

Interrogating Paradoxes in the Multilingual Provisions of the New 2013 Zimbabwean Constitution

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ABSTRACT

The general understanding that goes with 'officialising' a language is that, its status is raised and its functions are diversified so much that it may be used in all facets of life. This study interrogates the possibilities of translating this official recognition into actual practice. The main issues to be discussed are; respondents' awareness of the multilingual linguistic provisions in the 2013 constitution, respondents' attitudes towards the multilingual provisions of the 2013 Zimbabwean constitution and the dichotomy between separate development of related varieties and harmonising related varieties. The study further looks at the practical possibilities of implementing these provisions by examining the conduciveness of the situation on the ground in Zimbabwe for such a change. The study also questions the commitment of the Zimbabwe government in promoting linguistic pluralism given its failure to implement the provisions of the 1987 Education Act on languages to be taught and used in schools. The study found that there are contentious issues to be considered. The first contentious issue identified by this research is on the need to maintain the unity in the country. The study argues that there is need to balance the desires of unity in diversity without getting lost in idealism. Although this may give these varieties space in the education sector, the problem is that, only a handful of varieties were chosen from a cluster of several such varieties in a similar situation.

Keywords: *Constitution, language policy, multilingualism, policy implementation, indigenous language, officialisation, linguistic pluralism.*

1. INTRODUCTION

This study examines language policy and practice in Zimbabwe, particularly the paradoxes in the multilingual provisions of the new Zimbabwe constitution. This study explores the prospects of successfully implementing the provisions the 2013 constitution of Zimbabwe particularly the promotion and advancement of underdeveloped languages in Zimbabwe. Although Zimbabweans voted overwhelmingly for the passing of the new constitution in 2013, and that the constitution recognises English and 15 local language as official languages, English has



continued to overshadow indigenous Zimbabwean languages in most official communication. As Mtenje (2002) notes many of the SADC countries pronounce and acknowledge the significance of African languages but these are not followed up by development and implementation of these pronouncements. This study tries to find out if there is enough practical support on the ground to actualise the enhancement of the use of the indigenous languages as mandated by the constitution. This study seeks to contribute to literature on policy implementation strategies by drawing up recommendations that help to facilitate the translation of the official recognition of 15 indigenous languages into actual practice.

In this regard, the study seeks to answer the following questions;

1. How possible is it to translate the official recognition of 15 indigenous languages into actual practice?
2. How knowledgeable are many people on the contents of the language policy as enshrined in the new constitution?
3. What intervening strategies can be employed to facilitate the smooth implementation of the new language policy?
4. What guidelines have been provided to ensure that there is a smooth implementation of this new language policy?

2. BACKGROUND TO STUDY

The new Zimbabwean constitution states that there are now 16 official languages which must be treated equitably. The 2013 constitution of Zimbabwe considers the following as the officially recognized languages of Zimbabwe: ChiNambya, ChiKalanga, ChiVhenda (XiVhenda), ChiShangani (Tsonga), Sign Language, ChiTonga, ChiChewa, ChiBarwe, English, Sotho, Koisan/ Tshawo, Tswana, Xhosa, ChiNdau, Shona and Ndebele. It is the state's role as outlined in item 6 of the founding provisions of the constitution to "promote and advance the use of all languages in Zimbabwe, including sign language and create conditions for the development of these languages" (Constitution Parliamentary Select Committee (COPAC), 2013:22). The state and all institutions and agencies of Government at every level must (a) ensure that all officially recognised languages in Zimbabwe are treated equitably and (b) take into account the language preferences of people affected by Government measures or communications (Constitution Parliamentary Select Committee (COPAC), 2013:22).

It is now three years after these deliberations and there appears to be a delay in the actualisation of these constitutional pronouncements. Most of the SADC countries simply state what the official languages are but there are no formal language policies that provide guidelines on the status of other languages. Zimbabwe is no exception in making pronouncements and signing declarations which indicate desire to raise the status of the mother tongue (Ndhlovu, 2013). Like many other African countries,

Zimbabwe does not have a national language policy, but policy elements and language-in-education policy guidelines enshrined and inferred from the following documents: *The 1979 Constitution of Zimbabwe*; *The 1987 Education Act as Amended in 2006*; *The 1996 National Cultural Policy of Zimbabwe*; *The Secretary's Circular No. 1 of 2002: Policy Regarding Language Teaching and Learning* *The Secretary's Circular No. 3 of 2002: Curriculum Policy: Primary and Secondary Schools*; *The Director's Circular Number 26 of 2007: Policy Guidelines on the Teaching of Local Languages in Primary and Secondary Schools in Zimbabwe and the 2013 Constitution of Zimbabwe*.

