Critical Analysis of Variables Impeding Adoption of Indigenous Languages as Languages of Teaching and Learning in South African Higher Institutions

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Abstract

This paper interrogates the tacit and poignant perspectives as to why South African Institutions of Higher Learning do not implement the use of indigenous languages as Languages of Teaching and Learning. Based on the observations encapsulated in various policy documents, this paper extends a preliminary analysis of this situation because based on the observations and various perspectives expressed by scholars, it is clear that the politics around the subject of indigenous languages use in higher education institutions, access to knowledge, promotion and development of indigenous languages is still an elusive and complex subject to many and furthermore, it seems is not uniformly understood. These discursive views are critiqued from an alternative Afrocentric perspective. In particular, we consistently and systematically refute these discursive, outlandish and tacit views and claims from various academics that the languages are not developed enough, the idea is oblivious to certain South African realities, expensive to maintain and execute and also that students are not in favour of being taught through indigenous languages. The term discursive construction is used to capture the structural, systemic, cultural and epistemological patterns of hegemonic Eurocentric view of pedagogy that have engulfed the South African higher education landscape. This paper extends a preliminary analysis of these poignant and tacit perspectives. In this paper, which is largely based on the triangulation of document review and interdisciplinary critical discourse analysis, we aim to critique these views from an alternative Afrocentric perspective; a voice that has been marginalised in this academic discourse and beyond. Six (6) Language policies were also analysed focusing on the caveat 'wherever practicable'. In particular, I consistently and systematically refute these tacit, outlandish views and claims from various scholars who argue that indigenous languages are not at a stage to be used as Languages of Teaching and Learning, that some clauses in various Language policies are oblivious to certain South African realities, it is expensive to maintain and execute these clauses and also that students are not in favour of them being taught in indigenous languages. The importance of this interdisciplinary debate and the need for it to be expanded and/or sustained cannot be over-emphasised particularly in South African higher education landscape.

Keywords: *Language Policy; Language of Teaching and Learning; Mother Tongue Instruction; Indigenous Languages; Translanguaging; Multilingualism*

Introduction

The subject of indigenous languages as Languages of Instruction (LoLT) in South African (SA) higher education remains a hotly debated issue. This situation can be largely attributed to the fact that there are many conflicting views on this issue. (See, Joseph & Ramani, 2004; Ramani, Kekana, Modiba and Joseph, 2007; Ngulube, 2012; Mhlongo and Ngulube,2020).Those who try to break this 'Eurocentric conceptions of pedagogy' and argue for the adoption these languages as LoLT mostly come from the school of thought that believes firmly on the importance of mother tongue education and such academics are often pinned with labels such as activist or anarchist scholar simply because they challenge Eurocentric principles of pedagogy. The negative connotations often attached to the meaning and essence of these labels has rendered this subject of pedagogy with specific reference to indigenous languages as LoLT very troublesome and frightening to most academics. Brock-Utne (2017:63) maintain that 'except for South Africa's use of Afrikaans in some universities there is not a single country in sub-Saharan Africa that uses an African language as the language of instruction at secondary or tertiary level'. It is also instructive for the reader to note that in SA, there are institutions of higher learning that provide tuition using these languages as LoLT but they only use them to teach the language itself and not content. It would seem these official African Indigenous languages are exclusively reserved for teaching the language itself and not content and that is where the problem lies. For example, at the University of Kwa-Zulu Natal IsiZulu is a compulsory subject for all non-African language speaking students who opt to take any first year course in the School of Health Sciences and in the Medical School. Why not teach Health Science courses in IsiZulu? Thus, in response to challenges plaguing the SA official indigenous languages in institutions of higher learning, this article sought to explore how various variables come together to stifle the process or strategy of using indigenous languages as LoLT. Thus, the study formulated to two research questions, namely:

- What variables contributes to the exclusion or non-use of the SA official indigenous languages in institutions of higher learning?
- What intervention strategy can enhance the process of implementing the use of official African indigenous languages as Languages of Teaching and Learning in institutions of Higher Learning?

