changes made. Improvement is an on-going, repetitive activity in which complacency has no part.

(v) *Benchmarking is neither an anecdotal form of comparative analysis nor organisational tourism.* Process improvement should not be an excuse to visit other organisations. The site visit to a benchmarking partner is as far from the first step in a project as it is from the last, not is it the main component of the benchmarking process (Keehley *et al.,* 1997:41-42).

Further, Keehley *et al.* (1997:42-43) pointedly observe that understanding the process of benchmarking is not synonymous with understanding what is meant by the term benchmark. A benchmark is a standard of performance. The standard may be established by the organisation as a goal or expected level of performance or for various other reasons. Benchmarks may also be established by looking outside the organisation. The term benchmark is also used in different instances in reference to a turning point, a milestone, a stage, an event, and even a crisis, but it is most commonly known as a standard. In regard to benchmarking for best practices, a benchmark means the highest level of performance currently existing or a level of performance that has yet to be seen, but is on the immediate horizon.

These definitions and elaborations of benchmarking stress the notion of comparing performance between two or more entities, and progressively working toward the improvement(s) of the services rendered by the organisation that undertakes the benchmarking process. Analysed from the perspective of Citizen's Charters (see discussion below), the White Paper on Transforming Public Service Delivery (WPTPSD), commonly referred to as the *Batho Pele* White Paper, is a perfect example of benchmarking in public service delivery because it follows and borrows heavily from a

well-established tradition of setting public service delivery standards, through Citizen's Charters, within the framework of public sector reform. The alternative perspective to this approach holds that by carrying out systems audits of government departments and agencies that incorporate a transparent capturing of citizen expectations with regard to service delivery in relation to human, capital and infrastructure resources at the disposal of different government departments and agencies, it is possible and indeed desirable to develop a benchmarking framework for individual government departments and/or agencies, or for the entire public sector, without necessarily having to compare and import a regime of best practices from (an)other organisation(s). Benchmarking can be initiated by the organisation itself ('bottom-up'), or it can be imposed from above and outside ('top-bottom'). The former involves searching for best practices, organisational learning and continuous improvement in order to eliminate performance gaps. The latter, in contrast, involves a variety of quality assurance policies and the dissemination of findings in order to improve performance across the sector. The former allows each organisation to choose those benchmarks, which are appropriate to its own specific objectives; the latter assumes that all the organisational units in question have the same objectives, and can be scrutinised by reference to the same benchmarks. The public sector service delivery standards contained in the *Batho Pele* White paper should be viewed from these two perspectives.

A detailed discussion of the *Batho Pele* principles as benchmarks for public service delivery within the framework of a Citizen's Charter; how the *Batho Pele* principles relate to multilingualism; and how the *Batho Pele* principles and multilingualism should form the benchmark of public service delivery follows under sections 7.3, 7.4 and 7.5. However, before delving into that discussion, it is important to answer the question: why is benchmarking important, especially in public sector service delivery?

7.2.1 Benchmarking: Why is it important?

From management literature, more specifically New Public Management literature, several reasons have been documented as to why benchmarking is important in the public sector, especially with regard to service delivery. The most important reasons for benchmarking are:

(i) *It works.* The improvements in quality and efficiency that have been obtained by organisations through best practices and benchmarking have been so profound and widespread that governments, at all spheres – organisations known for their slow pace in planning and implementing change – are waking up to the benefits of this powerful analytical tool (Bruder & Gray, 1994 cited in Keehley *et al.,* 1997:2). To the surprise of many organisations, benchmarking usually reveals sizeable performance gaps. This is usually underlined by a simple ethos that anything that cannot be measured cannot be improved.

(ii) *Recognition is likely to follow.* In addition to the internal benefits gained from importing and/or developing standards for best practices, significant opportunities exist for tangible benefits due to increased efficiency and effectiveness in service delivery. When public sector departments and/or agencies achieve superior service delivery from the benchmarking

process, other departments and/or agencies are likely to start using the benchmarking department or agency as a benchmark as they seek to reinvigorate their service delivery standards. Apart from the recognition that comes with such a scenario and that is often rewarded through various public sector service delivery awards, when sustained, benchmarking holds the potential of entrenching a culture of service excellence in a greater portion of the sector in question. Everyone wants to be the best.

(iii) *Benchmarking is the norm.* Service delivery demands exerted upon governments especially by populations used to higher standards of service delivery from the private sector are making governments to re-think their standards of service delivery. It is helpful to note that benchmarking has become the norm in service delivery.

(iv) *Building on tested strategies and standards makes sense.* Invention is not the only way to express ingenuity. Building on or improving on the invention of others is also ingenious, as well as timesaving and cost-effective. When an organisation learns from the experiences of others, it greatly reduces the time required to move up the learning curve and the cost of improvement. Simply put, superior performance is based on an organisation's ability to adopt the best there is in its area of competence and performance and to deliver effective and efficient service.

(v) *It is not an option not to benchmark.* Citizens want to receive high-quality service as a return on their tax, just as they do when they purchase goods and services from private sector entities. Increased private sector focus on quality and value has raised citizen's expectations of the public sector (Gay, 1992 cited in Keehley *et al.,* 1997:8). In general, taxpayers are appalled at having to foot the bill of what they perceive as poor service from government agencies. It is not uncommon in South Africa for citizens to take to the streets and demonstrate because of what they perceive to be poor service delivery, especially at the local government sphere.

(vi) *It leads to integration and cooperation.* When government departments and/or agencies start sharing information in the processes that define benchmarking, the cumulative effect is one of integration and cooperation. Sustained integration and cooperation can ultimately lead to identification of overlaps of mandate in service delivery and consequently in the design of optimal mechanisms for effective and efficient service delivery, without the wastage that comes with overlaps and duplication.

(vii) *Engendering customer culture in the public sector.* Keehley *et al.* 1997:11 observe that behind the search for best practices lies a new way of thinking about the role of government in society. In light of the increasing citizen distrust and the accompanying movement to restrict government revenues, astute government officials are beginning to view their constituents as paying customers entitled to responsive service, efficient performance, and a feeling of customer satisfaction for their tax investment. It is important to treat revenues generated by taxation and which are used in public service delivery as the investment of citizens in their community and country, and not as an endless resource to which the government has a right.

Drawing from the foregoing elaborations, Keehley *et al.* (1997:44) conclude that the public sector can use benchmarking not only to change the pace of an organisation but to move it forward in time by quantum leaps – to allow it to cope with fundamental change, continue to meet citizen expectations, and avoid disenfranchising any community group.

7.3 Why is public sector service delivery such a critical issue?

There is an emerging body of literature that underscores public sector service delivery as a critical issue in governance dynamics. Consulting house 'PriceWaterHouseCoopers' in a seminal paper entitled *The Road Ahead for Public Service Delivery: Delivering on the Customer Promise* point out that driven by growing customer expectations, the efficiency and effectiveness of public service delivery are increasingly seen as key metrics of public sector performance. Addressing this issue is therefore a stated priority in most countries (PriceWaterHouseCoopers, 2007:9). The paper discusses the factors that make public service delivery such a critical issue in contemporary times. These are:

(i) *Customer awareness*. Citizens today are more aware of their rights, have better access to information on public services and consequently have higher expectations of service levels. Because they have become more accustomed to capable private sector organisations providing high levels of customisation and other benefits, they are not prepared to accept that public sector organisations are incapable of improving their own service delivery. They also expect a positive customer experience and better returns on the taxes they pay. Further, a number of countries have empowered citizens with 'Right to Information' legislation leading to heightened awareness about customer rights and, consequently, customer service.

(ii) *Budgetary constraints*. Reduced budgets for investing in public sector service delivery are the result of various factors. Higher budgetary allocations towards pensions, education and health in many countries are undoubtedly one of these factors. At the same time, it is becoming increasingly difficult for many governments to fund the public sector by increasing taxes – partly because of resistance to this route, and partly because, in a globalised society, many of the people/businesses who pay the bulk of these taxes are more mobile than ever before. Tightening budgets and the need for value for money with respect to tax payments by citizens/businesses are forcing governments to address the issue of public service delivery. In many countries, changes have been introduced, aimed at ensuring that the public sector performs under two key metrics: (a) quality of service – accessibility for all and satisfactory customer experiences and (b) cost of service, leading to 'value for money'.

(iii) *Greater accountability and transparency*. The heightened role of the media and social activism has combined to create greater demand for accountability and transparency. However, the issue of accountability is particularly complicated for the public sector. When things go wrong for public sector organisations, it can often make front-page news – instantly transforming a management issue into a political problem.

(iv) *Drive for competitiveness*. Attracting investment to fund economic growth is a priority for most countries. Increasingly, investment fund managers regard the efficiency of the public sector as one of the factors in evaluating the investment destination. In this context, the cost of doing business becomes an important measure of public sector efficiency. Ensuring reduced costs calls for a balanced approach which is aligned both to the needs of the customer and to realising greater efficiencies in service delivery. Thus, global competition for 'investments' as a means for economic growth is also driving the agenda for reforms in public service delivery.

(v) *Public sector reform agenda*. Many governments, especially those in the least developed and developing countries face a common need to meet the United Nations' Millennium

Development Goals. The achievement of Millennium Development Goals is closely related to the effective delivery of public services. This necessitates improved public sector performance. Consequently, many of the funding programmes of multilateral and bilateral institutions are contingent upon these governments' willingness to modernise their public sector delivery capabilities.

(vi) *Changing demographics*. Governments in many countries, especially developed ones, need to respond to the impact of changing demographic trends – in particular the rise of ageing populations. This will, over time, result in reduced working-age populations, and placing greater pressure upon smaller numbers to produce the wealth needed to support living standards. It is already adding significantly to the costs associated with caring and providing for old-age dependency groups. Higher life expectancy in existing mature economies is a reward for economic success but, equally a threat to the future sustainability of that success (PriceWaterHouseCoopers, 2007:9-12).

These factors make effective and efficient public sector service delivery a critical issue. An analysis of the South African scenario further grounds the above listed factors and in effect, the critical import of effective and efficient public sector service delivery in South Africa: the South African population is among the most sensitised in the continent especially due to a relatively advanced private sector and an elaborate network of civic organisations which has exposed the population to not only an advanced level of service provision but also information; South Africa is one of the few countries in the continent to legislate on 'Right to Information'; the need to redress the injustices occasioned by centuries of colonialism and decades of apartheid means higher budgetary allocations to education, health, housing and social welfare thereby reducing budgetary allocations for direct public sector service provision; the notion that South Africans are among the highest taxed in the world (according to the South African Revenue Service (SARS) there are about 10.5 million people paying tax in South Africa out of a population of 50 million, that's roughly 20% of the population), meaning it is increasingly difficult to keep increasing taxes and the taxpaying public, cognisant of the vital role they play in the country, demands value for their taxes; the need to engender a culture of accountability and transparency so that the country can attract investments; the centrality of public sector reform in government's agenda; and interestingly, due to an economy that has aspects of first, second and third world aspects and government fiscal policies that seek to pay pensions and child support grants, demographics that are both top heavy and bottom heavy. A confluence of all these material pressures on the South African public sector makes effective and efficient public sector service delivery, not a question of debate, but one that underlines the very survival of South Africa as a vibrant modern cohesive democratic state.

As McLennan (2009:19, 21) observes, public service delivery is highly politicised in South Africa because it represents some of the contradictions of the transition from apartheid to democracy. On the one hand, it is a continuing crisis as the damaging effects of apartheid disrupt the government's ability to grow the economy, compete globally and meet local demands. On the other hand, it is a redistributive route to development for those previously denied the rights of citizenship, education and employment. The provision of services by the government is linked to

the larger task of redistribution, social justice, poverty alleviation and economic growth. In this way, the delivery process is strongly associated with development and the developmental state is associated with the capacity to provide social justice.

These observations echo contemporary thinking on the critical role of effective and efficient public sector service delivery. Improving service provision is essential for enhancing the quality of democratic citizenship. People who are unable to advance economically, who are vulnerable to descents of ill health, and who are uneducated and ill-informed about the remedies available to cope with these handicaps are ill equipped to make governments work better on their behalf. Providing them with better services will help to make their demands more effective. While empowered citizens can demand better services, empowering people is contingent upon making services better. Resolving this conundrum is, practically speaking, a critical question of our time (Krishna, 2007:11-12). A report by the Organisation for Economic Co-operation and Development (OECD) on service delivery in fragile situations supports this view by observing that a key measure of governance is the quality and availability of essential services. Services comprise a core element of the social contract. Public access to good services indicates that a society is well governed (OECD, 2008:13).