As Ndhlovu(2013), puts it, the provisions of this Education Act and the above documents are being given a cursory attention by the majority of educationists in this country and only three languages, English, Ndebele and Shona are enjoying supremacy and prominence. The rest of the 'marginalised' indigenous languages are designated as minority languages. This study seeks to examine the causes for the delay in the implementation by identifying and critically analysing factors that may have contributed to this delay. The issue of promoting the mother tongue in nation building should be of major concern to language planners as it has implications on policy development. Ndamba (2014) suggests that factors that inhibit implementation of a mother tongue education policy in ex-colonial African countries include state-related factors, uninformed language myths and language attitudes which support the dominant role of English. Researchers who focused on the implementation process of the 1987 policy development, such as Ndamba (2014), Ndhlovu (2013) and Nyika (2007) concluded that the policy failed to take-off because of the lack of political will and unavailability of teachers and teaching materials. It is hoped that this study will fill in a gap by exploring the intervention strategies which empower policy planners and implementers in Zimbabwe to use indigenous languages for national development.

3. CONCEPTUAL FRAMEWORK

This study is guided by Ruiz's (1984) ideological orientations to language planning in which language is seen both as a right and as a resource. In order to arrive at a shared linguistic space in a multilingual context Ruiz's (1984) orientations of language planning are the crucial considerations that those involved in language planning must make. This study looks at the extent to which the officialisation of indigenous languages in Zimbabwe captures the spirit behind the universal declarations of human rights and its capacity to stem language death, reverse language shift and respect language loyalty. This means that all citizens will be accorded the right to be recognised as members of a language community with the right to use their own languages in both private and public spheres. Magwa (2008:17) believes that "...multilingualism in Zimbabwe, rather than being a hindrance should instead be seen as a resource that can be harnessed for the development of Zimbabwe, Africa and world." With regard to this, Vambe (2006:8) argues that, "...the language that a people in a community have, must be seen as



cultural capital that they possess and should be seen as a resource and not a problem."

The Barcelona Universal Declaration of Linguistic Rights (June 1996) emphasises non-discrimination, pluralism and community initiatives in language use. Miti (2008) argues that individuals or peoples whose language rights are violated may not enjoy their other rights. Those citizens whose languages or dialects are not used officially are excluded from participating in the country's development because they have no access to crucial information. The present research tries to find out what rationale was used when choosing the 15 indigenous languages to be given the official status in the new constitution. There is need therefore to find solutions to language rights problems which may contribute to conflict resolutions as some of the world's politically motivated ethnic conflicts are linked to language rights issues.

4. METHODOLOGY

The research adopts the qualitative approach that helps to gain an 'insider' perspective by capturing the complexities, richness and diversity of people's lives. In this regard, Skutnabb-Kangas (2000), advises that qualitative research especially as undertaken with respect to marginalised linguistic communities, does not allow for the researcher to assume a detached, on-looker position. Data gathering instruments consisted of unstructured in-depth interviews and focus group discussions. Interviews were carried out with different stakeholders to solicit for their perceptions of the 2013 constitution of Zimbabwe. The population consisted of traditional leaders, university lecturers, teachers, publishing houses and representatives of the Zimbabwe Indigenous Languages Association (ZILPA).

Data analysis was by way of a thematic analysis. In this study, documents related to constitution making were analysed. Maree (2007) says, document analysis means focusing on all written communication that may shed light on the phenomenon that one is investigating. The researcher distinguished between genuine and spurious documents so as to collect authentic and credible data. This means that, the researcher did not use documents uncritically or at face value but always checked the factual correctness of the records before accepting them.