It is our firm belief that information harvested for this study will help enhance the implementation of the use of indigenous languages as Languages of Teaching and Learning (LoLT) in Institutions of Higher Learning (IHL) in SA. Furthermore, this study will identify probable factors encumbering usage of these languages as LoLT and perhaps how the challenge can be circumvented or lessened. Thus the aim of this investigation is to:

- To explore how various variables come together to stifle the process or strategy of using indigenous languages as LoLT in Institutions of Higher Learning in South Africa.
- To suggest an intervention strategy that could help institutions be able to use indigenous languages as LoLT successfully.

Problem Statement

Student failure as a result of using a language that does not provide adequate access to knowledge has been a problem that has been long acknowledged. This kind of a problem articulates to pedagogy. Brock-Utne (2017:66) argues that most theories on bilingualism originate in the US, Canada, Europe and other industrialised countries and have been formed on the basis of experiences in those parts of the world, they do not fit the situation in Africa because concepts like bilingual teaching, second language learning, additive and subtractive bilingualism, immersion and submersion programmes, early and late exit, maintenance and transition programmes are all taken from the west. Thus, we argue that the problem

of using English 'only' as the LoLT in institutions of higher learning in SA contribute significantly to students' high failure rate. A need for a paradigm shift is necessary. There have been a few attempts by institutions of higher learning in SA to use indigenous languages as LoLT (e.g BA CEMS at the University of Limpopo) in some of their programmes however, with only modest degrees of success to report. The problem that arise is that it looks like institutions of higher learning have thrown in the towel and retired to the hegemony of English (i.e as LoLT).

Literature Review

Literature around the use of indigenous languages as LoLT is very scarce particularly coming from South Africa and this could be attributed to many things. Brock-Utne (2017:63) maintain that 'except for South Africa's use of Afrikaans in some universities there is not a single country in sub-Saharan Africa that uses an African language as the language of instruction at secondary or tertiary level' For example, at the University of Kwa-Zulu Natala IsiZulu (i.e. in SA) is a compulsory subject for all non-African language speaking students who opt to take any first year course in the School of Health Sciences and in the Medical School. The strategy is good but we argue that it misses the point. The argument is for this languages to be used as LoLT (i.e for content purposes) and not only to be learned or studied as subjects. This is a very unfortunate situation. Brock-Utne (2017:61) in her article titled 'Multilingualism in Africa: Marginalisation and empowerment' asked the following very important questions which are also very pertinent to this study:

- Under which circumstances can the multilingualism of Africans be looked at as an advantage and a source of empowerment?
- Under which circumstances does this multilingualism lead to marginalisation? In contexts where a specific African language is spoken by the great majority of people, why is the language of instruction still a foreign language mastered only by a small minority?
- To what extent is the use of English as a language of instruction – in multilingual and so-called Anglophone African countries – empowering or marginalising?
- Who is empowered by this use and who is marginalised? How relevant are the theories of language of instruction developed for minority populations in the US and Europe for the situation in Africa?
- What is the role of the African elite when it comes to promoting African languages as languages of instruction?
- What is the role of parents in the multilingual contexts of Africa?
- What language do they want their children to be learning in? What are the reasons for their choice?

The above questions are very important in this investigation because they centre around various contributing variables that are intertwined and complex. Kotze and Hibbert (2010 : 4) suggest that 'a tacit policy of monolingualism has been in evidence' in spite of empirical research into the role of language in education and the various calls for proposals to address this by the government. Furthermore, at the 2003 Biennial Meeting of the Association for the Development of Education in Africa (ADEA), »Improving the Quality of Education in sub-Saharan Africa«, one of the major themes discussed was the use of African languages as a determinant of quality education. In other words, the emphasis here is that the use of indigenous languages can bring quality to education the same way English is seen to bring quality to those who speak it as a mother tongue.