The insights contained in the preceding sections guide the rest of the discussion in the current chapter, which seeks to present a case for multilingual service delivery as the *benchmark* for public service delivery in South Africa within the framework of the *Batho Pele* principles.

7.4 *Batho Pele* principles as benchmarks for public service delivery within the framework of a citizen's charter

Broadly conceptualised, the White Paper on Transforming Public Service Delivery (hereafter WPTPSD), commonly referred to as the *Batho Pele* White Paper, is a Citizen's Charter. An overview of relevant literature on Citizen's Charters points toward the centrality of these charters in re-engineering public service provision within the broad ambit of public sector reform. A fundamental feature of this broad programme of public sector reform has been giving priority to the public sector – citizen relationship and by focusing on improving the relation between the state and the citizens through meeting their needs and offering them optimum services. In, all, serving the citizen remains the main concern of every democratic system basically since the citizen finances the state's functions and expects, in return, efficient, high quality and non-discriminative services.

Many underlying reasons account for public sector reform with a focus on improved public service delivery: the diffusion of democratic systems, the increased interest in the subject of human rights in all political, economic, social and administrative fields, the growth of the citizen's potential – via the institutions of the civil society and others – to influence the policies of the state and the public sector, and the ripple effect of holding the state and the public sector liable to serve citizens' real needs. Another reason for focus on improved public service delivery lies in the

global trend, over the past two decades, towards privatisation, which has always been justified as being the best means to efficiently provide services to citizens with minimal costs. And, if the state resorts to the private sector to provide better services, it is normal for it to adopt the same policy in its public institutions in order to improve the quality of its services. In an attempt to fulfil the new trend as regards the public sector – citizen partnership, many countries have turned to various approaches including the introduction of the Citizen's Charter (El Saad, 2001:2).

In recent years – for a mixture of economic and political reasons – there has developed a growing international consensus that public bodies need to become more responsive to users of public services. Many countries have launched charter initiatives to encourage those responsible for the delivery of such services to raise their standards of performance, to operate in a more transparent way, to be more responsive to the needs and expectations of their 'customers' and to improve their complaints procedures. In some countries part of the underlying message has been to promote the empowerment of citizens by raising their critical awareness of the quality of services and (in theory at least) letting those who are dissatisfied seek out other providers. An important driver of this consumerist consensus has been the desire to get better value for taxpayers' money. Charters can be seen as just one aspect of the sprawling agenda of new public management (NPM) (Drewry, 2005:2-3).

A Citizen's Charter is a written, voluntary declaration by service providers that highlights the standards of service delivery that they must subscribe to, availability of choice for consumers, avenues for grievance redressal and other related information. It is a useful way of defining, with stakeholder involvement, the nature and quality of service delivery. In other words, a Citizen's Charter is an expression of understanding between the citizen and the service provider about the nature that the latter is obliged to provide (Centre for Good Governance, 2005).

The salient features of a Citizen's Charter are:

- Agreed and published standards for service delivery. The Charter should lay out explicit standards of service delivery so that users understand what they can reasonably expect from service providers. These standards should be time-bound, relevant, accurate, measurable and specific. The actual performance *vis-à-vis* the standards adopted must be published and independently validated.

- Openness and information about service delivery. A key attribute of good service is the availability of relevant and concise information to the users at the right time and at the right place. The Charter's should contain, in plain language, full and accurate information about services available, levels and quality of service to be expected, available channels for grievance redressal, etc. Handbooks, guides, posters, websites are some of the channels through which information can be provided to citizens.

- 'Choice' and consultation with users. The Charter should provide choice of services to users wherever practicable. There should be regular and systematic consultation with the users of the service to fix service standards and to ascertain quality of service delivery.

- Courtesy and helpfulness in service delivery. The Charter can help embed a culture of courteous and helpful service from public servants. In addition, small initiatives such as 'name badges', 'May I help you' counters, etc. can go a long way in building customer confidence.

■ Grievance redressal and complaints handling. There is a strong link between the provision of quality service and effective handling of complaints. Firstly, facilitating and responding to complaints can reduce the causes for complaint. Secondly, by identifying 'trends' in complaints, the service provider can resolve systemic and recurring problems (Centre for Good Governance, 2005).

Citizen's Charters have been around for the better part of the last two decades. There is consensus in the literature that the idea of Citizen's Charters originated in the United Kingdom. Falconer and Ross (1999:339) document that within the field of public service provision, the development of a more 'private-sector-oriented' consumer focus has been central to the public sector reform agenda of successive British Governments since 1979. The principal policy embodiment of this effort has been the Citizen's Charter, introduced by the Conservative Government of John Major in 1991 and re-launched by the new Labour Government of Tony Blair in the summer of 1998. That the idea of Citizen's Charters originated in the United Kingdom is collaborated by Sadler (1999), Tindigarukayo (2007) and Centre for Good Governance (2005). The development of a Citizen's Charter by the United Kingdom Government has influenced several countries such as Belgium, France, Canada, United States, Australia, Malaysia, Spain, Portugal, India and Jamaica to adopt similar measures. South Africa joins this list because the WPTPSD is by all its declared purposes and intentions a Citizen's Charter.

A critical comparison of the principles contained in the WPTPSD and the principles contained in the United Kingdom Citizen's Charter, which is the Charter that has informed the development of Citizen's Charters in all other parts of the world, indicates that the WPTPSD principles must have been borrowed from the United Kingdom Citizen's Charter and thus further reinforcing the notion of *Batho Pele* principles as benchmarks, or put another way: the development of the *Batho Pele* principles was an instance of benchmarking because it essentially involved comparing the South African public sector with other public sectors, and specifically the United Kingdom public sector, in order to identify ways to improve processes and achieve higher performance, and then importing best practices from these other public sectors and incorporating them into South African public sector service standards. This notion becomes apparent when the nine principles of the United Kingdom Citizen's Charter are outlined.

The nine principles of the United Kingdom Citizen's Charter are:

(i) *S*et standards of service: Set clear standards of service that users can expect; monitor performance; and publish results, following independent validation, wherever possible.

(ii) Be open and provide full information: Be open and communicate clearly and effectively in plain language, to help people using public services; and provide full information about services, their cost and how well they perform.

(iii) Consult and involve: Consult and involve present and potential users of public services, as well as those who work in them; and use their views to improve the service provided.

(iv) Encourage access and the promotion of choice: Make services easily available to everyone who needs them, including using technology to the full and offering choice wherever possible.

(v)   *Treat all fairly:* Treat all people fairly; respect their privacy and dignity; be helpful and courteous; and pay particular attention to those with special needs.

(vi)   *Put things right when they go wrong:* Put things right quickly and effectively; learn from complaints; and have a clear, well publicised and easy-to-use complaints procedure, with independent review wherever possible.

(vii)   *Use resources effectively:* Use resources effectively to provide best value for taxpayers and users.

(viii) *Innovate and improve:* Always look for ways to improve the services and facilities offered.

(ix)   *Work with other providers:* Work with other providers to ensure that services are simple to use, effective and coordinated and deliver a better service to the user (Falconer & Ross, 1999:348).

The eight principles of the WPTPSD are:

(i)   *Consultation:* Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered.

(ii)   *Service standards:* Citizens should be told what level and quality of public services they would receive so that they are aware of what to expect.

(iii)   *Access:* All citizens should have equal access to the services to which they are entitled.

(iv)   *Courtesy:* Citizens should be treated with courtesy and consideration.

(v)   *Information:* Citizens should be given full accurate information about the public services they are entitled to receive.

(vi)   *Openness and transparency:* Citizens should be told how national and provincial departments are run, and how much they cost, and who is in charge.

(vii)   *Redress:* If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.

(viii) *Value for money:* Public services should be provided economically and efficiently in order to give citizens the best possible value for money (Department of Public Service and Administration, 1997:15).

A critical comparison between these two sets of principles brings out an uncanny similarity. Discomforting as this may be for South African public sector purists (who in an eerie way may not be aware whether other Citizen's Charters do exist), it is reassuring to know and note that the WPTPSD principles are in line with the best practices adopted, implemented and perfected in the world's most advanced and progressive public sectors. Effectively the *Batho Pele* principles are benchmarks for public sector service delivery within the framework of a Citizen's Charter because they are standards of performance, that are established by the South African public sector as a goal or expected level of performance, with consideration of local circumstances and realities, but more importantly by comparing the South African public sector with other public sectors in order to identify ways to improve processes and achieve higher performance, and then importing

best practices from these other public sectors and incorporating them into South African public sector service standards.

7.5 Multilingualism and the *Batho Pele* principles

The question with regard to multilingualism and the *Batho Pele* principles is: are there inherent relationship(s) between multilingualism and the *Batho Pele* principles? The following discussion, by systematically relating multilingualism to each of the *Batho Pele* principles, answers this question in the affirmative.

7.5.1   Consultation

The WPTPSD identifies consultation as one of the principles. It states that all national and provincial departments must, regularly and systematically, consult not only about the services currently provided, but also about the provision of new basic services to those who lack them. It further states that consultation will give citizens the opportunity of influencing decisions about public services, by providing objective evidence which will determine service delivery priorities. Consultations can also help to foster a more participative and co-operation between the providers and users of public services (Department of Public Service and Administration, 1997:16).

But what is consultation? As defined in Chapter one, consultation is the process of informed communication between the public sector and the community on an issue prior to the public sector making a decision or determining a direction on that issue. It is a process not an outcome. Consultation is not decision-making. Consultation is about input into decision-making but not joint decision-making or decision-making by referendum (Brankertz *et al.*, 2005).

From the literature, consultation within the public sector is carried out for a variety of reasons. Some are pragmatic, while others stem from conceptions about the public sector's role in democracy, in community building, in fostering civil society or in redressing social injustice or exclusion. In public sector service provision, consultation is essential for a wide range of reasons. These include: information gathering and provision on nature and quality of public services; as a statutory or strategic plan requirement; to entrench a culture of good governance; community strengthening through the building of social capital and community capacity building; and to engender a culture of community participation and engagement. Inextricably, related to the reasons for consultation in public sector service provision are the desired outcomes of the consultation process. These include: community strengthening through building social capital and community capacity building; promoting prosperity and inclusion; addressing democratic deficit and promoting good governance; engendering community engagement and better and responsive service provision; creating networks and increasing connectedness; developing new skills to provide localised solutions to local challenges; and feedback gathering for systems review and improvement. From the foregoing, the reasons and the desired outcomes of consultation

sometimes overlap. That is, consultation is not just a means to an end but, depending on the desired outcome, may become an end in itself (Cook, 2002 cited in Brankertz *et al.*, 2005:9). This insight is critical in understanding the primacy of consultation as a principle underlying public service provision within the framework of WPTPSD: consultation should not only serve to get insights about the services delivered by the public sector and possibly on how to improve on service delivery, it should also be conceptualised as an integral part of public sector service delivery milieu – a public sector service in itself.

Essentially, consultation can only happen in an environment where there is informed communication. In South Africa, with its multilingual milieu, which is underpinned by historical and contemporary realities, informed communication can only occur when, it is conducted in a multilingual manner. Functional multilingualism in the South African public sector is a critical component in ensuring effective and efficient consultation with the citizenry on the level and quality of public services they receive, and also in facilitating their decision-making on the choice(s) of services that a public sector department or agency has to offer (Manqindi, 2005:42). Consultation can only be effective when it is conducted in the languages that the citizens understand, and these languages are surely not English and Afrikaans within the South Africa setting, but the multiplicity of languages spoken in South Africa, and especially the previously marginalised languages recognised as official languages in the constitution.

7.5.2   Setting service standards

Setting service standards is another principle under the WPTPSD. National and provincial departments must publish standards for the level and quality of services they will provide, including the introduction of new services to those who have previously been denied access to them. In the case of certain services, such as health, or education, national departments, in consultation with provincial departments, may set standards that will serve as national baseline standards. Individual provinces may then set their own standards, provided these meet or exceed the national baseline. Provincial departments may also set additional standards for aspects of service not covered by national norms. Similarly, departments may set intra-departmental service standards, which will serve as minimum norms for their institutions and components. These internal institutions and components may also set additional service standards for aspects not covered by intra-departmental norms. Service standards must be relevant and meaningful to the individual user. This means that they must, cover the aspects of service which matter most to users, as revealed by the consultation process, and they must be expressed in terms which are relevant and easily understood. Standards must also be precise and measurable, so, that users can judge for themselves whether or not they are receiving what was promised (Department of Public Service and Administration, 1997:16-17).