5. PRESENTATION, ANALYSIS AND DISCUSSION OF RESEARCH FINDINGS

5.1 Respondents' awareness of the multilingual linguistic provisions in the 2013 constitution

Research findings show that stakeholders like students and parents, expressed scanty knowledge of the linguistic provisions in the 2013 constitution of Zimbabwe. Emerging from the responses was ignorance of what the 2013 Zimbabwean constitution is all about. The latest Afro barometer survey in Zimbabwe reveals that more than three quarters of the country's citizens (78%) either know nothing or very little about their national constitution (Afro-barometer 1 April 2015). The implication of this is that students, parents and ordinary speakers were not properly involved in the constitution making process. Those people who were organising the constitution consultative process, conceded that there was inadequate time and funding to engage all stakeholders in a comprehensive way.

These findings provide a solid case for urging the government and other stakeholders, including the media and civil society organisations, to disseminate the supreme law to the country's citizens. Without such interventions, the constitution will simply remain a meaningless paper document for most of its citizens who will be unable to fully enjoy their rights as defined in the charter (Afro-barometer 1 April 2015). This exclusionary approach could have contributed to the limited understanding of the 2013 constitution of Zimbabwe by its different implementers. This reflects a situation where language planning is seen as an intellectual activity which excludes communities, language associations and other stakeholders. This concurs with Cooper(1989:31)'s definition of language planning which is restricted to deliberate, systematic and organised activities by experts or "...those empowered to do so for the guidance of others." This interpretation of language planning is restrictive and problematic. The responses from the interviewees indicate a consensus on the need for grassroots initiatives in language planning, an approach which Ndhlovu (2010), believes would lead to the empowerment and intellectual freedom of the concerned speakers. This study proposes that, it is prudent to use ideas from the people before planning rather than planning for the people.

5.2 Respondents' attitudes towards the multilingual provisions of the 2013 Zimbabwean constitution

For this study, it was vital and imperative to find out about the attitudes of different stakeholders in order to establish the extent to which these beliefs may actually impact on the successful implementation of the multilingual provisions of the 2013 constitution of Zimbabwe. According to Nyaungwa (2013:155), "Attitudes are very important, especially during the implementation of change processes because, if attitudes are not considered, accommodated and interpreted correctly, they have dire consequences; especially when they have something to do with decisions affecting people's lives."

It emerged in this study, that, respondents interviewed could not agree on whether or not it is feasible to promote 15 indigenous languages to official status in Zimbabwe. This



promotion to official status entails the use of these official minority languages as media of instruction and also ensuring that they transmit important issues in the information sector. Those who supported the officialisation of 15 indigenous languages expressed sentiments showing concern on cultural and identity preservation. The following statements from interviewees were typical of many such responses:

It's too early to say whether the government will have the political will to promote indigenous languages to official status.

This is a good and inclusive provision which could go a long way towards addressing the inequality the diverse people that Zimbabwe has, however "few". It helps people to self-determine and take pride in their local languages. That it would be practical to implement is neither here the there. It's a start. Rome was not built in a day.

We need to see all languages of Zimbabwe assume the same functional role as enunciated in the United Nations Declaration of linguistic and cultural rights as given in 1953, 1988 and 1996.

No language in Zimbabwe, must be allowed to dominate other languages and hence the need for a new shift in our thinking in this country, one that views all languages and their cultures as functionally equal.

This is a good move towards an all inclusive Zimbabwe because when people's languages are acknowledged as official, the speakers' participation in nation building is guaranteed. It was very significant that they have included cross-border and neighbouring languages like: Chewa, Sotho, Koisian, Tswana, Xhosa. These national boundaries are political and not linguistic. Some families are divided by the borders in between Zimbabwe and Botswana/Mozambique/Zambia/South Africa. Zimbabwe is central and shares its neighbours.

It can be noted from the above responses that, concern of language status and identity are considered genuine by the speakers because official recognition of indigenous languages can create space for self actualisation by helping speakers to express their identity and uniqueness freely. These sentiments raised by parents and teachers support the preservation of each and every one of the world's language, taking multilingualism both as a resource and a right and not as a problem.