In addition, Ouane and Glanz (2010:13) highlight three important factors regarding education and language use. They observe the following:

- That the connection between development and language use is largely ignored

- The connection between language and education is little understood outside expert circles

Madiba (2013, 387) observes that various language policies of the South African universities show that the intention of most of them to commit to African languages mainly concerns their development in terms of using them as media of teaching, learning and research in the distant future. We argue that this is a serious flaw. It is only the University of Limpopo in the whole of South Africa that has a programme wherein an official African indigenous language except Afrikaans is being used as a language of teaching and learning where that language is used to teach content and not the language itself. Table 3.1 indicate the above mentioned issue.

Table.3.1 University that uses indigenous languages as LoLT

Name of the University	Name of the Programme	Name of the Language
University of Limpopo	BA CELS & MUST	N Sotho (NB: Only MUST Modules)

In addition, the following institutions according to their language policies stated that they will promote and develop the following languages:

Table 3.2 SA Universities and the languages they committed to promote and develop as stated in their Language Policies

Universities	Official languages offered according to the language policy
1. Cape Peninsula	Afrikaans, English and IsiXhosa
2. Cape Town	Afrikaans, English and IsiXhosa
3. Central University of Technology	English
4. Durban University of Technology	English and IsiZulu
5. Ford Hare University	English and IsiXhosa
6. Mangosuthu University of Technology	English and IsiZulu
7. Nelson Mandela University	Afrikaans, English and IsiXhosa
8. North-West University	Afrikaans, English, Sesotho and Setswana
9. Rhodes University	Afrikaans, English and IsiXhosa
10. Sefako Makgato Health Science University	Afrikaans, English and Northern Sotho
11. Sol Plaatjie University	Afrikaans, English, IsiXhosa and Setswana
12. Tshwane University of Technology	Afrikaans, English, IsiZulu, Northern Sotho, Setswana, Tshivenda and Xitsonga
13. University of Johannesburg	Sepedi, English and IsiZulu
14. University of KwaZulu Natal	English and IsiZulu
15. University of Limpopo	Afrikaans, English, Northern Sotho, Tshivenda and Xitsonga
16. University of Mpumalanga	English and SiSwati
17. University of Pretoria	English, Afrikaans, IsiZulu, Northern Sotho and IsiNdebele
18. University of South Africa	Afrikaans, English and all the indigenous official languages

19. University of the Witwatersrand	Afrikaans, English and Sesotho
20. University of Venda	English, Tshivenda and Xitsonga
21. University of Zululand	English and IsiZulu
22. Vaal University of Technology	English, Afrikaans and Sesotho
23. Walter Sisulu University	English and IsiXhosa
24. Western Cape University	Afrikaans, English and IsiXhosa

In SA, the revised NLPF (2017:11) in its introductory section (i.e. point number 8) pronounce the following:

> "*The revised policy seeks to address the issues raised by the above stated investigations…ensuring the development and strengthening of a multilingual environment in which all official languages are developed and used as languages of scholarship, research, teaching and learning*."

However, as the findings in this article will show, indigenous languages in all most all universities in SA do not use any of the official indigenous languages as LoLT. Thus, the question becomes, how is the SA government through Department of Higher education its aligned partners are prepared to achieve the above mentioned NLPF goal or aim.

Theoretical Framework

The discourse on pedagogy that is steeped on indigenous languages in SA is very scanty. Most discourse on pedagogy is on English monoligualism and in most cases these type of discourses are Eurocentric in nature. It is on this basis that we foreground this investigation on Afrocentric theory advocated Asante (2003). In this paper, Afrocentricity is understood as the mode of thought and action in which the centrality of African interests, values and perspectives predominate (Shai, 2020:145). In addition to the above theory, paper will also draw from Vygotsky's Sociocultural theory Vygotsky's Sociocultural theory is premised "on the concept that human activities take place in cultural contexts, are mediated by language and other symbol systems and can best be understood when investigated in their historical development" (John-Steiner and Mahn 1996: 191). Thus, in order to properly explore and examine the various variables that seem to account for the stagnation of using indigenous languages as LoLT in IHL in SA, an apt foundational theory in this regard would be Afrocentricity (Asante 2003) since it is a "frame of reference wherein phenomena are viewed from the perspective of the African person" (Asante 1988: 171) and as well as Sociocultural theory. It is against this backdrop that the current article aim to employ Afrocentricity as an alternative theoretical and contextual lens to critique these anecdotal views expressed by various scholars, academics and parents against the use of SA official indigenous languages as LoLT in institutions of higher learning, which is slightly.