But what are service standards? According to the Public Service Commission (PSC), the role of service standards – a shortened form of the phrase "standards of service" – is typically to answer

questions such as: "How often will the service be provided?" "How long should it take to receive the service?" and "What does one do if one is not satisfied with the service?" Thus, service standards inform citizens about what kind of service they can expect from a department, and this is usually done in the form of a statement that describes what level of service will be provided to citizens. In essence, a service standard is a criterion adopted by a department in order to define how it should behave with respect to its client's base (the client base may be internal or external) (PSC, 2005:16).

Service standards are an integral part of a Service Delivery Improvement Plan, as they signify the goals that a particular department is striving for in terms of improving its service delivery. Establishing standards for aspects of delivery such as cost, quality and frequency helps departments improve a broad range of services they offer. Departments develop service standards in order to do away with ambiguity and thereby ensure that citizens have realistic expectations about the nature of the services being delivered by a department. Service standards also promote a culture of effectiveness and efficiency, as managers in a department to measure the performance of that department typically use them. Importantly within the South African context, service standards promote accountability and transparency, as standards represent a public commitment by a department that they will deliver services that meet the needs of the public (PSC, 2005:16-17).

Service standards are more than simply delivery targets such as reducing waiting times or speeding up response times. Typically, a rigorous set or list of service standards developed by a department should incorporate five different aspects. Whilst not every service standard need cover all five aspects, one would expect to find all these aspects covered by the list of standards a department compiles. These aspects are:

(i) *A description of the service.* The description provides the details of the service that the department intends to provide and, where applicable, the nature of the benefits citizens expects to receive. Usually, the service standard includes a short easy-to-understand statement that describes exactly what services are provided at a particular delivery site, for example: *Issue a passport.*

(ii) *A service pledge or commitment.* The service commitment refers to how citizens will be treated and describes the quality of service delivery that the department promises to meet. This commitment would typically emphasise delivery principles such as transparency, accountability, fairness and courtesy, for example: *We will strive to make information available in all official languages.*

(iii) *A delivery target.* Delivery targets refer to the key aspects of the specific service delivery that is referred to in service standards. Generally, delivery targets would deal with issues such as access and timeliness. Targets have a two-fold purpose: they help to establish realistic expectations among citizens, based on what the department can actually deliver, and establish the performance expectations of the department, for example: *To process your application within 6 weeks.*

(iv) *The cost of the service.* It is important that citizens should know about the cost of a service, even when there are no user fees. Knowing the cost of a service, in particular when it is either free or requires only a low fee, encourages citizens to make use of the service, forms realistic

expectations about the service being offered, and allows them to participate knowledgeably in debates about the value of government service delivery, for example: *It will cost R. 330.00 for a Maxi (64 pages) and R. 176.00 for a Tourist (32 pages) passport.*

(v) *Reference to the relevant complaint and redress mechanisms.* It is important that mechanisms should be in place to deal with the concerns of citizens when they feel that a department has not met the service standards it has promised to meet. In addition, such mechanisms provide a means by which a department can assess the quality of its delivery. A public service "that is responsive and citizen-focused must provide an easy, clear and effective way for citizens to complain and seek redress", for example:

> If you are unhappy with the way you have been served in any Department of Home Affairs office, you should first complain to the Section Head [...] If you are still not satisfied you can refer the complaint to [...] If you are dissatisfied with their response you can ask ... (PSC, 2005:18-20).

Communication and information sharing constitute the underlying logic in the design, implementation and sustenance of service standards. On one hand, there should be communication and information sharing between the various beneficiaries of public services and the public sector department and/or agency rendering the public service. On the other hand, there should be communication and information sharing within the public sector department and/or agency rendering a public service on service standards and the fundamental role of service standards in optimal service delivery. In a multilingual situation like the South African one, the critical role that a multilingual approach plays in the design, implementation and sustenance of service standards cannot be gainsaid. Communication and information sharing between the various beneficiaries of public services and the public sector department and/or agency rendering a public service should be conducted in a multilingual manner so that all sections of the public can have unfettered access and input into the service standards design, implementation and sustenance dynamics. The same principle should apply in intra-organisational communication and information sharing in the processes of designing, implementing and sustaining service standards.

7.5.3   Increasing access

The WPTPSD documents that while some South Africans enjoy public services of first world quality; many others live in third world conditions. One of the prime aims of *Batho Pele* is to provide a framework for making decisions about delivering public services to the many South Africans who were denied access to them. *Batho Pele* also aims to rectify the inequities of distribution in existing services. To meet these access objectives, all national and provincial departments are required to specify and set targets for progressively increasing access to their services for those who have not previously received them

The WPTPSD further documents that one significant factor affecting access is geography. Many people who live in remote areas have to travel long distances to access public services. In drawing up their service delivery programmes, national and provincial departments must develop strategies to eliminate the disadvantages of distance. Another significant factor is the lack of

infrastructure, which exacerbates the difficulties of communication with and travel to remote areas. There are other barriers to access – social, cultural and attitudinal – which need to be taken to account. Service delivery programmes should therefore specifically address the need to progressively redress the disadvantages of all barriers to access (Department of Public Service and Administration, 1997:18).

Logically, it is not possible to effectively and efficiently deliver public services if the beneficiaries of these services cannot be reached. Therefore, access is a critical issue to consider in the design of programmes aimed at public sector service delivery because 50% of South African population lives in rural-bound communities. Of this population, approximately 46% is under 15 years, whereas approximately 7% is aged over 60 years (Anriquez & Stloukal, 2008). This data is in line with data documented earlier by Prah (2000). This is a significant proportion of the population. Studies have established that in the past, rural communities did not have the same level of public sector service access as urban populations. Inasmuch as segregationist policies of the past dispensation could have had a role to play in this dynamic, the major contributing factor to this disparity in public sector service access remains the difficulties in accessing rural communities due to aspects of geography and poor infrastructure. However, apart from policies, aspects of geography and poor infrastructure, language plays a big role in determining the accessibility of public services, especially for rural-bound communities. For many rural-bound communities in South Africa and elsewhere, indigenous languages are the major codes for social, political and economic intercourse, and invariably as the major means of access to public sector services.

7.5.4   Ensuring courtesy

A defining aspect of re-aligning public sector service delivery within the framework of public sector reforms is to ensure that public services are rendered at a level that is comparable with services rendered by private sector entities, both in manner and substance. To achieve this level of public sector service provision, the WPTPSD incorporates *courtesy* as one of the principles guiding public sector service delivery. The WPTPSD documents that the concept of courtesy goes much wider than asking public servants to give a polite smile and to say 'please' and 'thank you', though these are certainly required. The Code of Conduct for Public Servants issued by the Public Service Commission, makes it clear that courtesy and regard for the public is one of the fundamental duties of public servants, by specifying that public servants treat members of the public "as customers who are entitled to receive the highest standards of service". National and provincial departments must specify the standards for the way in which customers should be treated. These are to be included in their departmental Codes of Conduct. These standards should cover, among other things: greeting and addressing customers; the identification of staff by name when dealing with customers, whether in person, on the telephone or in writing; the style and tone of written communications; simplification and 'customer-friendliness' of forms; the maximum length of time within which responses must be made to enquiries; the conduct of

interviews; how complaints should be dealt with; dealing with people who have special needs; gender; and language (Department of Public Service and Administration, 1997:18-19).

Within South Africa's multilingual milieu, language plays a critical role in ensuring that public sector services are rendered in a courteous manner. In service provision encounters, language is the dominant medium of negotiation. It conveys ideas and concepts between interlocutors, and offers the means of understanding the thoughts and expectations of all the parties involved in a transaction. Language is therefore a bridge for communication, which leads the way from the simple motivation to interact to real cooperation. Language is not only a neutral medium of representation; it is also actively involved in the construction of cultural, social and political realities, especially in a country like South Africa where language has overtly been used to achieve cultural, social and political goals. Multilingualism should therefore be a key feature in ensuring courtesy in the delivery of public services in South Africa because multilingual courteous treatment in the delivery of public services will further promote respect for diversity and tolerance with a view to preventing the emergence of active or passive conflicts between different language communities in South Africa.

7.5.5   Providing more and better information

The WPTPSD is unequivocal on the primacy of information management in the rendering of public sector services. It documents that information is one of the most powerful tools at the customer's disposal in exercising his or her right to good services and national and provincial governments must provide full, accurate and up-to-date information about the services they provide, and who is entitled to them. Information should be provided actively in order to ensure that all those who need it, especially those who have been excluded from public services, receive information. The consultation process should also be used to find out what customers and potential customers need to know, and then to work out how, where and when the information will be provided.

The actualisation of the *Batho Pele* principles requires a complete transformation of communication with the public. Information must be provided in a variety of media and languages to meet the differing needs of different customers. This is essential to ensure the inclusion of those who are, or have previously been disadvantaged by physical constraints, language, race, gender, or geographical distance. Written information should be plain and free of jargon, and supported by graphical material where this will make it easier to understand. All written information should be tested on the target audience for readability and comprehensiveness. However, it should not be assumed that written communication alone would suffice: many people prefer to receive information verbally, so that they can ask questions and check their understanding (Department of Public Service and Administration, 1997:19).

Information management is fundamental in the actualisation of the *Batho Pele* principles. Inextricably related to information management is the issue of languages. On its part, the issue

of language in South Africa is inextricably related to the issue of multilingualism. Information on public sector services should be provided in the multiplicity of South African languages. The principle of providing more and better information is further bolstered by the provisions of the Promotion of Access to information Act (Act 2 of 2000) which seeks; among other objectives to give right of access to information held by the state and that has explicit language clauses that emphasise a multilingual provision of information held by the state. For example, section 31 of the Promotion of Access to Information Act (Act 2 of 2000) states that a requester whose request for access to a record of a public body has been granted must, if the record –

- Exists in the language that the requester refers, be given access in that language; or
- Does not exist in the language so preferred or the requester has no preference or has not indicated a preference, be given access in any language the record exists in.

The motivation for promotion of access to information should not be confined to records held by a public body. It should be a fundamental principle underlying quality delivery of public services.

7.5.6   Increasing openness and transparency

Openness and transparency have been buzzwords for public sector reform for the better part of the last two decades. However, when the usually pathetic state of public sector service delivery in the developing world, of which South Africa is one, is put into perspective, then openness and transparency cease being just other buzzwords. They constitute fundamental principles that should underpin public sector service delivery. According to Dror (2000:63), transparency and openness partake of a double nature: they are both a norm and an instrument. As a norm, transparency and openness are part of the value systems of liberal democracy and of human rights, which provide for a right of citizen to know what is going on in governance and for a duty of government to be transparent and open. Transparency and openness are also an instrument making for more efficiency and effectiveness, by forcing governance to be more careful so as to stand public scrutiny.

The WPTPSD documents that openness and transparency are the hallmarks of a democratic government and are fundamental to the public service transformation process. In terms of public service delivery, their importance lies in the need to build confidence and trust between the public sector and the public they serve. A key aspect of this is that the public should know more about the way national and provincial departments are run; how well they perform, the resources they consume, and who is in charge. The envisioned mechanism for achieving this will be an Annual Report to Citizens published by each national and provincial department setting out in plain language:

- Staff numbers employed, and the names and responsibilities of senior officials;
- Performance against targets for: improved service delivery, financial savings, and increased efficiency;

- Resources consumed, including salaries and other staff costs, and other operating expenses;
- Any income, such as fees for services;
- Targets for the following year; and
- A name and contact number for further information.

Reports to citizens should be published as widely as possible and should be submitted to the national and provincial legislatures in order to assist the relevant Portfolio Committees in scrutinising and monitoring departmental activities (Department of Public Service and Administration, 1997:20).

Within the context of the current discussion, information access and sharing is basic to entrenching a culture of openness and transparency. It is inconceivable that there can be unfettered information access and sharing in South Africa's multilingual milieu without providing information in the multiplicity of South Africa's official languages – multilingualism is core to engendering a culture of openness and transparency in public sector service delivery.