Miti (2003: 54) believes that, '...a people's culture and their mother tongue are intertwined and that is why any given speech community tends to treat their native language as their own property to be guarded jealously.' For Crystal (2000), the preservation of linguistic diversity is important in the maintenance of group and individual identity because languages are storehouses of history and sources of knowledge. Gondo (2013) also believes that, African languages should move away from

having peripheral, window-dressing importance to real importance where it is at the centre of everyday life activities in Zimbabwe.

There is need to develop and promote all Zimbabwean languages and cultures equally so that they can be used in politics, economics, judiciary, media, religion, education and everywhere else without any exclusivity. These developments were also welcomed by the former Education, Sport, Arts and Culture minister David Coltart who said his ministry would need to collaborate with that of Higher and Tertiary Education in the training and provision of teachers who understand native languages of the areas they would teach in. Zimbabwe Indigenous Languages Promotion Association (ZILPA), an independent association that promotes ethnic languages rights, has been clamouring for the recognition of local languages through their inclusion in the education curricula. These attitudes then show that from the perspective of enhancing ethno-linguistic pluralism and promoting the notion of multilingualism, the new law is a very progressive and a welcome development in Zimbabwe.

The axiom “...officially recognised” in the new constitution is vague and seems like an escape clause which denies these languages official status. It is not clear who in the “state, all institutions and agencies of Government at every level” must be responsible for ensuring the equal promotion and development of the 16 languages. These incoherencies in policy documents can lead to confusion among policy implementers. They can lead to lack of clarity on what the official position and status of local languages in the curriculum is. This can inevitably contribute to the delay in the use of official minority languages as media of instruction and other diversified functions. This highlights the need to have an explicitly, written language-in-education policy which will be the main point of reference. Vague and general terms in policy documents facilitate non-compliance (Ndhlovu, 2013).

The practical possibility of promoting ethno linguistic pluralism in Zimbabwe has been questioned by respondents who took it as it as artificial and impractical because of several competing challenges. They questioned the commitment of the Zimbabwe government in promoting linguistic pluralism given its failure to implement the provisions of the 1987 Education Act on languages to be taught and used in schools. There is need to take a sensible and practical approach in regards to the issue of implementation of policy pronouncements. The proposed changes are only possible in a country with a stable socio-economic and political environment and as it stands, the language issues may not receive priority attention in Zimbabwe because of the turbulent political and economic circumstances (Mavesera, 2009).

Whilst the constitution recognises 16 languages as official, it still has got some shortcomings in the area of implementation. The implementation of this would be expected to be seen in the education sector where they should be used as media of instruction, in the media and legal sector. Renowned historian and former teacher



Phathisa Nyathi welcomed the development, but said the pronouncement was not enough, but application was more important. "I applaud the development. However, what is important is what they will do after the proclamation. "The real judgment will come when we look at applications. "Policies mean nothing unless they are implemented." Patience Zirima from Media Alliance of Zimbabwe, an umbrella body of journalists, says "Since the passing of the new constitution we have seen no commitment whatsoever to ensure that the provisions that are set, ... are being promoted in Zimbabwe." This confirms Bamgbose's (2000) assertion that language policies of African countries are characterised by one or more of the following problems: avoidance, vagueness, arbitrariness, fluctuation and declaration without implementation. There is a lot of work that needs to be done.

Whereas Chapter One, Section 6 (3) clearly says the state and all institutions and agencies of Government at every level must (a) ensure that all officially recognised languages in Zimbabwe are treated equitably and (b) take into account the language preferences of people affected by Government measures or communications, it is not clear whether those responsible for executing and implementing this are state agencies or ordinary people. The concerns that were raised questioning the ability of the government to implement this are genuine. It might be true that, official recognition does not necessarily translate into actual practice because like a blueprint, this might be there on paper as a plan without any action being taken. There is need to be practical about having language of record because having multiple official languages as languages of record might lead to very serious problems if this is not well managed.

The skepticism also evolves from the fact there is no language board in Zimbabwe that is responsible for monitoring and evaluating a host of issues that pertains to indigenous languages. The 2013 Constitution compels the government to advance and promote functional equality in local languages, but civic activists are sceptical that the new government may not be too keen to advance the languages. Equity requires that, all the 16 languages get the same privileges in the constitution in terms of representations and usage. These language proposals may have been far too ambitious since it may not be possible for the government to achieve parity among so many languages. It reflects what Makoni (2011:443) refers to as 'the fiction of language equality'.