Research Methodology

Design and Data Collection Method

A desktop-based investigation was embarked upon where various documents about indigenous languages use and medium of instruction in IHL in the South African education system were analysed. Afrocentricity was used as the lens in understanding and engaging with the data. Textual Analysis was used to make sense of the data. Six LP's were analysed using Critical Discourse Analysis (CDA) as a lens. Thus, this study adopted a qualitative design because it offered an in-depth study of a single unit where various impacting variables were explored and examined in a particular contexts. In addition,

Eisenhardt (1989:534) maintain that studies can employ multiple levels of analysis within a single study. Thus in this study, desktop literature analysis. Data was harvested through collection of various texts (mostly Language policy documents) on the subject using convenience sampling method. Critical Analysis of the selected sections or parts of the selected texts was also carried out.. Data collection happened between March 2018 and October 2018.

Analysis, Results and Findings

Since the study explores the variables that negatively impact on the use of indigenous languages as LoLT, discourse analysis of spoken language exhibited by different academics and parents of students studying at universality was carried out. An audio recording device was used to collect data and computer was used to store data in a marked folder. What follows is a compressed account of the challenges brought by various variables that emerged through the investigation:

Conundrum of Language Policy and Teaching and Learning Policy Alignment

It emerged that most Teaching and Learning policies (TLP's) in institutions of higher learning are not aligned to the Language Policies (LP's) or they simply just 'not talk to each other'. Thus, we argue that African higher education institutions are still rooted in Eurocentric practices when it comes to choosing the LoLT and we argue that as much as we want 'institutional autonomy' we should also argue for the promotion of the scholarship of 'autonomy of the Language of Teaching'. When institutions were given 'institutional autonomy' was 'autonomy of LoT' included? On paper it stated that institutions are free to choose their LoLT of choice but other socio-economic variables makes this choice impossible to exercise. This has a bearing on the TLP and LP of an institution and the TLP is also guided by the LP of an institution. The question then becomes, which policy has more power over the other?

Lack of Commitment or Will on the Part of the Institutions

According to Alexander (2005:30), universities, within a 10–15 year period, should be able to formulate a plan whereby specific indigenous languages are developed to the point where they can be used as languages of tuition in specific disciplines. We argue that the above 'clause' is not emphatic enough since it does not even have a 'proposal or recommendation' on none-compliance. It is now almost seventeen (17) since this proposal and majority if not all SA universities are still not finding traction on the matter. None of the SA universities have as yet provided the Ministry with a report on the progress of policy implementation (Turner and Wildsmith-Cromarty,2014) and it looks like the issue has just fizzled out without anyone to account. This is a serious challenge in keeping with the national imperative and vision 2030 of the NDP. In addition, Kotze and Hibbert (2010 : 4) suggest that 'a tacit policy of monolingualism has been in evidence' in spite of empirical research into the role of language in education and the various calls for proposals to address this by the government. We argue that this 'tacit and poignant' stands by certain universities should be challenged through proper, legislative-based measures with the aim of enforcing the provisions of the Bill of Rights in the SA constitution. This is implementation complacency at is best. Thus, we argue that institutions should be helped by government (i.e. through sourcing of experts who specialise in implementation of policies to help with implementation). The Department of Higher Education and Training (DHET) should be at the centre of this activity.

