

# NATIONAL LANGUAGE SERVICES

## 1 Introduction

Historically, English and Afrikaans have been the dominant languages of academia, commerce, government and public life in South Africa, while indigenous languages have been marginalised. For the vast majority of South Africans who are not mother-tongue speakers of English or Afrikaans, language poses a formidable barrier to accessing quality education, socio-economic opportunities, full participation in public life, and the realisation of their potential. Chapter 1 of the Constitution recognises 11 official languages, all of which are equally esteemed and must be treated equitably. The state is constitutionally required to take practical and positive measures to elevate the status and use of all these languages.

This important national language function is carried out largely by three entities, whose mandates overlap significantly:

- The *National Language Service*, a programme in the national Department of Arts and Culture, is responsible for developing policy and legislation around language, providing translation services to other government departments, and promoting language development (i.e. developing specialised terminology in previously marginalised languages).
- The *Pan South African Language Board (PanSALB)*, established in terms of the Constitution and the PanSALB Act of 1995, aims to promote the development and use of all 11 official languages; the Khoi, Nama and San languages; as well as sign language.
- The *Linguistic Rights Unit* of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL), established in terms of the Constitution and the CRL Act of 2002, promotes and protects community, religious and cultural languages (i.e. languages not falling under the PanSALB).

This PER aimed to review the performance of these three entities in achieving their core mandates, assess the cost-effectiveness of their operations, and identify potential operating efficiencies or cost savings. It also examined the cost implications of the implementation of the Use of Official Languages Act of 2012. The PER was conducted between October 2013 and April 2014 by the Public Affairs Research Institute, working with Cornerstone Economic Research. Some of its key outputs, insights and recommendations are summarised here. The full report and the costing models are available at: [www.gtac.gov.za/programmes-and-services/public-expenditure-and-policy-analysis](http://www.gtac.gov.za/programmes-and-services/public-expenditure-and-policy-analysis).

## 2 The institutional space

Since this PER aimed to examine the impact of overlapping mandates, it focused on the institutional context and interactions among the three entities in detail.

### 2.1 National Language Service directorate

The purpose of the National Language Service directorate is to promote and develop South Africa's official languages. It increases access to information through translating official documentation and enhancing the availability of language technology that allows citizens to communicate in the language of their choice. It also develops and implements language policy. Language development requires scarce and specialised skills, and the directorate maintains close relationships with the



relevant academic and scientific research communities. These strategic relationships are particularly important in the development of language technology and terminology.

## 2.2 Linguistic Rights Unit of the CRL

Falling under the Department of Cooperative Governance and Traditional Affairs, the CRL's mandate is to build respect for the rights of all cultural, religious and language groups. The CRL has 16 commissioners (with one post vacant in the period under review). The Chair and Deputy Chair are the only commissioners employed full-time. Given the relatively small size of the CRL (32 staff at the time of the PER), the other commissioners are expected to undertake some operational duties, notably around setting the agendas for the various functional units.

The CRL has four functional units to deliver on its mandate: (i) Research and Policy Development, (ii) Community Engagement, (iii) Public Education and Advocacy, and (iv) Investigation and Conflict Resolution. These units cover all three areas of the commission's responsibility (i.e. cultural, religious and linguistic rights), with the assumption that they focus equally on each area. However, an analysis of the most recent annual report (2012/13) shows that the CRL directs only around 20% of its efforts towards linguistic rights, with the remainder focused on cultural and religious rights.

## 2.3 Pan South African Language Board

The PanSALB receives 96% of its funding via a grant processed through the Department of Arts and Culture, with the rest comprising a rental grant from the Department of Public Works and interest on bank deposits. For oversight purposes, it reports directly to a parliamentary committee (and not the Department of Arts of Culture). The PanSALB is currently structured into four functional areas:

- *National Lexicography Units* are responsible for developing dictionaries in all languages under the PanSALB's mandate. Most of them are located in universities to draw on academic skills.
- *Language Development and Promotion* establishes and provides administrative and financial support to National Language Bodies to oversee the development of each official language.
- *Provincial Coordination*: Each province has a Provincial Language committee that provides input to its government on provincial language policies. The PanSALB manages the appointment of members to these committees and provides administrative support.
- The *Language Tribunal* was established relatively recently; its responsibility is to hear complaints around the use of or discrimination against particular languages.