The above sentiments confirm Charamba's (2012) observation that, the language equity ideology is wrong because in a multilingual society, some language varieties are more privileged as the languages of power and control, whilst others are marginalised. The same sentiments were raised by respondents in a related study carried out by Mutasa (2004) on the perceptions and attitudes of indigenous South African speakers towards the eleven-official-language policy. Respondents in this study expressed skepticism on the possibilities of achieving language equity in the implementation of the South African eleven-official-language policy. Commenting on the principle of "equal" use of the eleven official languages in the South African constitution, Roy-

Campbell (2000:171) has noted that, "... the issue of 'equal' use is clearly problematic because some languages will always be more equal than others, since they are already well developed and 'scientificated'."

Such findings no doubt demonstrates that, although language equity may be necessary and desirable, it is important to note that, the present scenario shows that language equity is difficult to come by and what is ideal is not necessarily practicable. Equity is not possible, but it's just ideal, whilst language issues are more of practical use. If one looks at society one realises that, it is not equal and so it is difficult for language to achieve equity in use. There is need to establish socio-political equity first and language equity will follow. The problem of failure to achieve equity is not in the language but in the society for language reflects society. It seems unimaginable to envisage the enormity of the task of providing parity and equity to some of the languages with no writings, no standard orthographies and at different levels of development. Therefore, there is a need to take a sensible and practical approach in regards to the issue of implementation. This study therefore proposes that, what is ideal and desired should be counterbalanced with what is feasible and practical.

Some of the respondents thought that some of these languages like Khoisan/Tshawo, Sotho ChiNambya, ChiBarwe and ChiKalanga are not commonly spoken and do not have many speakers in Zimbabwe but in neighboring nations. For example, in Zimbabwe in 2014 Tshawo had less than 20 active speakers who are aged between 60-90 years by 2014 (Ndlovu 2013:8) and now they are less than 10. It may seem impractical for the Zimbabwe government to protect the language of every group including migrant languages. However, some scholars take the national boundaries as colonial imposition which should not be taken seriously. Stroud (2001) asserts that, identity is not fixed or permanent, but they are multiple and changing, constantly negotiated, contested and elaborated in any interaction and discourse. Contemporary scholars like Prah (2014:4), "...appreciate multilingualism as a linguistic resource which enables them to adopt and discard identities when necessary and also to temper with ethnic rigidities by providing an escape from the cultural imprisonment of localism and ethnicism."

5.3 The dichotomy between separate development of related varieties and harmonising related varieties

Zimbabwe's 2013 constitutional provisions separate ChiNdau, ChiBarwe, ChiNambya and ChiKalanga from mainstream Shona and recognises them as official languages and not varieties of Shona. This helps to entrench important issues of uniqueness, identity and culture which may be lost in the wake of harmonisation. There are definitely finer peculiarities on each and every variety which must not be thrown away in the name of a united front.

Parents and teachers interviewed were of the opinion that separate development of Shona varieties has more advantages than developing them as a unit. The following statements from interviewees were typical of many such responses:

Varieties can be mutually intelligible but there is nothing wrong to treat them as separate languages. Shona people share the same history, but, they have now developed different cultures because of different circumstances of their evolving histories.

There is nothing wrong with the devolution of Shona varieties since it helps to trench important issues of uniqueness, identity and culture which may be lost in the wake of harmonisation.

It can be noted from the above responses that the 2013 Zimbabwe's constitution can be applauded for separating Shona varieties because respondents believed that, as a linguistic entity they stand to benefit more politically and economically if they were autonomous than in unified development. Although it is important to acknowledge that people are no longer living in isolation, there is also more reason to safeguard speakers' mother tongues to fight against transnational processes which lead to dilution and eventual extinction. The speakers believe that this move will establish a good trend of putting smaller varieties at the center and giving them space in the education sector. Respondents opposed to separation of Shona varieties were mostly university lecturers with the following sentiments:

Missionaries created dialects from languages. The Shona cluster is composed of one speech community divided by colonisation, so harmonisation will reunite them.