The Variable of Indigenous Languages as 'Add On'

Ouane and Glanz (2010:13) in their research highlight three important factors regarding education and language use. They observe the following:

- That the connection between development and language use is largely ignored
- The connection between language and education is little understood outside expert circles

The argument in the paper titled 'Terminology development versus Concept Development' by Ramani *et al,* (2007) seem to be elusive to grasp for many including even policy developers and language academics in SA. The argument by Ramani *et al,* (2007) articulates to the first observation made by Ouane and Glanz (ibid). For example, the UL language policy is still rooted on the idea that majority of their offerings are delivered through 'English as LoLT'. Indigenous languages are still considered as 'add on'. Many LP's in various institutions have clauses which still clearly indicate that indigenous languages (i.e. as far as LoLT is concerned) are 'add on) For example, the we found that there are clauses in a Language Policy which reads as follows:

- "English and either Sepedi/Sesotho sa Leboa or Tshivenda or Xitsonga will be used as mediums of instruction in …."

When one considers the above clause, one does not have to be a rocket scientist to realise that once you say 'English and either…" it means English is given, it does not contest anymore. Only indigenous languages should contest for their space in academia as far as LoT is concerned.

Lack of Existing Language Policy in Some Institutions

It is found that some institutions are still struggling to develop their language policies and this is a serious setback as far as the national imperative regarding indigenous languages is concerned. Gumbi and Ndimande-Hlongwa (2015: 158) regarding the above assertion lament as follows:

> *'Language policy implementation has progressed at a snail's pace and in some cases, nothing has been embarked on at all'.*

It is irrefutable that some institutions is SA are still operating with LP's that are still tentative while some institutions are still struggling to agree on what kind of a language policy to draft. This is a serious setback as far as the issue of indigenous languages as LoLT. In addition to the above challenge, Section 6 (2) of the SA constitution states the following:

> *'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 all these languages'.*

We argue that the status of these languages is still relegated to being languages to be learnt. Most LP's in various institutions focus more on development and promotion and nothing about using these languages as LoLT. As far as 'advancement' regarding the use of these languages' there is no concrete measure that is pronounced by the government (i.e. through DHET) to that effect except the revised NLPF. We argue that the NLPF is a 'road map' which need to be understood by 'specialists' so that implementation can take effect. It is found that it would seem departments are finding it very difficult to operationalise the aims of the NLPF or translate the aims into actionable activities. Furthermore, we argue that NLPF should be in sync with the Language Policy in Higher Education (LPHE). Beukes (2008:5) summarizes the above assertion when he says the following:

> *"It seems as if government lacks a commitment to its own language policy framework and this reflects a disjunction between policy and delivery".*

Unregulated Use of the Caveat 'Where Practically Possible' as an Escape Clause

The study found that in all most all the language policies selected for this study (i.e. six of them) all of them contain the caveat 'where practically possible' phrased differently where the use of indigenous languages as LoLT is pronounced. The argument is that this caveat is used loosely and sometimes as an escape clause. The below TABLE 5.1 indicates examples of how the caveat has been used (NOTE that to effect the principle of anonymity the institutions are only referred using numbers).

Table 5.1 Institutions and the caveat used in their respective Language Policies

Institution	The caveat (Clause)
Institution 1	*'The University may use other official South African languages for communication and teaching purposes where it is reasonably practicable: Provided that such use should not violate the language rights of other people'.*
Institution 2	*'The use of the other three designated languages in these areas will be promoted as far as reasonably practicable with due consideration of the nature of the target audience, and the availability of human and other applicable resources'.*
Institution 3	*'Where practicable, each Faculty should identify at least one fundamental module to be offered in all the African Official Languages of the Institution wherein a student uses their preferred language for study (L1), …'*
Institution 4	*'The University must provide spaces and resources for drawing on students' strongest languages…, but where possible also other South African languages) to assist students in understanding key concepts in their modules'*
Institution 5	*'Where practical,… will include at least the three official languages of the university: …'.*
Institution 6	*'…will be offered when in demand and when it is possible for the Language Unit to…'*