There are signs of institutional weakness at the PanSALB, which has had a number of legal disputes with senior officials, including the most recent chief executive officer. The parliamentary oversight committee also raised questions about the PanSALB's increasing expenditure. At the time of the PER, the organisation was under the management of a caretaker chief executive officer, who was tasked with developing a turnaround strategy for the organisation.

## 2.4 Unclear and overlapping mandates

Both the PanSALB and the CRL have broad mandates that are open to interpretation. The PanSALB's mandate is 'to promote multilingualism in South Africa'. The CRL's mandate is 'to promote and develop peace, friendship, humanity, tolerance, and national unity among and within cultural, religious and linguistic communities'. These mandates do not specify what the organisations should do to achieve these goals, the implicit assumption being that they will determine their own roles.

### 3 Performance analysis

To analyse their mandates and performance, the outputs and activities of each entity were organised into consolidated functional categories (see Figure 1). There is considerable overlap in activities related to the 'promotion and development of languages'. All three entities undertake activities in this area, but there is little consultation or coordination among them when planning these. Examples include dictionary development (under the PanSALB) and terminology development (under the National Language Service), as well as the protection of language rights (the PanSALB and the CRL). The PanSALB's Language Tribunal also appears to duplicate the role of the Equality Court.

*Figure 1: Consolidated functional categories of the language entities*

Objectively verifiable performance indicators that are aligned with an organisation's mandate are central to effective management and oversight. But there are no such indicators for measuring how well either the PanSALB or the CRL contributes to the goals of social cohesion, linguistic diversity or respect for other languages. Considerable research is needed to define appropriate indicators and establish a baseline against which progress can be measured.

### 4 Expenditure performance

Of the R99.8 million allocated to the three entities in 2011/12, 46% was spent on activities directly related to the development and protection of languages and language diversity. The remaining 54% was spent on administration. Both the PanSALB and the CRL have become inwardly focused, with the bulk of their activities and expenditure directed towards corporate and management services rather than delivery on their core mandates.

The problem is particularly acute at the PanSALB, where a disproportionately large share of its resources for language functions is used for administration. It spent 75% (R42 million) of its resources on administration in 2013 (up from 59% in 2009) and only 25% (R14 million) on core programmes. Despite rapid growth in revenue, it regularly overspent, which suggests poor budgeting and spending discipline. However, spending on programme activities actually declined between 2009 and 2013. The PanSALB seems to have lost focus and to be neglecting its core role.

Following a report of its parliamentary oversight committee, the PanSALB's board was disbanded, and a new board was appointed with effect from April 2014. Between 2009 and 2013, the PanSALB spent R17.1 million on legal costs, including on disputes with employees. This suggests a high level of organisational dysfunction.

The PER raised serious concerns about the PanSALB's expenditure patterns, sufficient, it is suggested, to warrant forensic investigation. Spending on staff benefits and allowances increased from R2.8 million in 2009 to R8.8 million in 2013, at an average annual rate of 33%. The areas that showed rapid growth are employer medical contributions, housing subsidies (R2.1 million in 2013) and a so-called leave gratuity (R855 000 in 2013), which may require further investigation. In 2009, the PanSALB revised and aligned its human resource policies with public service regulations. Whilst this may account for the increases in medical contributions, whether it accounts for the full 33% increase needs further investigation.

As noted, the CRL has 32 employees, but only 15 are employed in the four core function areas, with the rest employed in corporate services. The structure of the CRL envisages that the 14 part-time commissioners would make an operational contribution. Interviews with senior management at the

CRL indicated that this is not happening, which limits the CRL's ability to deliver on its mandate. However, there is no mechanism to compel commissioners to make the required contributions.

## 5 The costs of the Use of Official Languages Act

The cost implications of the implementation of the Use of Official Language Act (No. 12 of 2012) are potentially significant. The Act requires all national departments, national public entities and enterprises to have a language unit. The cost of setting up and running these units across national departments and public entities could be as high as R592 million per year.

