# NATIONAL ASSEMBLY QUESTIONS FOR WRITTEN REPLY FRIDAY, 19 NOVEMBER 2021

**DUE DATE: 3 DECEMBER 2021**

**2526. Dr L A Schreiber (DA) to ask the President of the Republic:**

1. Whether he was informed that the Minister of Higher Education, Science and Innovation, Dr B E Nzimande, published in the *Government Gazette No. 1160* of 30 October 2020 the Language Policy Framework for Public Higher Education Institutions Determined in Terms of Section 27(2) of the Higher Education Act, Act 101 Of 1997, as amended, which excludes Afrikaans, Khoi and San languages in its definition of indigenous languages, while he reportedly stated on 28 October 2021 that the definition of indigenous languages was still being discussed; if so,
2. whether he intends to investigate the matter, particularly the (a) Minister’s statement that the final policy framework’s definition of indigenous languages is still being discussed and (b) statutory grounds on which the discussions the Minister refers to rely given that the final policy framework has already been gazetted;
3. whether he intends to ensure that the final policy framework will be amended to include Afrikaans, Khoi and San languages in its definition of indigenous languages before it is set to take effect on 1 January 2022; if not, why not; if so, what are the relevant details?

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# REPLY

I have been informed of the following:

1. The Minister of Higher Education, Science and Innovation, Dr BE Nzimande published the *Language Policy Framework for Public Higher Education Institutions* (the Policy Framework) on 30 October 2020, for implementation by universities from the beginning of January 2022.
2. As the Policy Framework declares, it is based on the constitutional imperative assigned by the Founding Provisions of Section 6(2) and (4) of the Constitution of the Republic of South Africa, which states 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.”*

and

*“The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably.”*

1. The publication of the policy framework followed extensive consultations with universities, a call for public comment, discussions at NEDLAC and a host of other stakeholders with interest in languages of South Africa. In addition, and as mandated by Sections 3 and 5 of the Higher Education Act (Act No. 101 of 1997 as amended), advice was obtained from the Council on Higher Education (CHE).
2. The purpose of the policy framework is to:
	* provide a framework for the development and strengthening of indigenous languages as languages of scholarship, teaching and learning and communication at higher education institutions;
	* provide guidelines for the development, implementation, monitoring and evaluation of institutional language policies;
	* contribute to transformation in higher education with specific reference to universities through enhancing the status and roles of previously marginalised South African languages to foster institutional inclusivity and social cohesion.
3. The framework defines ‘indigenous languages’ as follows:

*“Languages that have their heritage roots in Africa (also referred to as African languages in literature and some policy documents) and that belong to the Southern Bantu language family, where ‘Bantu’ is used purely as a linguistic term. An indigenous language is a language that is native to a region or country and spoken by indigenous people.”*

1. In its Policy Statement (or statement of intent or objective) the Policy Framework declares that:

*“This policy framework commits to the development and study of* ***all official South African languages*** *especially those which were historically marginalised,* ***including the Khoi, Nama and San languages****. Institutions are required to develop language plans and strategies indicating mechanisms they will put in place to enhance the development and promotion of indigenous African languages as centres of research and scholarship. [our emphasis]”*

1. Since earlier this year (2021), the Department of Higher Education and Training (DHET) has received queries from some Afrikaans medium groups regarding the definition of “indigenous languages” contained in the Policy Framework. Notably,

most of the queries came from the Honourable Dr Leon Schreiber, Democratic Alliance, MP.

1. The Department and the Minister have been consistent in the responses that the Policy Framework does not discriminate against any South African language, official or otherwise; and that the Policy Framework seeks to escalate the nurturing of multilingualism in the higher education system of South Africa. They have further stated that the Policy Framework seeks to promote and develop, in particular, the historically marginalised and underdeveloped South African languages as languages of scholarship in line with the constitutional imperative for the state to grant parity of esteem to all South African languages and make education available in the language of choice of citizens taking into consideration issues of equity and reasonable practicability.
2. Despite the above assurances, which are also contained in the Policy Framework, the Honourable Dr Schreiber, MP, has been persistent and adamant that the Policy Framework discriminates against Afrikaans.
3. In order to ensure that the said persistence does not distract from the above- stated constitutional imperative, the Department of Higher Education and Training has sought legal advice on the matter and communicated the fact to subsequent queries from the Honourable Dr Schreiber and members of the media. The legal opinion has been received and is being considered.