All the extracts selected from the above mentioned six LP's articulates one thing in common and that is 'currently it is not practicable' to use official indigenous languages in SA as LoLT. We argue that this is a fallacy that needs to be demystified at all cost and again we argue that the use of that clause must seriously regulated. There is a plethora of literature to indicate that these languages in their current state can be used as LoLT. For example the BA CEMS at the university of Limpopo. The second example is that of the whole judgement written in IsiXhosa by justice Mandisa Maya. These are clear examples that indicates that these languages can be used as LoLT. There are various strategies in linguistics and translation studies that are pronounced that can also help in this regard. For example, transliteration as a method to fast track the development and usage of these languages as LoLT.

Lack of Use of These Languages as Lolt or Lack of Existing Models

Madiba (2013:387) in an article on Multilingual Education in South African Universities makes the valid point that the various language policies of the South African universities shows that the commitment of most of them to African languages only concerns their development with a view to using them as media of teaching, learning and research in the distant future. He argues that this approach is theoretically flawed as languages develop through use, and if they are to be effectively developed as media of instruction in higher education, they should be used in their current form as primary or auxiliary media of instruction. There is only one model in SA and that is found at UL (i.e. BA CEMS).

Discussion

Neville Alexander (2005:30) advocated that universities should be able within a 10-15 year period, to formulate a plan whereby specific indigenous languages are developed to the point that they can be used as languages of tuition in specific disciplines but until today our universities have not moved even inch in that regard. The results discussed above indicates that it is now almost 18 years and still our institutions are struggling in that regard.

In addition, recently, the SA Education Department had also introduced a bursary for prospective students (e.g. Fundza Lushaka) who have been accepted to study towards a BEd degree or PGCE programme, specialising in at least 2 of the priority subject areas (this include the indigenous languages). In an ENCA interview[1] Department of Basic Education spokesperson Mr Mhlanga stated that the department is doing its bit to encourage aspiring teachers to consider taking African languages. We argue that this approach is not sufficient and perhaps not effective. The focus should be on the development and creation of new curriculum that compel 'these' aspiring teachers to teach content subjects through the medium of indigenous languages and not just to encourage them to study these languages and teach them.

It is found that departments are finding it very difficult to operationalise the aims of the NLPF or translate the aims into actionable activities and goes also for the LPHE. Thus were argue that various institutions should appoint 'implementation' specialists to assist them in unpacking and bringing the aims of NLPF and as well as that of LPHE to life. This is also informed by what is happening in basic education where in School Governing Body (SGB) members are responsible for implementing and deciding on language policy matter. The argument being that generally, most SGB members particularly in black public schools are not well vested when it comes to issues of language policies and implementation.

Kaschula (2013:1) agrees with this but makes the point that each university be allowed to formulate its own approach to change and transformation and we argue that it is this kind of provision that led to various LP's that contain delaying tactics as far as the use of indigenous as LoLT is concerned. Thus, we argue that government has to remove this provision and put mechanism that can be clearly regulated by them. (i.e the government through various parastatals). Furthermore, most LP's do not articulate their plans around empowering lecturers to be able to teach in these languages and we argue that is a critical flaw in these LP's.

All the findings in this study and recommendations hinges on procedural and constitutional grounds. We argue that the SA (e.g PanSALB) institutions that are tasked with checking compliance of linguistic justice were negligent at best and complicit at worst. They for far too long (28 year of democracy) have seen that most institutions use the caveat 'wherever practicable' to not implement some of the provisions encapsulated in the constitution. The NLPF was not being implemented. Furthermore, we argue that for tighter laws on infringement of these linguistic provisions as contained in the Bill of Rights. SA institutions should work together with PanSALB to develop a revised NLPF which is steeped on the usage of indigenous languages. We also argue that private sector education in SA should be forced (because encouragement has dismally failed) through legislative means to comply prerogatives of the constitution.