7.5.7   Remedying mistakes and failures

Successful front-line interactions between citizens and public bureaucrats, such as handling information requests, processing license applications or assessing benefit claims, are a major determinant of overall service quality. These decisions require, to a greater extent, balancing administrative rules designed to ensure equitable treatment against case-sensitive decision-making. How well service complaints are handled is a key determinant of quality in the public services at both systemic and service-recipient levels. Procedures that are easily accessible, simple to invoke and operate, transparent, ensure stakeholders are kept informed, and sensitive to different social groups help build confidence in complaints handling and redress processes. Complaints arise because citizens experience inappropriate or discourteous treatment, omissions, mistakes, faults, inconsistencies, misleading guidance, unclear procedures, or displayed bias or injustices in their dealings with public officials. Citizen complaints focus on specific interactions while citizen redress tends to be concerned more broadly with the public sector administrative mechanisms through which individuals seek remedies, though both are closely linked aspects of citizen voice (Brewer, 2007:550).

The principle of remedying mistakes and failures is core to the WPTPSD, which acknowledges the principle as a constitutional principle. According to the WPTPSD, the principle of redress requires a completely new approach to handling complaints. Complaints are seen by many public servants as a time consuming irritation. Where complaints procedures exist, they are often lengthy and bureaucratic, aimed at defending the department's actions rather than solving the user's problem. Many departments have no procedures for regularly reviewing complaints in order to identify systematic problems. Many public sector organisations do not collect any statistics about the number and type of complaints they receive. Often, complaints are counted as such only when they are submitted in writing through the formal channels. Yet many members of the public

do not bother using these channels because they have no confidence in their effectiveness, and because they find the process time consuming and sometimes daunting. As a result, many public sector organisations frequently underestimate the level of dissatisfaction that exists.

The first step in the redress process is to acknowledge that all dissatisfaction expressed in writing or verbally, is an indication that the citizen does not consider that the promised standard of service is being delivered. The next logical step is to establish ways of measuring all expressions of dissatisfaction. Staff should be encouraged to welcome complaints as an opportunity to improve service, and to report complaints so that complaints weaknesses can be identified and remedied. National and provincial departments are required to review and improve their complaints systems in line with the principles of accessibility; speed; fairness; confidentiality; responsiveness; review and training (Department of Public Service and Administration, 1997:21-22).

Brewer (2007) cited above further observes that the long-term viability of any public complaints handling system rests on confidence in its fair operation. That is, 'the large majority of cases investigated should provide people with assurance that they have been fairly and properly treated or that a disputed decision has been correctly made under the relevant rules (National Audit Office (UK), 2005: 'Executive Summary': 7 cited in Brewer, 2007:551). Clear reasons should be given to all stakeholders for conclusions reached or when no investigation is undertaken. Citizens should be able to obtain regular updates on how their case is progressing. Because public bureaucrats enjoy the advantages of superior status, ready access to key information and a far more detailed understanding of policies and procedures than do those who complain against them, any positive discrimination measures designed to favour citizens contribute to a more fairly balanced system. At the same time, any organisational unit or individual complained against must be given an opportunity to comment on the allegations contained in the complaint (Brewer, 2007:551).

Two factors are important with regard to the principle of redress in public sector service delivery. These are: access to information about the nature and level of services that are legitimately promised by a public sector institution and access to public institutions without fear and/or intimidation. Language plays a critical role in ensuring that citizens have access to information. When citizens are free to approach public sector organisations without fear and/or intimidation that come with negotiating an unfamiliar linguistic territory, chances of them voicing their grievances are higher. Therefore, multilingualism has a role to play in ensuring that there is redress in public sector service delivery.

7.5.8   Getting the best possible value for money

The principle of "getting the best possible value for money" is central to "charterism", i.e. the movement in NPM that has advanced the notion of developing Citizen Charters, of which the WPTPSD is one. One important principle underlying the initiative of charterism is to improve value for money for the citizen-taxpayer, by making public resources go further. Charters impose

a discipline on service providers at relatively little central cost. (Drewry, 2005:7-8). However, "getting the best value for money" straddles the entire breadth of NPM. To understand this proposition, it is important to have a grasp of NPM from a diachronic perspective. NPM means a radical shift from the so-called progressive public administration, that is, the style of public administration that emerged in the late nineteenth and early twentieth centuries. According to Hood (1995 cited in Jan, 2009), this era had two fundamental characteristics. First, the public sector was kept sharply distinct from the private sector. Public service professionals were seen as a "Jesuitical corps" (Baker, 1984:34 cited in Jan, 2009), praised for their specific ethos, career structure and their way of doing business. Second, public administration was characterised by an enormous set of procedural rules aimed at limiting both political and managerial discretion. Hood (1991; 1995 cited in Jan, 2009) states that the basis of NPM lay in reversing the two cardinal doctrines of the progressive public administration.

The features of NPM can be clustered in these two doctrines. The first set of characteristics is intended to lessen or even remove the distinctions between public and private sector. This includes privatisation, marketisation and decentralisation. Public organisations need to adopt "proven" private sector styles of management. Contract-based competition should be introduced, including competition within the administration. More stress on discipline in the use of resources is needed, thus focusing more on efficiency and effectiveness of policy. Unbundling the public sector into corporatised units, organised by product is believed to increase this focus. Other techniques are contracting-out, public-private partnerships, citizen participation, budgeting and accounting reforms, separation between service provision and service production, one stop shops, user charges, budget cuts and strategic planning (Pollit, 2003; Gruening, 2001 cited in Jan, 2009:3).

The second set of characteristics aims at shifting the focus of accountability. Accountability of results should replace the traditional process accountability. Managers should be allowed more discretionary power in determining how the political goals should be reached. In return, accountability is made clearer through more explicit, measurable standards and greater emphasis is put in output controls. Techniques here include performance audit (Pollit, 1999 cited in Jan, 2009:,3) evaluation, introduction of a managerial culture, internal and external control reforms, empowerment and the introduction of quality systems (Pollit & Bouckaert, 2000; Pollit, 2003; Gruening, 2001 cited in Jan, 2009:3). In a gist, NPM aims at getting the best possible value for money for the taxpaying citizens.

With regard to getting the best possible value for money, the WPTPSD documents that improving service delivery, and extending access to public services to all South Africans must be achieved alongside the Government's GEAR strategy for reducing public expenditure and creating a more cost-effective public service. The *Batho Pele* initiative must be delivered within departmental resource allocations, and the rate at which services are improved will, therefore, be significantly affected by the speed with which national and provincial departments achieve efficiency savings that can be ploughed back into improved services. Many improvements that the public would like

to see often require no additional resources and can sometimes even reduce costs. All national and provincial departments are required, as part of their service delivery improvement programmes, to identify areas where efficiency savings can be attained and service delivery improvements implemented (Department of Public Service and Administration, 1997:22).

Rendering services in a multilingual manner further enhances the core principle of getting the best value for money for the following reasons: as discussed elsewhere in this chapter, almost half of the South African population is rural-bound and therefore uses the multiplicity of South African languages, other than English to access public services. This segment of the population may not of necessity constitute a big fraction of the tax-paying population in South Africa, but it constitutes a sizeable segment of consumers of public services that are financed through tax-payers money. It is a constituency that cannot be ignored in public sector service delivery dynamics. It therefore logically follows that rendering services in a multilingual manner increases efficiency and effectiveness in service delivery for at least half of the South African population, who use languages other than English to access public sector services – it ensures that value is derived for every rand that is used. The second reason flows from the first reason: communicating with clients in languages that they understand reduces service delivery time because there is clarity of the services sought, their availability and any options that are available. The wastage occasioned by wrongly filled service forms that are not in a language familiar to a client for example is reduced to a bare minimum and so are the overt and covert costs that are occasioned by delayed service delivery. Investment in multilingual public sector service provision ultimately serves the principle of getting the best possible value for money, both for public sector departments and agencies offering services (because there is reduction of time-lags and waste) and the taxpaying population seeking public services (because public services are financed through tax rands, which is essentially their money).

7.6 Multilingual service delivery as the benchmark of public sector service delivery in South Africa

Due to the scarcity of literature that links multilingualism, service delivery and benchmarking of public service delivery, one would assume that it is an onerous task to do so. And indeed it is, especially when it comes to establishing the link between multilingualism and benchmarking of public service delivery – there is an acute dearth of literature on the link between multilingualism, service delivery and benchmarking in the public sector. That this is hardly the case is not surprising. Inasmuch as linguists have been courageous, daring and creative enough to extend the frontiers of linguistics into such disparate realms such as psychology, sociology, education, anthropology, history and economics, they are yet to establish a linguistic niche in public sector management and its associated dynamics.

However, this is not the case with regard to establishing linkages between multilingualism, service delivery and benchmarking in the private sector where there is abundance of literature

on these linkages. In true NPM and public value fashion, the ensuing discussion on multilingual service delivery as the benchmark of public service delivery in South Africa borrows heavily from this literature on multilingualism, service delivery and benchmarking in the private sector. The following discussion adopts a literature review format and later seeks to establish the necessary linkages with the South African public sector service delivery scenario.

The strategic role of language in private sector management, especially in multinational companies (MNCs) with operations in disparate linguistic environments has long been recognised and documented. After carrying out a detailed study on the language factor in the operations of the Finnish multinational Kone Elevators, in the first published installment of this research, Marschan, Welch and Welch (1997:595) observe that language is not just an 'add-on factor' for MNC management, which can be readily dealt through employing a company language, as important as that step is in itself. There is little doubt that building stronger facility in the company language throughout the MNC does have the potential to ease the problems of cross-language communication, but it is unlikely to remove them. More importantly, language needs to be considered as an important factor in the MNC's ability to function as a single entity. In stressing the importance of language in the operations of MNCs the researchers point out that there is need for multinationals to place a more strategic value on language and that language needs to be considered as a key element in the management of a multinational. An important first step might be to include language aspects at the highest level of strategic planning and implementation. In suggesting ways in which MNCs can use language in their strategic operations, the researchers observe that in order to assess the potential impact of language on the implementation of an MNC's strategic operations, it would be necessary to have adequate knowledge of the levels of language proficiency of staff at various subsidiaries; that is a *language audit* as part of the multinational's assessment of its strengths and weaknesses (component of SWOT analysis). The ultimate objective is to develop a fit between a company's language profile and its strategies. The researchers emphasise that the connection between company strategy and language is through people: the organisation does not have languages, people do. Directives, technical information, policies and other communication relating to strategic implementation will need to be translated into various subsidiary languages to ensure local adherence and action (Marschan, Welch & Welch, 1997:596). The study concluded that multinationals couldn't allow language to become a peripheral or forgotten issue, given that it permeates virtually every aspect of their operations. MNCs need to develop language policies that take cognisance of their disparate operating environments. These language policies should aim at developing language competence through human resource policies, and in particular through selection, training and transfers of staff (Marschan, Welch & Welch, 1997:597).

In the second installment of their research, Marschan-Piekkari, Welch and Welch (1999) detail even more fascinating insights on the role of language in the strategic management of MNCs. The researchers observe that communication flows within the multinational are an essential element of its ability to control and coordinate global activities, and to respond rapidly and flexibly to

changing circumstances. This is not an easy task: formal and informal channels are involved; and information follows multiple directions (that is, top-down, bottom-up, horizontal and diagonal). The result is an intricate web of MNC information. However, while the complexity of the MNC information exchange is recognised, the literature on informal control through the building of horizontal communication linkages and relationships does not consider one important element of the communication process: language (Marschan-Piekkari, Welch & Welch, 1999:425).

The researchers identify and discuss four major perspectives on the importance of language in the disparate linguistic environments in which MNCs operate. These are: language as a barrier; language as a facilitator; language as a source of power; and language as a shadow structure. The research found out that within the MNC's language can be a barrier to effective communication and hence a constraint in the realisation of strategic objectives. Language barriers also have negative consequences beyond the immediate communication situation. Limited language skills appear to constrain the possibilities for subsidiary staff to engage in building horizontal relationships with other units and headquarters. The inverse of this scenario, i.e. having the required language skills can be a powerful facilitator of inter-unit communication flows that are critical in realising a corporation's strategic objectives. The fact is that language operates as a barrier and facilitator in cross-cultural and inter-unit communication and in the process; language imposes its own structure on communication patterns, flows and informal networks. Thus, language can be considered an important channel of influence through which power is exerted in MNCs. However, a critical finding about the role of language in the operations of MNCs is that language imposes a shadow structure in MNCs whereby apart from the official organisational structure, individuals and units tend to create a shadow structure centred on shared languages and this has a critical impact on the operations of MNCs, their competitiveness and returns on investment (Marschan-Piekkari, Welch & Welch, 1999:426-436).

