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A New Language Policy But Old Language Practices: The Case Of Kenya After 2010 Constitution

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Abstract:

Linguistic diversity like the one obtaining in Kenya poses lots of socio-political, economic and educational challenges to concerned nations and so this forces them to have language plans with relevant language policies. Due to these challenges, the concerned nations try to look for ways and means to solve the problems to do with languages for national cohesion, languages for international cooperation, and languages to be used to access education, science and technology so as to remain relevant nationally and internationally. Present day Kenya has tried to achieve this relevance throughout her history with the climax being her most cherished 2010 constitutions. Even with this kind of constitution and given the write-ups in the same about its implementations, some questions come to mind; How long will it take to implement this constitution?, How much of the political will does this 2010 Kenyan constitution have?, and, Given the current obtaining situation, what differences in practice should Kenyans expect of the new constitution? The thesis of this paper is that of the metaphorical new wine in an old skin bottle.

Key words: *Language planning, Language policy, Endogenous languages, and Language implementation*

1.Introduction

Kenya, like all modern nations is multilingual in the sense that some sectors of her population speak more than one language (see Bonvillain 1997, Abdulaziz 1982). In Kenya, the language situation is such that English, Kiswahili, Kenyan sign language and Braille are used as national lingua francas while both foreign and indigenous Kenyan ethnic languages are used as within community languages. Besides, there are two peer languages in Kenyan urban centres called Sheng and Engsh. Thus, Kenya as a nation is characterized by linguistic diversity that calls for language planning and language policy. These two interfaced issues are the essence of the present paper because as the society develops language has to adjust to this reality also. The questions that this paper seeks to answer are: What has Kenya's language policy been since its independence? What steps has Kenya taken to implement language policy decrees from her opinion leaders and shapers since independence? And, why has nothing been done to implement the cosmetic and ambitious 2010 constitution that was rated as one of the best constitutions in Africa? We are asking these questions with Bamgbose's (1991) observation of language planning as the organized pursuit of solutions to language problems in mind. From this paper's title, our thesis here is that Kenya has a new constitution but there is no implementation and so the language practices in the country remain the way they were before this constitution.

Language planning issues that will be discussed in this paper have been evaluated with the help of existing literature on language planning and language policy in Kenya besides having engaged the services of experts in sociolinguistics and constitutional law on the issue at hand.

2.Theoretical Standpoint

In the writing of the present paper, we have had to base our arguments on two theoretical frameworks. The paper used the Sociological framework mostly associated with Fishman (1972) and the Social psychological framework that is associated with Lambert and Gardener (1972). On his part, Fishman observes that the same person can use different language in different social settings. In line with this, the present paper argues that the languages stipulated in Kenya's 2010 constitution as so assigned so as to be used in different social settings and contexts. And on its part, the Social psychological theoretical framework argues that for one to learn and use a language for communication purposes one has to have good reasons for so doing. This paper's argument is that the new constitution of Kenya cannot be effectively implemented because the Kenyans who are the would have been beneficiaries do not find any missing link in the old constitution, hence the status quo as far as Kenyan language matters are concerned.

3. Kenya's Language Policy Before 2010

The issue of language policy in a geographical entity that now goes by the name Kenya is a creation of the Berlin conference of 1887. Following the agreements of the Berlin conference, present day Kenya fell under the jurisdiction of the British and so everything Kenyan including language was in line with the British colonial policy of indirect rule. But even so, present day Kenya had language related issues that were influenced by the missionaries whose origins and even aims in Kenya were not totally in agreement with those of the colonial masters. It is in line with this truthfulness that in this subsection of this paper we briefly look at the language policy situation in present day Kenya since her independence.

When present day Kenya came under British colonial rule, there emerged several language planning and language policy documents and they were put in different versions in various policies by both the colonial masters and the missionaries. The same language planning and policy declarations have been witnessed by independent Kenya Presidents in the names of Jomo Kenyatta, Daniel Arap Moi and Mwai Kibaki including his Prime Minister Raila Odinga. In this section of the paper we try to highlight some of these versions of language policies for Kenya and how they went towards defining the language policy for this country under language policy investigation and analysis.