The problem of the separation is in the way it was done. Selecting a few varieties and leaving out others like ChiKaranga, ChiManyika, ChiKorekore, and ChiHwesa which also merit separation from standard Shona was wrong.

If we continue breaking these varieties will end up with a Tower of Babel up to the clamouring for the need to recognise sub-dialects and idiolects.

It can be noted from the above responses that, most of the reasons given against separate development of varieties are political reasons. Some of the reasons given by the informants are quite plausible. Academically, people may try to argue that for ChiNdau it is better it stands as a separate language, but the same argument can be given for the other varieties like ChiKaranga, ChiHwesa, ChiManyika and ChiKorekore. There is a problem in choosing just a handful of varieties to be taken as languages leaving out others. Those left out will cry foul and also lobby for autonomy, a situation which promotes ethnicity and which may also be very expensive and difficult to manage for the government. This thinking is microlinguistic nationalism whereby people think of themselves as different from others at a smaller scale and also think that they are being excluded from the development agenda on the basis of language and not realising

that these are varieties of the same language as shown by high levels of mutual intelligibility except for a few cases of differences in peak dialect areas where it is very low. This is supported by Banda (2009) who believes in comprehensive multilingual models arising from the need to account for Africa's localised multilingual practices. This entails weaning African multilingualism from distortions resulting from the colonial legacy and the pervasive monolingual descriptions that underlie models of language education.

6. RECOMMENDATIONS

The success of the implementation of linguistic provisions in the 2013 constitution depends on people's attitudes towards it. Thus, findings show that respondents in this study had limited knowledge on implications of the multilingual provisions of the constitution. This study argues that, due to lack of adequate knowledge, the negative attitudes of respondents towards the constitution may be a factor that acts as a barrier to its implementation. This is an indication that proper understanding of this constitution was very scanty among those who were interviewed which could have been as result of the rushed way it was introduced and marketed by the organisers. A change in the speakers' attitudes and mindset on this issue is required. Without the speakers' will and right attitude, it would be difficult to actualise the implementation of these constitutional provisions. What this intimates is that, it is imperative that people's mindsets must be changed by packaging this issue in a way which they understand and appreciate.

Results from interviews affirmed the generally held view that, the future of Zimbabwean indigenous languages is securely in the hands of the speakers' initiatives. It was evident in the study findings that, there is need to emphasise that everyone has a responsibility to this project rather than leaving it to a few individuals. There is need for deep involvement of the language communities concerned in the revitalisation of their languages. The participants of the study indicated that the implementation of the 2013 constitution can be successful if these indigenous languages have a strong presence in the education system.

These multilingual provisions should challenge Zimbabweans to develop and implement linguistic blueprints and frameworks. Zimbabweans must develop a new value system in their thoughts and actions by believing and living the ideals of the provisions of this constitution since without this, the document would be a mere piece of paper. The research proposes that, the multilingual provisions of the 2013 constitution should not necessarily be perfect, but should achieve the right balance. This demonstrates the need to promote linguistic diversity by being able to manage it through maximising the advantages of diversity and minimising its potential disadvantages.



There is need for a new language policy model which will promote the use of indigenous languages by making it possible to accommodate all languages in Zimbabwe using them as important tools for communication. There is a need to lobby for litigation measures that promote additive multilingualism in related indigenous languages and guarantee and recognise educational linguistic human rights.

7. CONCLUSION

This study has illustrated the different challenges in the actualisation of officialising 15 indigenous languages as enshrined in the 2013 Zimbabwean constitution. Emerging from the responses were problems of attitudes, ignorance of what the multilingual provisions entail and the different levels of development among the languages to be officialised. On the strategies suggested by the study informants on how to minimise these challenges, it emerged that in addition to meaningful engagement and sensitisation of important stakeholders, it was important that speakers of marginalised varieties must be on the forefront of empowering their languages. Although the issue of language equity was considered as ideal and desirable, research findings show that it is impractical. The issue of officialising indigenous languages is a controversial one. As far as this study is concerned, it has both advantages and disadvantages. However, it is a noble ideal that indigenous speakers should pursue not only with passion but also with patience. These communities may not have what they want now but with time they may achieve it. The Zimbabwean government should take serious audit of factors discussed as hindering language policy implementation with a view to addressing them.

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