Another interesting study into the role of language in the operations of private sector entities is Crick (1999). The research is an investigation into the use of languages within UK small and medium-sized (SME) firms that are engaged in export activities. Crick (1999:21) cites a study by Hagen (1988) in which the latter concluded that the overwhelming message from all the studies was that UK companies were losing valuable trading opportunities for lack of the right skills in certain languages, and many without realising it. On his part, Crick (1999) found that many firms, and particularly very small ones, perceived that languages were important to their business and that this might enhance their image and to a lesser extent increase orders. However, an increase in competitiveness was not viewed as a benefit by a majority of firms. Reasons for the perceived benefits, in addition to the obvious issues of willingness to do business in a customer's language and because customers prefer to business in their own language, involved avoiding misunderstandings and the fact that it provided an indication of the quality of the business. A critical finding of the study is that firms rated the importance of language use rather highly and most recognised benefits brought about by their use (Crick, 1999:28). Specifically, foreign language capability

> ... shows an interest in the culture and customer's country and often smooths the path for negotiation by facilitating social contacts; allows a relationship of trust to develop; improves the flow of communication both to and from the market; improves ability to negotiate and adapt product and service offerings to meet the specific needs of the customer; and gives a psychological advantage in selling (Turnbull, 1981 cited in Crick, 1999:29).

In an expanded third installment of their research (which investigates and reports on the role of language in the operations of MNCs such as General Motors, Kentucky Fried Chicken, Wartsila NSD, LM Ericsson, Mannesmann, Nestle, Siemens and Alstom) Welch, Welch and Marschan-Piekkari (2001) report on the persistent impact of language on global operations. The research retaliate an earlier observation that much of the international management and strategy literature reflects a common view that language is the embodiment of culture, which leads to the bundling of language within the broad term 'culture'. Where considered as a separate factor, language is often limited to cross-cultural communication issues (Welch, Welch & Marschan-Piekkari, 2001:193). In this installment, the researchers seek to unbundle language from the confines of 'culture' and explore its impact on the ability of a firm to develop and maintain its international operations.

They observe that language is important, either implicitly or explicitly, from the earliest stages of international operations. There is a strong tendency for companies to stay within the same language group in their initial international forays as a way of minimising the perceived demands and risks involved. Coping with a different language is thereby avoided, although implicitly a language decision has been made. This tendency indicates a desire, in a sense, to go as far as possible with one's language heritage. However, if a firm wishes to spread globally, at some point it must cross the language frontier (Welch, Welch & Marschan-Piekkari, 2001:195). In taking this decision, many firms have tended to base their language decisions on the assumption that English is the dominant language of international trade. However, the researchers warn that firms that take this strategic decision face the danger of obscuring the extent of differences between countries that are hidden by a shared language. In a paradoxical way, cultural differences beyond language may be so great that they overwhelm the advantage of common language. It is therefore important to couple strategic language decisions with a critical understanding of the underlying culture of the targeted market.

The research established that firms that have reached a substantial level of international operation in multiple language contexts face major management challenges in terms of communication and information flow among their diverse operations, locations and languages. These challenges are confronted at both the individual and the organisational level, affecting internal interaction among sections, departments and divisions; and between headquarters and subsidiaries. To effectively deal with the challenges posed by languages as they operate in disparate linguistic environments, firms have to contend with language as a form of power, both internally and externally (especially in penetrating new markets and offering a prime service); balancing the role played by expatriates in linguistic environments far-flung from the home culture and language; working through translators and interpreters with obvious implications on quality and time and

therefore effectiveness and efficiency; and recognising the role that languages play in inter-unit linkages, which many a times may not be stipulated in the firm's organisational structure but develop nonetheless on the basis of shared language(s), especially if different from the declared company language or the language of the mother country of the firm. The researchers conclude by observing that crossing the language frontier has important ramifications for external information flows, knowledge transfer, and formal and informal communication. A problem is that the full significance of these language effects is not always apparent to top management. A common solution is to impose language standardisation in the form of a common corporate language. This can create more problems than it solves. A common corporate language may merely push the burden of handling the language adjustment process further down the hierarchy at the subsidiary level. Further, evidence indicates that even when there has been early adoption of a common corporate language, the demands of having to deal with multiple languages do not diminish over time, in no small measure because of moves into additional markets, and often more linguistically distant domains (Welch, Welch & Marschan-Piekkari, 2001:206). The solution to this dilemma would be to factor languages in the operations of MNCs, and specifically the dominant languages in the markets that they seek to start operations or are already operating in. This can be achieved if language is streamlined into MNCs' strategic operations at the highest levels of the MNC and not considered as a peripheral issue.

Andersen and Rasmussen (2004) report the findings of a study that sought to establish the role of language skills in corporate communication. The study investigated the role of language in the operations of 30 Danish firms with subsidiaries in France. The study established that language is not just a tool to be used in communication, but language is also often a determinant for the establishment of relations in both small and large organisations. These informal relations are often crucial to the day-to-day business and the lack of language competence can lead to a disqualification of the relations, which often leads to the use of extremely formal – and slow – communication. It can be difficult to come with any rock-solid solutions for firms with language problems, but it is evident that the firms have to be aware of the problems language can give for an international firm. Under investment in language skills and in communication can lead to a lack of market shares and eventually to the result that employees with language skills leave the organisation (Andersen & Rasmussen, 2004:241).

Another interesting study, Janssens, Lambert and Steyaert (2005) seek to develop language strategies for international companies, with specific reference to the contribution of translation studies. The study provides a detailed analysis of translation studies and identifies three different metaphorical perspectives on translation: a mechanical, cultural and political perspective (Janssens, Lambert & Steyaert, 2005:417). The researchers use these perspectives to develop various propositions – language strategies – for international companies, with specific reference to translation. The different propositions are:

- A language strategy of international companies that selects one common language and uses translators as transmitters is likely to produce uniform texts that can be translated back to the original language and message.

- A language strategy of international companies that allows several languages and uses translators as mediators is likely to produce culturally specific texts that have been counter-checked with multiple samples of potential users.

- Uniform texts as produced by a mechanical language strategy may lack cultural specificity because they are produced in isolation of the target groups.

- Culturally specific texts as produced by a cultural language strategy may neglect the original text as intended by the issuing commissioner.

- A language strategy of international companies that conceives languages as instruments of inclusion and exclusion and that initiates the communication by identifying the major stakeholders while using translators as negotiators between competing value systems is likely to produce hybrid texts that are new combinations of value systems.

- Uniform texts as produced by a mechanical language strategy may only incorporate the interests of the most powerful parties within the communication network.

- Hybrid texts as produced by a political strategy may lead to the exclusion of the issuing commissioner.

- Culturally specific texts as produced by a cultural language strategy may be blind to the underlying decision making process of producing local texts.

- Hybrid texts as produced by a political language strategy may be compromises of political games that neglect cultural specificity.

In synthesising the above propositions, Janssens, Lambert and Steyaert (2005:427-428) posit that international companies are confronted with language diversity throughout their daily organisational communication practices. They make decisions about the use of languages and translation, and consequently create their own language strategy. The framework developed consisting the nine propositions can serve as a guide to making informed choices, offering international companies insights in how to become a multilingual organisation. For instance, they may decide on a common company language but in order to counterbalance the dominance of this language, they may allow multiple languages in face-to-face meetings to respect cultural nuances and/or reduce language hierarchy. In a gist, international companies need to factor multilingualism in their strategic decisions and operations.

Within the private sector, there is an increasing recognition of the role that language plays in creating and sustaining strategic advantage. One indicator of this trend is the quality of research on this role and the perspectives that the emerging research brings to the fore. One such research is Dhir (2005). In this research Dhir (2005) observes that three distinct trends are evolving that characterise the challenges facing corporate planners in managing language as a corporate asset. These are the evolution of the knowledge economy, the globalisation of business and economy, and the increasing diversity of the workforce. These trends call for attention to the role language plays in the creation of intellectual and organisational capital. In the research, Dhir (2005) recognising

the inability of linguists to model how linguistic conditions affect economic processes, seeks to describe language as an asset and puts across recent advances in decision sciences that have sufficiently removed the deficit in theoretical and empirical research that has challenged linguists for a long time.

Drawing an analogy between language and currency, Dhir (2005) identifies the functions that language must perform in terms of exchange, accounting and storage of information, knowledge and know-how and posits that with increased globalisation of trade and business in a knowledge-based economy, the use of an appropriate language has become increasingly critical for the acquisition of competitive advantage. Language affects the ability of multinational organisations to function in the global market. In the context of the strategic environment within which a multinational corporation operates, language may be seen to derive its value through the functions it performs for the corporation. However, the functions that language performs for a corporation are inextricably related to three distinct trends identified above, viz: evolution of the knowledge economy; globalisation of business and economy; and increasing diversity of the workforce. Each of these trends point to the importance of the development of an organisational culture that is conducive to the creation and application of knowledge, free flow of organisational information, and the empowerment of its constituent members. Language plays a critical role in the formation of the organisational culture through its role in knowledge creation and application, flow of information, and functioning of the organisation (Dhir, 2005:358-359).

From the literature, Dhir (2005) identifies three types of organisations as participants in the emerging knowledge economy, namely information-driven organisations; knowledge-driven organisations; and complex organisations that combine aspects of information-driven and knowledge-driven organisations. Information-driven organisations sell knowledge as a package. They focus on knowing facts acquired through information that is often obtained by formal education. Information is independent of the individual creator. Its transfer is quick and mass oriented. Information-driven organisations, such as software companies, bundle information into standardised packages for a mass of customers. In a global environment, the language of communication can become an important consideration and a cost factor. On the other end of the spectrum, knowledge-driven organisations sell knowledge, the capacity to act, as a process of knowing. They focus on learning by doing through training, practice, mistakes, reflection, and repetition. The transfer of knowledge may be slow and individually oriented. The means of transfer is person to person. Knowledge-driven organisations, such as consulting firms, sell processes to solve problems for individual customers. Again, in a global environment, language of communication can become an important consideration and cost factor. In the context of a knowledge model, reflecting about the purpose of an organisation reveals language as a critical asset in fostering corporate competencies. To serve its stakeholders in a knowledge economy, corporations must acquire a general understanding of local and global environments, communication skills, interpersonal and team skills, and stakeholder orientation. They must invest heavily in life-long learning skills to enable individuals to maintain current knowledge,

skills, and essential competencies to facilitate agile response. They must understand emerging problems, and rapidly develop and deploy cost-effective services. Communication, and therefore language, is an important competency implied by these demands (Dhir, 2005:359-360).

With regard to the globalisation of business and the economy, Dhir (2005) observes that even as corporations are adapting to the evolving knowledge economy, business and economy are becoming increasingly global in nature. In response to this trend, corporations bring together people with different cultural orientations, who are educated differently, operate in different political environments with different levels of industrial development, and do not all speak the same language. Nevertheless, they work toward a common organisational mission. In a global organisation that operates in diverse locations and cultures, the challenge of deriving synergy from a set of activities performed by individuals who speak different languages can be daunting, both within and beyond the organisation. However, multilingualism in the operations of multinational corporations is not an individual idea. The diversity of cultures represented and languages spoken by the personnel may offer opportunities to a global organisation not available to its competitors. Multilingualism should, therefore, by necessity, be an organisational ideal. Globalisation has also ensured an increased cultural diversity of workforce in international organisations. Language is one of the important factors defining an individual's personal culture. It is a factor contributing to both human capital and ethnicity. It is noteworthy that workforce diversity studies have mostly focused on personal characteristics that cannot be changed, such as age, gender, race, sexual orientation, physical disability, and ethnic heritage. Language, on the other hand, can be changed to the extent that it can be learnt (Dhir, 2005:361-363), or to the extent to which strategic operations can be aligned to the language factors in the disparate environments in which international organisations operate.

Further, Dhir (2005:363-364) submits that the value of a language is rooted in its organisational culture. The system of economics in which an organisation operates, too, is rooted in the culture of the society. Language is the fundamental medium through which culture, tradition, and custom are transmitted to stakeholders, both within and outside the organisation. A language serves as a means of:

- Exchanging information and knowledge that informs a culture;
- Accounting for the culture through narratives; and
- Storing the knowledge and know-how of the culture.

The language asset of a corporation is apparent in the definition of culture, and in the nature of evolving trends of knowledge-based economy, globalisation, and workforce diversity. Culture affects:

- The development of intellectual and moral faculties, often through education; intellectual, artistic, or otherwise creative activity;

- The process of acquiring knowledge of these areas; and
- Accumulated and shared beliefs, social forms, attitudes, values, goals, practices and traits of a group, or an organisation.

Attention to the strategic need for developing the appropriate culture throughout an organisation, in turn, brings attention to the choice of language. Language, after all, is the essential skill giving man the capacity for learning and transmitting knowledge.