British colonial administrators and missionaries came up with instructions, conference, committees, reports and commissions that talked about language in their colony Kenya. All these can be interpreted to mean declarations that were meant to carry the British colonialists' desire and the missionaries' intentions and obligations to teach and research on Kenyan indigenous languages that included Kiswahili and jealously guard English so as to remain a language of a few elite Kenyans. This is to say that the few Europeans who had the most contacts with African Kenyan were the missionaries of different denominations and who had their own agenda of evangelization besides instilling scholarship to local Kenyans. These missionaries started schools and were in-charge of the schools, learned local languages, wrote grammar books on and about these local languages, wrote dictionaries for their members in the local languages and in the processes preserved the languages in print form. Besides, these missionaries compiled books of devotions and prayers as well as catechisms in local Kenyan languages for the benefit of the Kenyan illiterate in English masses. Some Christian missionaries in Kenya also wrote teaching manuals and books for the teaching and learning of Kenyan indigenous languages including Kiswahili. Although scholars like Mukhwana (2010) argue that these works were merely primary reference grammars and bilingual word lists for the teaching of Europeans who intended to come to and work or visit Kenya, they laid the foundation of language policy for the country.

The British colonial policy of Divide and Rule proved to be unsustainable financially, politically and even linguistically and this forced the British colonial government in Kenya to rethink her stand especially to do with the language in education policy. This is when the committee of education experts under the auspices of the Phellips – Stokes Commission came after a comprehensive tour of West Africa, the committee recommended that the best and beneficial education for an African had to be given to him or her in his or her native language. But given the problem of multilingualism in Africa, this recommendation was not going to be sustainable or even achievable. However, given the then position of Kiswahili as a lingua Franca in East and Central Africa became a blessing. The question that arose out of this blessing was: Which Swahili dialect? This question in itself was language planning and language policy for Kenya.

The Zanzibar Swahili dialect called Kiunguja was deliberately selected as the standard variety of the entire Swahili language. After this endorsement, the Inter-territorial Swahili Language Committee was formed with the responsibility of standardizing Kiswahili based on Kiunguja. The history of language planning and policy in Kenya were part of Kenya's educational language policy. While quoting Whiteley (1970) on this issue of language planning and policy in Kenya, Muthiani (1986) says that early in the 20th century it was accepted that in the initial stages of education a child would be taught in the language he or she understood best. This policy was not easy to implement because of the attitudes of Kenyans towards the language of education. As a result of these attitudes that are varied, Kenya has gone through language policies from recommendations of not less than fifteen committees.

In 1974, Kenya withdrew its support for the Inter-territorial Swahili Language Committee and which had since changed its name to the Institute of Kiswahili Research, University of Dar Es Salaam. This means that Kenya's Kiswahili language planning and policy were left in the hands of Tanzanians even as it served as Kenya's national languages and as a compulsory school subject in the 8.4.4 education system during the President Moi regime.

In Kenya's language planning and policy, precision has always lacked as far as planning is concerned (Mukhwana 2010). Insufficient planning led to the failure of the Language Zone Policy in 1976. Kenya used English more in her education system as a teaching language throughout the education system. In Kenya, Kiswahili is taught as a subject but the teaching and promotion of indigenous languages have lost ground. Thus, in Kenya English has since independence been the official language and the language most commonly in use in schools and in the media while Kiswahili has been the national language. On the other hand indigenous Kenyan languages are used for local village communication, information and entertainment.

In a nut-shell, Kenya's language policy since independence has been that of a disconnect between language policy and language reality. Kiswahili has been Kenya's national language since independence but it continued to be used in domains in government like parliament that demand the use of an official language. What this means is that in Kenya before the promulgation of the 2010 constitution language planning and policy has not been explicit even through government policy declarations. There has been in Kenya language planning and language policy but not implementation or realization. For instance, despite UNESCO's recommendation in 1950 at an international conference on the use of mother tongues in initial literacy, Kenya does not yet have a Vernacular Education Policy as a form of transitional bilingual or even trilingual education.

Language planning and language policy presume rationality on the part planners and policy makers. Action plans likewise presume rationality on the part of the political decision-makers and would be beneficiaries for rational policies. In the next section of this paper, the paper reports on why Kenya's present day constitution remains the way it was before the promulgation of the new constitution in the year 2010.