Furthermore, the issue also touches on Chapter 9 institutions in SA. For example, Chapter 9 institutions refer to a group of organisations established in terms of Chapter 9 of the South African Constitution to guard democracy. For the purpose of this study the concentration will be on the following two:

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[1] https://www.youtube.com/watch?v=89pYco2M5bU

- The South African Human Rights Commission (SAHRC)
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission)

The task of these institutions is to promote and protect those rights within the Bill of Rights which fall within their particular area. Thus, we argue that linguistic rights are violated and this tantamount to the violation of human rights and that is the reason why the focus on the above mentioned Chapter Nine institutions. It is also has to be understood that a mere development of a policy does not mean implementation. In agreeing to this, Van der Walt and Klapwijk (2015:295) argue that the presence of a language policy does not guarantee its implementation.

We further argue that behind all this is a trans-national organised linguistic injustice perpetuated through incentives attached to English language in Africa. European countries provide large and irresistible bursaries to African students from who do not speak English as L1 so that they can learn English. This propensity is economic gymnastics at play to covertly supress development and use of African languages in institution of higher education. This is a form of linguistic imperialism.

If the above analogy is anything to go by then the following questions should be asked:

- What is linguistic crime?
- Is this linguistic crime punishable by law?

The institutions of higher learning in SA by virtue of them not implementing the provision enshrined in the constitution and also implied in the NLPF commits a linguistic crime. The SA constitution says parity of esteem on languages, so if that is deliberately flouted through covert ways, is that not a linguistic crime? It has to be remembered that this is what the national language imperative advocate.

We argue that it is disheartening to realise that despite a plethora of literature on the merits of using mother tongue as LoLT and as well as the availability of a supportive legislative framework, such as the Constitution of the Republic of South Africa (1996), the Language in Education Policy (1997) and the Use of Official Languages Act (2012) the challenge of the absence of indigenous languages as LoLT still continues unabated. Kajee, 2000: 04 lament this situation by saying the following:

"*Consequently, to infringe one's language rights, is to infringe one's human rights*"

The misuse of the caveat 'reasonably practicable' is a significant stifling variable (that is, if one looks at the use from discourse analysis point of view). Drummond (2016:78) refers to this as 'alibis for inaction'. It is however, noted that even though maybe the use was not used solely with the intention of avoiding using indigenous languages as LoLT, the results indicate that they can used to avoid taking action.

Conclusion

It is concluded that the probable cause of why these SA higher education institutions fail in implementing the clause that advocates for the use of indigenous languages as languages of LoLT is because of three critical issues namely:

- Mismanagement of language policies and Teaching and Learning policies in their respective institutions

- Deviation (deliberate or unintentionally) from what the Language policies and Teaching and Learning policies articulates
- Lax in monitoring and enforcement of the Language policies and Teaching and Learning policies.

Taken together, all these examples and information suggest that there is cause to be hopeful, that the rule of law is becoming stronger (particularly the linguistic rights). However, while these developments (i.e. with regards to the revised National Language policy) may be an important moment for some to celebrate, the recent past has shown just how long it can take for the wheel of justice to turn. The window of opportunity to correct the linguistic mistakes of the past (i.e during apartheid) is rapidly closing because of other rapid developments happening like the fast approaching 4IR.

In conclusion, most of the impacting variables of indigenous languages as LoLT in SA higher education institutions which are all at record levels - are attributable, at least in part, to the rampant, unregulated loose use of the use of the caveat 'wherever practicable' and other related variables analysed and discussed in this paper .

Recommendations

- Implementation specialist be sourced to help institutions of higher learning in the implementation of their Language Policies guided by the the aims of the NLPF and LPHE
- SA government create a body to regulate implementation of the use of indigenous languages as LoLT in various institutions just like the CHE Monitoring and evaluation Directorate do to institutions regarding other important matters that needs government regulation.
- We recommend tighter laws on infringement of linguistic provisions enshrined in the constitution (i.e. Bill of Rights)
- Development of the revised NLPF that is steeped on the implementation of indigenous languages as LoLT
- We recommend that private sector education should be nudged through legislative means to use these indigenous languages as LoLT

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