In an ingenious exposition of the inextricable relationship between language and service delivery in multinational corporations thesis, Dhir (2005) advances the language and currency analogy. Dhir (2005:364) observes that in all economic communities, money, in one form or another is used to exchange economic assets between parties engaged in economic activities. Similarly, in all social communities, messages are used to exchange ideas, information, or knowledge between parties engaged in social discourse. Economists typically emphasise three functions of currency: a unit of exchange; a unit of account; and a store of value. As a unit of exchange, it is used to settle trade and financial transactions. As a unit of account, it is used in invoicing trade and in denominating financial instruments. As a store of value, it serves as an investment asset. In corporate or community settings, a language, too, may be seen as performing three analogous functions of: exchanging information and knowledge; accounting through narratives; and storing value of knowledge and know-how. In different economic communities, different currency may be used to transact money.

Similarly, in different social communities, different languages may be deployed to communicate and/or transact ideas. The value of a currency to an organisation operating in an economic environment may be affected by such considerations as the demographic range in which the currency is used, the degree of investment made in that currency by the economic community, general demand for the currency, and so on. Similarly the value for a language to an organisation may be affected by the degree to which the language is used in the demographic community defining the organisation's strategic environment, the investment in the language relative to other available languages, demand for the language as a commodity within the organisation's strategic community, and so on. Just as different prevailing economic trends have implications for strategies devised for the management of currencies held by a company, different social trends have implications for the management of a corporation's language assets. These analogies are important in the development of an approach to the assessment of the value of languages within the context of an organisation's strategic environment. However, the importance of language in corporations is not restricted to transnational relationships and transactions. Language plays an equally critical role at the micro-level management of corporations. According to Tange (2009:133) language workers seem to occupy a position as knowledge brokers – agents who by virtue of their membership in several organisational communities may further the successful transfer of new practices across professional boundaries.

Increasingly, language is being factored into micro level management of MNCs through what Nekvapil and Sherman (2009) refer to as "pre-interaction management". Pre-interaction management is the language management process (noting of a deviation from a norm, evaluation, adjustment design, implementation) done in anticipation of a future interaction or, more precisely, in anticipation of potential problems in a future interaction. This can include looking up words and phrases in a dictionary or textbook, consulting language concerns with a language expert or even "avoidance strategies" such as preferring written communication to oral communication, bringing along an interpreter or avoiding the interaction altogether. Pre-interaction management can be targeted, i.e. oriented towards a specific future action, or generalised, i.e. oriented towards a multitude of similar interactions (Nekvapil & Sherman, 2009:185).

Nekvapil and Sherman (2009:185) further propose an analogous strategy to "pre-interaction management referred to as post-interaction management", which is a language management process (noting of a deviation from a norm, evaluation, adjustment design, implementation) that takes place after the given interaction. Obviously, post-interaction management also takes place before future interactions, it cannot be otherwise, but while pre-interaction management is oriented to an upcoming specific interaction or, generally, to a particular set of upcoming interactions, post-interaction management is oriented to what has happened in the previous interaction without the speaker's immediate considerations of future interactions.

There is a similarity between the environment in which MNCs operate and the environment in which the public sector in a linguistically diverse country operates. MNCs have operations in diverse and disparate linguistic environments, sometimes straddling the entire planet. Inevitably, this reality means that MNCs have to contend with a multiplicity of languages in their operations. In a similar way, the public sector in a linguistically diverse country has to contend with the multiplicity of languages in its operations.

It is in this instance that ingenuity accumulated in the private sector in the strategic management of language by MNCs comes in handy for public sector entities operating in linguistically diverse countries. Further justification for this approach derives from the fact that increasingly, many public sectors both in the developed and developing world are modelled along the principles of NPM. In effect, many of the principles, processes and structures that inform and underlie these emergent public sectors derive from private sector management practices. It is therefore logical to borrow language management insights accumulated in the private sector to inform language management practices in the public sector. The following discussion relates insights deriving from the literature reviewed in this section on the strategic role of language in MNCs to South Africa's public sector and advances the position that multilingual service delivery should be the benchmark of public sector service delivery in South Africa.

For a public sector operating in such a linguistically diverse environment such as South Africa, coupled with the legislative and policy imperatives with regard to language; language is not just an 'add-on factor' for public sector management, which can readily be dealt through employing

a bilingual or even trilingual language policy, as important as that step is in itself. There is little doubt that building a stronger facility in a bilingual or even trilingual language policy for the South African public sector does have the potential to ease the problems of cross-language communication in the public sector, but it is unlikely to remove them. More importantly, language needs to be considered as an important factor in South Africa's public sector's ability to function as a single entity. This can be achieved if South Africa's public sector was to place more strategic value on language and that language needs to be considered as a key element in the management of the entire public sector. An important first step would be to include language aspects at the highest levels of strategic planning and implementation in the public sector beginning with the Presidency; the Cabinet; the Ministries and Departments; Parliament; the Judiciary; Government Agencies; the Quasi-Governmental Agencies; the Provincial Governments and their Ex-Cos, departments and agencies; and the Local Governments and their Ex-Cos, departments and agencies.

In order to facilitate the inclusion of language at all these levels of strategic planning and implementation in South Africa's public sector, it would be necessary to have adequate knowledge of the levels of language proficiency of staff in various entities at various levels of South Africa's public sector, i.e. a language audit as part of the public sector's assessment of its own strengths and weaknesses. The ultimate objective will be to develop a fit between the public sector's language profile and public sector strategies, especially with regard to the actualisation of the *Batho Pele* principles discussed earlier in this chapter. The connection between the public sector strategies, especially with regard to the actualisation of the *Batho Pele* principles and language should be through people: the public sector does not have languages, the people who work in the public sector do. Directives, technical information, policies and other communication relating to the strategic delivery of public services will need to be translated into South Africa's official languages. South Africa's public sector cannot allow language to become a peripheral or forgotten issue, given that it permeates virtually every aspect of its operation. Considering the fact that there are constitutional and policy guidelines with regard to language already in place in South Africa, focus should turn to the implementation and operationalisation of a multilingual language policy for South Africa's public sector. A critical point of departure in this process after carrying out language audits of various public sector entities, should be the development of language competence through human resource policies, and in particular through selection, training and transfers of staff within and across public sector entities.

It is instructive to note that communication flows within the public sector are an essential element in its ability to control and coordinate its entire operations, and to respond rapidly and flexibly to changing and often challenging circumstances. In the public sector, this is not an easy task considering manifest intersection of political and executive interests and the fact the communication flows are formal and informal; and information follows multiple directions. The result is an intricate web of public sector information flows. It is important for the public sector to consider the role of multilingualism in this intricate web of public sector information flows. Fundamentally, such a consideration should aim at ensuring that language is not a

barrier to effective communication and hence a constraint in the realisation of public sector's strategic objectives, especially with regard to service delivery. What is lost to many public sector operatives, South Africa public sector operatives included, is that language barriers have negative consequences beyond immediate communication situations. Limited language skills constrain the possibilities of public sector front office and other public sector agency staff in building horizontal relationships with other public sector front office and other public sector agency staff; and respective headquarters. The inverse of this scenario, i.e. having the required language skills can be a powerful facilitator in inter-agency communication flows that are critical in realising the public sector's strategic objectives. The fact is that language operates as a barrier and facilitator in cross-cultural and inter-agency communication. In this way, language imposes its own structure on communication patterns, flows and informal networks. Thus, language can be considered an important channel of influence through which power is exerted in the public sector. More often than not, language imposes a shadow structure in the public sector whereby apart from the official organisational structure in the public sector, individual, units and agencies tend to create a shadow structure centred on shared languages and this has a critical impact on the operations of the public sector and how the public sector handles the dynamics associated with effective and efficient service delivery.

Multilingual service delivery by South Africa's public sector will also ensure that misunderstandings that occur in the process of service delivery are avoided and the fact that public services are rendered in a multilingual manner is an indicator of the quality of services rendered. Specifically, public sector capability to render services in all South Africa's official languages will show an interest on the part of the public sector in the cultural and linguistic diversity of the country and all its people and will often smooth the path for negotiation between the public sector and the various beneficiaries of its services; will allow a relationship of trust to develop between the public sector and the citizenry; will improve the flow of communication both within the public sector and with the citizenry; will improve the ability of the public sector to negotiate and adopt its various service offerings to meet the specific needs of the citizenry; and will be a massive public sector public relations exercises coup.

That South Africa is a deeply divided society is a mute point. That there is a legitimate expectation on the part of South Africa's public sector to mediate divisions' attendant to South Africa's society is also a mute point. The tendency is to adopt what may be termed a safe option of using the previous official languages, i.e. Afrikaans and English (and increasingly English) as the dominant language(s) for public sector operations. However, this approach only serves to obscure if not exacerbate the extent of differences between speakers of different languages in South Africa that are hidden when a limited number of languages are enforced as the *de facto* languages of service delivery by the public sector. It is therefore important for South Africa's public sector to couple strategic language decisions with not only an understanding of constitutional and policy precepts, but also with a critical understanding of the cultures of the speakers of different languages in South Africa and the divisions in the country that often have a historical and language bearing.

This can be achieved if multilingualism is streamlined into the strategic operations of the public sector at the highest level and not considered as a peripheral issue.

Increasingly, public sectors, and South Africa's public sector is not an exception, are becoming knowledge organisations. This development calls for the management of multilingualism in the public sector, including South Africa's public sector, as a corporate asset. This development calls for attention to the role multilingualism can and should play in the creation of intellectual and organisational capital. Within this paradigm, multilingualism must play a critical role in terms of exchange, accounting and storage of information, knowledge and know-how in the public sector especially with regard to effective and efficient service delivery. Language affects the ability of the public sector to function especially in a multilingual country. In the context of the strategic environment which South Africa's public sector operates, multilingualism must be seen to derive value through the functions that it must perform for the public sector. Different actors in South Africa's public sector with their multiplicity of linguistic repertoires are an asset that the public sector must utilise in the understanding that language plays a critical role in public sector organisational culture through its role in knowledge creation and application, flow of information and functioning of the public sector.

By virtue of South Africa being a multicultural and multilingual state, South Africa's public sector is and should be multicultural and multilingual, a fact captured in the constituting Chapter 10 of the Constitution. The public sector brings together people of different cultural orientations and who more often than not speak many and different languages. Admittedly, the challenge of deriving synergy from this mix of people in South Africa's public sector is daunting. However, the diversity of cultures and languages with South Africa's public sector offers opportunities, especially in the array of people with diverse language skills available within the public sector at any time and who can and should be deployed to offer services in any of the official languages of the Republic. Multilingualism should, therefore, by necessity, be an organisational ideal in South Africa's public sector. Through human resource policies alluded to earlier, the public sector should strive to align its service delivery strategic operations with the language resources of its corps.

It is important to stress the role of South Africa's public sector organisational culture in actualising multilingual service delivery. The value of language in any organisation is rooted in its organisational culture in an almost analogous way in which the system of economics in which an organisation operates is rooted in the culture of the society. From this perspective, language is the fundamental medium through which culture, tradition, and future aspirations of an organisation are transmitted to stakeholders, both within and outside the organisation. Applied to South Africa's public sector, this observation implies that language is the means of exchanging information and knowledge that inform and sustain South Africa's public sector organisational culture; accounting for this organisational culture through narratives which usually manifest themselves in terms of legislation, policy, directives and other forms of official communication; and storing the knowledge and know-how of the public sector's organisational culture, just the

same way the economic system in which South Africa's public sector operates in is deeply rooted in South Africa's culture as democratic capitalist society. Within this framework, language in its multiplicity is at par with all other resources that are required to actualise and sustain South Africa's public sector organisational culture and the achievement of the public sector's mandate.

Operationalisation of multilingualism in South Africa's public sector can benefit from some of the strategies developed in the private sector such as *pre-interaction management* and *post-interaction management*. Through pre-interaction management the public sector should be able to design multilingual interventions in anticipation of future interaction, or more precisely, in anticipation of potential problems in future multilingual interactions. Essentially this should involve the establishment of multilingual language units in the public sector to render interpreting, translation and document design services. Post-interaction management should be an integral mandate of these language units where multilingual interactions that have already occurred in the public sector are evaluated and optimal strategies formulated to ensure effective and efficient multilingual service delivery in future.