## 6 Costing model and scenarios

A flexible cost allocation model was developed to explore options for the institutional realignment of the different language functions. Various scenarios were modelled, with assumptions ranging from conservative to more extreme. The report presents three pragmatic scenarios, with *Scenario 2* being the recommended course of action:

- *Scenario 1*: The status quo is maintained, but some efficiency savings are included. Total projected savings under this scenario are between R5.4 million and R6 million.
- *Scenario 2*: The PanSALB is downsized to a board, which only oversees language matters in government in accordance with its constitutional mandate. The remaining functions are transferred to other institutions or discontinued. Total projected savings under this scenario are between R30 million and R38 million per year. Over the medium term, approximately R100 million could be reallocated to technology and language development. This could make a meaningful contribution to improving literature, access to language, and terminology development in previously marginalised languages.
- *Scenario 3*: In this scenario, the PanSALB is closed down and its functions either transferred either to the National Language Service or other institutions or discontinued. The language function of the CRL could be moved to the Equality Court. Total projected savings under this scenario are R34.9 million per year. This scenario may require a constitutional amendment, as the establishment of a language board to protect and promote language diversity is explicitly mentioned in the Constitution.

*Table 1: Cost and savings projections of the three scenarios*

SUMMARY	Current Exp	Scenario 1 (with MTEF)			Scenario 2	Scenario 3
	2012/13	2014/15	2015/16	2016/17	2014/15	2014/15
DAC / NLS	R 38 349 655	R 42 683 166	R 45 073 423	R 47 507 388	R 85 227 949	R 85 227 949
PANSALB	R 76 285 789	R 79 519 124	R 84 100 445	R 88 646 877	R 1 650 000	R -
CRL	R 5 474 426	R 6 093 036	R 6 303 400	R 6 615 057	R 5 780 993	R -
<b>Total</b>	<b>R 120 109 870</b>	<b>R 128 295 326</b>	<b>R 135 477 268</b>	<b>R 142 769 322</b>	<b>R 92 658 942</b>	<b>R 85 227 949</b>
Provincial Departments of Arts and Culture		R -	R -	R -	<b>R 681 647</b>	<b>R 681 647</b>
Provincial Language Committees		R -	R -	R -	R 681 647	R 681 647
Equality Court - Department of Justice		R -	R -	R -	<b>R 284 139</b>	<b>R 6 065 132</b>
CRL Language function		R -	R -	R -	R -	R 5 780 993
Language tribunal		R -	R -	R -	R 284 139	R 284 139
<b>Total costs</b>	<b>R 120 109 870</b>	<b>R 128 295 326</b>	<b>R 135 477 268</b>	<b>R 142 769 322</b>	<b>R 93 624 728</b>	<b>R 91 974 728</b>
<b>Total savings realised compared to current expenditure (adjusted for inflation)</b>		<b>R 5 386 959</b>	<b>R 5 691 225</b>	<b>R 6 022 270</b>	<b>R 33 211 295</b>	<b>R 34 861 295</b>

## 7 Findings

The primary driver of efficiencies in *Scenario 2* is the reduction of the ‘management and corporate services’ costs of the PanSALB, coupled with economies of scale within the National Language Service directorate, to which most of the PanSALB’s current functions would be transferred. These would include the 13 National Language Bodies, the transfer of funds to the national lexicography units and the language development function. Responsibility for the Provincial Language Committees could be shifted to the provincial departments of arts and culture, who may choose to perform this responsibility without maintaining the committees. The PanSALB has recently established a language tribunal, despite existing structures with a mandate to deal with language rights and equality. This function could be shifted to the Equality Court.

The CRL has the power to adjudicate disputes around language issues, but in view of its capacity constraints has largely referred these matters to the Equality Court. If the language tribunal were transferred to the Equality Court, it would make sense for other CRL matters relating to language to be transferred to the Court as well.

## 8 Postscript

The Department of Arts and Culture is in the process of finalising the White Paper on Arts, Culture and Heritage. As part of this process the department is reviewing functions and whether these functions are correctly placed. Thus, the department will only act on the recommendations of the PER once the White paper exercise is concluded.

The Minister of Arts and Culture requested the National Treasury to conduct a forensic investigation into PanSALB following a financial crisis at PanSALB. The recommendations of the forensic investigation included:

- that an in depth forensic investigation be conducted to establish the validity of the appointment and payments made to service providers and the verification of value for money to the institution during the period 15 June 2012 to 30 September 2014;
- also recommended that PanSALB should refer the possible contravention of Section 38, 39 and 40 read with Section 86 of the PFMA by the temporary administrator in relation to the appointment of service providers for criminal investigation by the SAPS and lastly,
- that the SAPS criminal investigation should also cover any possible elements of fraud and corruption as a result of the forensic report and the result of the recommended in depth forensic investigation.

To date no action has been taken by PanSALB or the Department of Arts and Culture.