Multilingual service delivery seems to be the benchmark for private sector entities operating disparate linguistic environments. Inasmuch as the motivation for private sector entities is maximisation of returns on investments, there are effectiveness, efficiency, cultural sensitivity and corporate social responsibility overtones that underlie this approach. In the same, multilingual service delivery should be the benchmark for public sectors operating in linguistically diverse environments such as South Africa. In the same way that the motivation for multilingual service delivery by private sector entities is maximisation of returns on investments; effectiveness, efficiency; cultural sensitivity and corporate social responsibility, the motivation for multilingual service delivery by the public sector should be maximisation of returns on every tax Rand invested in public sector service delivery as well as increasing effectiveness, efficiency; cultural and linguistic sensitivity; and an unwavering commitment to South Africa's multicultural and multilingual reality. Multilingual service delivery should be the benchmark of public sector service delivery in South Africa.

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CHAPTER 8

Multilingualism and South Africa's
Public sector: Opportunities and Challenges

8.1 Introduction

This chapter does not seek to replicate the discussions elsewhere in the book. Rather, it seeks, in a concise manner, to highlight the opportunities that multilingualism affords South Africa's public sector specifically, and South Africa in general as well as highlighting some of the challenges that South Africa's public sector must contend with when addressing itself to multilingualism. Some of the opportunities identified include: a platform for the implementation of a comprehensive national language policy; providing an impetus for the development of previously marginalised languages; redefining the concept of "human development" in South Africa; a platform to re-engineer South Africa's public sector organisational culture; the entrenchment of democratic ethos; entrenchment of a culture of the Rule of Law; and rooting service delivery on client preferences/expectations and local agency. Some of the challenges identified include: the difficulties associated with occasioning a paradigm shift necessary for the appreciation of the primacy of multilingualism in public sector operations; and the human resource challenge.

The discussion is anchored on the thesis that the character and needs of the public sector point towards a centrality of multilingualism in its operations. Consequently, the arguments are not normative in nature, i.e., based on a conviction that languages – and specifically multilingualism – need recognition, protection and promotion. Rather, the arguments are based on an appreciation of what the public sector needs in order to function optimally. Admittedly, this is a new terrain in language management research in South Africa, and possibly elsewhere. Consequently, the following discussion also serves the purpose of highlighting possible thematic areas for future research endeavour.

8.2 Opportunities

Multilingualism presents South Africa's public sector with several opportunities. These opportunities are discussed in some detail in the following subsections.

8.2.1   A platform for the implementation of a national language policy

Writing on the problems attendant to multilingual language policy implementation, Mwaniki (2010:69) notes that "governments are not known for being very strong on policy implementation and the dilemmas related to policy implementation have been described as the *Achilles Heel* of government" (Parsons, 1995). In the main the problem lies with and in public policy implementation design. Governments often engage in centrist top-down approaches to public policy implementation. Even in cases where governments engage in the much-taunted bottom-up approach to public policy implementation, it is indicative from literature (Birkland, 2005; Hill & Hupe, 2006) that this approach may not be the panacea to public policy implementation. However, implementation remains an imperative that virtually all governments have to contend with. Contemporary trends such as globalisation, localisation and the information revolution are empowering citizens to demand accountability from their governments (Islam, 2005). Inevitably, therefore, governments are in perpetual search for optimal implementation approaches to facilitate equitable public service delivery so as to remain credible and accountable to the citizenry. The implementation of a multilingual language policy as an aspect of public policy implementation is subject to the constraints and tensions associated with public policy implementation. However, as is the case with other public policies, there is a perpetual search of optimal approaches to facilitate the implementation of multilingual language policies. One such approach would be to locate the public sector at the core of implementing a national language policy for South Africa. The public sector whose pervasive architecture includes the three branches of government; the three spheres of government; public enterprises; institutions of higher learning, research agencies and a number of control and regulatory institutions which fall within the different branches and spheres of government provides an ideal platform for the implementation of a national language policy. If a measure of success can be achieved with implementing multilingualism in South Africa's public sector; such a feat will count for an appreciable level of success in the implementation of a national language policy.

8.2.2   Providing impetus for development of previously marginalised languages

The Constitution of the Republic of South Africa (Act 108 of 1996) section 6(2) states that:

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

It is the contention of the current discussion that the institution within the state that can "take practical and positive measures to elevate the status and advance the use of these languages" (previously marginalised languages) is the public sector. Mwaniki (2011) provides a succinct observation about one way how this can be brought to fruition by observing that within the context of South Africa's macro-economic policy framework, the government plays an active role in the market, especially with regard to 'market stabilisation'. The government in this regard is a major consumer of goods and services, and it can be able to create demand for goods and services. Further, the government often actively intervenes in the market, thereby determining the level of demand for goods and services. The government's social and economic policies geared towards redressing the structural realities of a dual economy that are a product of centuries of inequalities also aim at market stabilisation so that there are economic transfers across economic enclaves. It is not coincidental that the economic inequalities in South Africa mirror the language demographics of the country with speakers of the previous two official languages, namely Afrikaans and English enjoying far much better economic status than speakers of previously marginalised languages. This arrangement has had a diglossic effect where these two previously official languages are considered high status languages meant for high status functions and the previously marginalised languages are considered low status languages meant for low status functions. In effect, within high status domains, the demand for the previously marginalised languages is minimal. However, the government, through the public sector has the potential of reversing this by creating demand for the previously marginalised languages by insisting on their use in its operations. The idea is that through government intervention in the 'market' for language skills, demand for language skills in the previously marginalised languages can be raised. The cumulative effect of such an intervention which of necessity will have to be driven by the public sector will be providing an impetus for the development of previously marginalised languages.

8.2.3   Redefining the concept of "human development" in South Africa

By embracing multilingualism to optimise its effectiveness and efficiency, the South African public sector could as well be redefining the concept of "human development", i.e. a holistic conceptualisation of development that has at its core the enlargement of people's choices, in the republic. Put another way, the role of South Africa's public sector in promoting and supporting development would be enhanced by far were this important institution to embrace multilingualism in its operations. To better understand this line of argument, it is important to first elucidate how the public sector promotes and supports development in South Africa. In turn, to be able to do this, it is important to understand the concept of a "developmental state" because it is central to how the public sector gets involved in development activities in South Africa. Davids and Maphunye (2009:55) document that

> ... the term 'developmental state' is used by international political economy scholars to refer to the phenomenon of State-led macroeconomic planning in East Asia in the late 20th century. This is more pronounced in the Indian context. In South Africa, this term has been popularised by the ruling ANC

[African National Congress] in government circles [...] South Africa's version of a developmental state, as articulated by the ANC, is based on the principles of democracy, non-discrimination, non-racism, popular participation and State intervention in the economy in favour of the poor. As the ANC further elaborates [...] the role of the State has always been seen as decisive to development. The Freedom Charter shows a clear preoccupation with the role of the State in securing strategic economic resources – in the language of the day 'the commanding heights of the economy' [...] and emphasis on programmes oriented toward benefiting the masses and toward collective and State led actions rather than dependence on existing economic structures and a reliance solely on market forces. These positions inform the basis of government policy.

After making these observations, Davids and Maphunye (2009:55-60) provide a detailed breakdown of public sector institutions at national sphere of government including: national government departments; state-owned enterprises (SOEs); research institutions; universities and universities of technology; miscellaneous control bodies and regulating councils; and note that these

... categories of public sector institutions provide important support for national development. Their commitment to development is reflected in their participation in various development programmes and projects that are being implemented to bring a better life for all South Africans. Thus, the importance of the public sector in the national sphere cannot be underrated because of its long-term vision for the entire government machinery, its coordination role, its national level planning and policy-making activities and, most importantly, its frequent interaction with the elected public officials at the highest level in the country. At these levels the public sector is crucial for driving development processes and programmes, at least from the side of the formal government institutions. However, below these levels the government relies on the work of the provincial sphere to channel such developments to people in the different provinces [...] Provincial institutions are, in turn, invested with authority over local government [...] In South Africa local government has the authority to render services of a local nature within defined geographical areas in order to improve the quality of life of the community it serves. Sustainable service delivery, the promotion of local economic development (LED) and addressing the basic needs of communities, in conjunction with promoting the principles of democracy, are what justify the existence of local government.

To sum up their analysis of the role of the public sector in development in South Africa, Davids and Maphunye (2009:65-66) submit that

... the *raison d'être* of the public sector is mainly to assist in the design and implementation of policies and programmes that aim to fulfil the government's broad social and economic development goals. Within the national government sphere a number of national government departments, public enterprises, research institutions, universities and universities of technology, control bodies and regulatory councils exist to ensure that the government's development goals are realised. Within the provincial government sphere, the public sector is represented by nine provincial administrations which promote and support development at the provincial level. Within the local government sphere, 284 municipalities undertake government responsibilities at this level closest to the people. As such they are mandated to have a developmental approach in all their activities. The South African public sector is therefore geared towards the development of all South Africans – an enormous task, which it acknowledges can only be completed successfully through building partnerships based on public participation strategies with the people of South Africa.

The question that arises at this point in the discussion is: what are the linkages between the developmental role of the public sector in South Africa with language generally and multilingualism

specifically? These linkages are to be found in the very concept of human development defined at the beginning of the current subsection. If development is about people [and it is and it should be]; then it is inconceivable how development processes can be initiated, implemented and sustained without communicating with people in languages that they can easily understand and related to. This observation brings to mind a long-standing truism postulated by Prah (1995:9) that

> ... in view of the fact that the overwhelming masses of Africans live in fairly tradition-bound communities in rural Africa, and have little or poor grounding in European languages, social relations and intercourse is maintained largely through the usage of their indigenous languages. Furthermore, it is in these languages that Africans exhibit their native genius and creativity within their environments. It is also remarkable that these languages represent the socio-cultural and historical repositories of the overall cultural patterns and usages of African people. In other words, African languages may be today, possibly the most crucial missing link in the planning, propagation and development of culture, science and technology based on known and historical foundations rooted in the practices of the people.

Inasmuch as South Africa is often rated as the most developed country in Africa and its economy as the largest in Africa, the preceding observations by Prah (1995) aptly describe South Africa, especially when South Africa's inequality is factored into the analysis. As van Rensburg (2007:166-167) aptly opines,

> South Africa is an upper middle income country, but despite this relative wealth, the experience of most South African households is that of outright poverty or of continuing vulnerability to being poor. The main reason for this is the fact that Apartheid has left South Africa with an exceptionally divided society, with extensive social and economic inequality. A consequence of this social and economic inequality is that the distribution of income and wealth in South Africa is the most unequal in the world, and many households still have unsatisfactory access to education, health care, energy and clean water, as well as to wealth-generating assets and opportunities.

The net result of these asymmetries is poverty and "poverty is more than a lack of income. It can better be described as social exclusion from the democratic and legal system, the labour market, the welfare state system and the family and community system" (Van Rensburg, 2007:177). It is this vulnerable section that forms an overwhelming majority of South Africa's population that should be the primary target of South Africa's public sector development initiatives. Invariably, to include this section in development processes, especially when development is conceptualised as "human development", South Africa's public sector needs to factor language generally and multilingualism specifically in its operations. In this way, South Africa's public sector could as well be redefining the concept "human development" in South Africa.

8.2.4   A platform to re-engineer South Africa's public sector organisational culture

Organisational culture imperatives for multilingualism in South Africa's public sector are outlined in detail in Chapter 5. The current discussion does not seek to replicate that discussion. Rather, it seeks to extend that discussion by showing how the implementation of multilingualism by South Africa's public sector provides an opportunity for this critical institution in South Africa. However,

before an elaboration of these opportunities; a recap of what is organisational culture. To Sinclair (1993:63-64)

> ... the application of the concept of culture to organisations became widespread through the 1980s and in the process researchers distinguished two broad senses of organisational culture – the more popular view of culture as a variable to be managed in organisations, and the view that culture is a metaphor or fundamental means for conceptualising organisations. According to this latter view, culture is not something an organisation has, but something an organisation is and management cannot control culture because management is a part of that culture. This debate, which culminates in querying the existence of organisational culture at all, has attracted much academic interest, but has not deterred widespread acceptance of the concept. Despite the plausible contention that culture is not something that organisations have, there is a popular understanding that organisational culture exists and that it is important. Frequently understood as a 'multi-layered' phenomenon, organisational culture includes deep-seated and enduring values, at the most fundamental or inner level, with artefacts and symbols, procedures and arrangements, 'shared doings and sayings' characterising the outer and more superficial layers of organisational culture. Some doubt that an organisation can influence the substantive content of its own culture because the underlying values of any organisational culture are deeply rooted in broader national, racial and religious cultures.

Homburg and Pflesser (2000:450) echo the above characterisation of organisational culture. To them,

> ... organisational culture consists of four distinguishable, but interrelated components. They include shared basic values, behavioural norms, different types of artefacts, and behaviours. Values can be defined as 'a conception, explicit or implicit, distinctive of an individual or characteristic of a group, of the desirable which influences the selection from available modes, means, and ends of action'. Norms differ from values by a higher degree of specificity and a higher relevance for actual behaviours. The shared values within an organisation form the basis for the development of these norms, which legitimate specific behaviours. More specifically, we define norms as expectations about behaviour or its results that are at least partially shared by a social group. Artefacts include stories, arrangements, rituals, and language that are created by an organisation and have a strong symbolic meaning. The symbolic meaning of artefacts is more important that any instrumental function. In contrast, behaviours refer to organisational behaviour patterns with an instrumental function.

To Lemon and Sahota (2004) organisational culture is a multi-layered knowledge repository where culture is conceptualised as a 'bundle' of knowledge repositories with knowledge storing and information processing capabilities. The layered knowledge repositories include: the environment in which the organisation operates; the mission, vision and values of the organisation; technology, where technology refers to the set of tools for storing data, facilitating data management and communicating explicit knowledge; knowledge structures whose basis is experience through contact with the environment; the management style, and organisational structure; individuals; the collective; and organisational memory.

With the benefit of the preceding insights, two interrelated questions come to mind:

(i)   Does South Africa's public sector have a unique and enduring organisational culture?

(ii)   Does its organisational culture have a bearing to language?

The answer to both questions is in the affirmative. South Africa's public sector has a unique and enduring organisational culture part of which is traceable from its segregated and exclusionist past and part of which is traceable to its attempts at reforms and inclusion post-1994. As Fifield (1998) succinctly documents, at the installation of the new Government of National Unity, eleven systems of government existed within the national territory of the new South Africa, each located in a particular geographic area and served by no less than fifteen discrete administrations. These were:

- The central administration of the Republic of South Africa;
- The administration of the four (4) provinces of the Republic;
- The administration of the six (6) self-governing territories of Gazankulu, Kangwane, KwaNdebele, Kwazulu, Lebowa, and QwaQwa; and
- The four (4) "independent states" of Transkei, Bophuthatswana, Venda and Ciskei.

Consequently, the interim Constitution (1993) made provision for a new State to be created out of the fifteen discrete administrations and the eleven separate public services each under its own statutes. These had to be replaced by one central government and nine (9) provincial administrations. This in essence is rationalisation, which in the South African context meant the process of moving from a fragmented and dysfunctional system of administration, created during the apartheid era, to one which constitutes a balanced, integrated unity in which every component is essential for the effective functioning of the whole (Fifield, 1998:385-386).

With regard to language, the organisational culture of the central administration of the pre 1994 Republic as well as the administration of its four provinces was built around Afrikaans and English official bilingualism; whereas the administration of the six self-governing territories and the four "independent states" was also built around official bilingualism or trilingualism often involving the dominant ethnic language of the geographical area under reference, Afrikaans and English. It is logical to posit that each of these administrations had its unique linguistic culture, i.e. "the sum totality of ideas, values, beliefs, attitudes, prejudices, myths, religious strictures, and all other cultural 'baggage' that speakers bring to their dealings with language from their culture" (Schiffman, 2006:12); which in turn must have manifested itself in the organisational culture of the respective public service. Against this backdrop, multilingualism provides South Africa's public sector post-1994 with a platform of integrating all these disparate administrations and their respective linguistic cultures into one functional institution, but one that nonetheless respects and supports diversity.

8.2.5   Entrenching democratic ethos within the public sector

The critical role of the public sector in entrenching and supporting South Africa's democracy is discussed elsewhere in the book. In this section, attention turns to the notion of democracy within the public sector and the role of multilingualism in the democratic dynamics within the public sector. Such a discussion would fall under what is generally regarded as the "democratic

public management". To deLeon and deLeon (2002:236) "democratic public management, among other benefits:

- Enhances the development of individual persons;
- Promotes efficiency and effectiveness more successfully that does non-democratic management;
- Provides a model for the private sector;
- Knits together the breach between citizens and the public administration; and
- Builds political bureaucracy.

Democratic public management is hinged on a genuine democratic discourse and for this to occur, certain principles variables need be secured, including:

- Status differences between participants may need to be diminished;
- An increased use of self-management for teams and empowerment of individuals;
- Increased opportunities for citizen participation should be made available at all stages of the policy-making and implementation process; and
- Serious and sustained critical attention to the values indigent to public sector structures and processes (deLeon & deLeon, 2002:243-245).

At the heart of democratic public management is effective, efficient, and collegial communication and sharing of knowledge and information within the public sector. Needless to say that language is a critical component in the matrix that forms democratic public management. Language lies at the intersection between the benefits of democratic public management and the variables that need to be secured for its success. Cognisant of the fact that South Africa's public sector "must be broadly representative of the South African people" (section 195(i) of the Constitution of South Africa), any attempt at engendering a culture of democratic public management within this institution must of necessity factor the multiplicity of languages spoken by its members – and this is before considering the imperatives with regard to multilingualism imposed by the constitution.

8.2.6   Entrenching a culture of the Rule of Law

To better understand the opportunities that multilingualism affords South Africa's public sector in relation to the Rule of Law, it is important to first elaborate the principle of "the Rule of Law". To Hutchinson and Monahan (1987:ix)

> ... the Rule of Law's central core comprises the enduring values of regularity and restraint, embodied in the slogan of 'a government of laws, not men'. The Rule of Law should be recognised as an essential element of constitutional government generally and of representative democracy in particular. Its boundaries are set by enduring concerns over the fear of violence, the insecurities of arbitrary government and the discriminations of injustice.

To Shklar (1987:2, 16),

> ... the Rule of Law is meant to put a fence around the innocent citizen so that she may feel secure in legal activities. That implies that public officials will be hampered by judicial agents from interfering in volatile and intensely personal forms of conduct [...] it may be invoked in discussions of the rights of citizens and beyond that of the ends that are served by the security of rights.

To Devenish (1998:10) the doctrine of the Rule of Law involves three seminal, but kindred ideas:

> ... first, the principle of legality, which states that nobody, may be deprived of rights and freedoms through the arbitrary exercise of wide discretionary powers by the executive. This may only be done by the ordinary courts of the land; second, the principle of equality, which is to the effect that nobody is above the law and everybody is subject to the jurisdiction of ordinary courts; and third, a general principle that the rights of individuals should be protected.

To Saunders and Le Roy (2003:5)

> ... at the heart of the Rule of Law lie three core principles: first, the polity must be governed by general rules that are laid down in advance. Secondly, these rules (and no other rules) must be applied and enforced. Thirdly, disputes about the rules must be resolved effectively and fairly. In a common law system, a fourth principle might be added: that government itself is bound by the same rules as citizens and that disputes involving governments are resolved in the same way as those involving private parties. More can be said about each of these principles, in order to secure their purpose. There is no point in laying rules down in advance unless they operate prospectively, are publicly available, can be understood, are susceptible of obedience, individually and collectively, and are not changed unreasonably often. The application of rules to particular cases must at least be faithful and consistent and probably also rational and fair. Administrators must have neither too little nor too much discretion and they must be accountable for their actions. The body that resolves disputes, typically a court, must be independent of the parties and of the other branches of government. This is even more important in a legal system in which the other branches may themselves be parties to the dispute.

To Trebilcock and Daniels (2008:13)

> ... the phrase [Rule of Law] is commonly used today to imply at least five separate meanings or end goals. These are: (1) Government bound by the law; (2) Equality before the law; (3) Law and order; (4) Predictable efficient justice; and (5) Lack of state violation of human rights.

In a constitutional democracy like South Africa, when the Constitution imposes a "multilingualism standard" as a minimum standard for state operations, the minimum that is expected of the public sector as the arm of the state that formulates and implements policies and programmes, is to abide by the law. By abiding by the constitution that demands a multilingual public sector, the public sector will be giving meaning to the principle "the Rule of Law". Inasmuch as this could be an end in itself, in the words of deLeon and deLeon (2002) cited earlier, it would provide model for the private sector. Without overstating the case, the net result would be an enhanced respect of the Rule of Law in the public and private domains.

8.2.7   Rooting service delivery on client preferences/expectations and local agency

Service delivery has a pride of place in discourses attendant to South Africa's public sector and justifiably so. In the words of McLennan (2009:21),

> ... service delivery is commonly understood to mean the provision of goods and services, by governments and other organisations, to those who need or demand them. However, in South Africa, given apartheid, the provision of services by government is linked to the larger task of redistribution, social justice, poverty alleviation and economic growth. In this way, the delivery process is strongly associated with development and the developmental state is associated with the capacity to provide social justice.

Further, in the words of Hemson and Owusu-Ampomah (2005:512-513 cited in McLennan, 2009:21),

> ... in South Africa, the definition [of service delivery] certainly is more encompassing and includes not only the ability to provide users with services needed or demanded, but also a sense of redress; that the services should raise the standard of living if the majority and confirm their citizenship in the new South Africa. In a society of growing inequality and uneven advances in education and training, service delivery is seen, at times, as an instrument for leaping over the contradictions and ensuring a 'social contract' with the people.

The contention of the current discussion; and indeed the entire book is that this kind of service delivery can only be possible if it is delivered in languages that the beneficiaries of these services can understand and relate to. Invariably, service delivery has to be multilingual service delivery. Rendering of services in a multilingual way provides the public sector with an opportunity to root service delivery on client preferences and expectations as well as local agency.

8.3 Challenges

There are challenges that South Africa's public sector must contend with when addressing itself to multilingualism. Two challenges are identifiable, namely: the difficulties associated with occasioning a paradigm shift necessary for the appreciation of the primacy of multilingualism in public sector operations and the human resource challenge. The logic of restricting the challenges to these two is simple – if a paradigm shift to a multilingual public sector can be achieved; after which (or concurrently) the public sector is populated with the right people (with the optimum and matched skills, knowledge and attitudes for specific jobs), then all the other challenges; if and when they occur, can be managed optimally. These two challenges are discussed briefly in the following subsections.

8.3.1   A paradigm shift on the primacy of multilingualism in public sector operations

There is an old adage that says: "old habits die hard". Combine this with the inherent human fear for change and you have a perfect and potent combination that can defeat the best of ideas in any

an institution and/or society. This is the combination that attempts at entrenching multilingualism as the norm, rather than the exception, in South Africa's public sector has to contend with. The entrenchment of multilingualism as a norm in South Africa's public sector requires a shift of paradigmatic proportions. However, as observed in the introduction to this chapter, the public sector will have to confront the challenges that come with such a shift because multilingualism is integral to any efforts of the public sector to re-tool itself to operate optimally.

8.3.2   The human resource challenge

Grobler *et al.* (2011:20-21) correctly observe that

> ... it is generally accepted that the quality of an organisation's human resources represents a critical factor. One HR challenge is how to attract, retain, motivate and develop individuals with talent. If that isn't enough of a challenge, consider the impact of a turbulent business environment presents, the difficulty of managing a diverse workforce, and the ever-changing legal climate and government regulations.

To these challenges, one could as well add, multilingualism. The paradox is that to address the multilingualism challenge adequately, the public sector will need to attract, retain, motivate and develop individuals with talent. If and when the public sector achieves this, the other challenges attendant to multilingualism in the public sector can be dealt with internally and strategically.

8.4 Conclusions

The discourses attendant to multilingualism and the public sector in South Africa and the opportunities and challenges that they serve out to South Africa's body politic are inextricably related to South Africa's socioeconomic and political history as well as the transformative ethos of South Africa's Constitution which in the words of Currie and De Waal (2002:2):

> At the beginning of the twenty-first century [...] is a beacon of hope in world plagued by conflict, poverty and the failure of governments. The Constitution is a monument to the determination of a society to overcome the burden of its history – the evils of colonialism, racism and apartheid and the manifold social problems that are the legacy of centuries of inequality.

Like all discourses, the insights in this chapter and the book, are not the final word on the debate(s) regarding multilingualism and the public sector in South Africa because discourses have a way of reproducing themselves. Rather, they are just, but initial forays and a mapping-out of the terrain of the interface between language and the public sector. It would be quite ambitious to hope that a reading of the book will trigger some debate, some curiosity – either intellectual or pragmatic, or even some action. However, if a reading of the book triggers an iota of these, the objectives set out by the author in conceiving and writing the book will have been achieved.

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