4. Why Implementation Is The Trouble With Kenya's Constitution Of 2010

Language policy implementation like the one obtaining in Kenya is a complex process whose result is both planned and unplanned (Rubin and Jernudd 1971). To understand the policy implementation as a process, one must understand that one needs to know the agents, activities, and the timeframe for the implementation of language planning and policy activities. Thus, in this section of this paper we highlight ways in which agents of Kenya's language policy implementation have failed to fulfil the expectation of Kenyans as far as her language policy of 2010 is concerned.

The first point why Kenya's new constitution of 2010 has failed in terms of language policy and planning is because the masses never knew that the phenomena are closely related to politics. Thus, the allocation of statuses and domains to some languages and not others either enhance or inhibits the importance of the languages, especially where efforts are made to implement the policy. However, in the Kenyan language policy case there is no evidence that efforts to implement her language policy as stipulated in the country's 2010 constitution. Therefore, policy making like the one obtaining for Kenya without implementation makes policies to do with language futile.

In language policy matters, many countries do not mention explicitly in their constitution which official language(s) they recognize (Gadeli 1999, Bonvillain 1997). However, in the event that the constitution of a particular country is drafted in a particular language, that particular language automatically becomes a de facto official language. Coming back to the Kenyan linguistic scene and especially in reference to the language policy issue, we clearly see why Kenya has a new language policy but the practice is the same old one that we have had since independence. Kenya's new constitution recognizes Kiswahili and English as official languages in that order; however, the constitution of Kenya was drafted in English and it is yet to be translated into Kiswahili. Although Kiswahili is used in Kenya's parliament, it is English that emerges as the dominant language of parliamentary debates. English is the language used in the writing of the laws in Kenya and this says it all why in the promulgation of Kenya's 2010 constitution it is English that was used and not Kiswahili or any other language in Kenya.

In the judicial system of Kenya, it is English that is the authorized language of the judiciary and the language of judgements. On the other hand, Kiswahili and other indigenous languages are in the judiciary ordinarily used. What this law in language contradiction points to is that in theory Kiswahili is also Kenya's official language but in practice and reality it is only English that is Kenya's official language. Kiswahili, just like any other Kenyan language can be used in settings that are educational, and those that are informal. However, it should be noted that on the Kenyan educational scene, the languages used in nursery schools and kindergarten are English and Kiswahili in that order. In this language in education arrangement, the issue of mother tongue or rather indigenous languages that has been emphasized in the new Kenyan constitution has been ignored – thus maintaining the status quo. In primary schools in Kenya, it is English that is used in teaching all subjects and at all grades except maybe in the teaching of Kiswahili. The same situation obtains for language use in education at secondary schools in Kenya. In institutions of higher learning in Kenya the emphasis on English continues with an aim of giving Kenyans an international education (Mukhwana 2010). In adult education in Kenya the languages of instruction are mainly Kiswahili and English. Indigenous languages that are given prominence in the new constitution of Kenya are negatively viewed as languages that are not worth serious academic study just the same way they were viewed before the promulgation of Kenya's 2010 constitution (see Mukhwana 2008, 2010). Naturally, the use of Kenyan indigenous languages in adult education would appear to be a bold step in safeguarding Kenyan indigenous cultures and languages like Suba and Ogiek that are endangered.

In administration, the language usage situation is such that English is the language of the executive. All meetings between the president, his deputy, cabinet secretaries and members of the national and senate assemblies are usually conducted in the English language. National holidays like Heroes' Day are normally marked by a bilingual communication strategy where members of the executive give their national speech in English only to say a few words in Kiswahili for the benefit of the masses who cannot comprehend English. Still, the language used in present day Kenya in official mailings to foreign governments, county governments or national government is solely English. In counties and in districts in Kenya, the official language of administration is English with Kiswahili only coming in as a supporting administrative language. On the other hand, Kenyan indigenous languages are completely ignored in administration in the country. The use of these indigenous languages may only be felt in administration when used to arbitrate inter clan or simple inter-family disputes. Even in the election campaign rallies some politicians find themselves addressing the illiterate Kenyan masses in English instead of either Kiswahili or the indigenous languages of the region. By using English such politicians may be out to show off as a people who deserve to be elected because of their linguistic exposure and also because English is in Kenya historically a preserve of the affluent. If indeed, as has been noted by scholars in the field of language planning and language policy that this is a political exercise, who can one expect Kenya's language policy now not to be similar to the one before the promulgation of the new constitution?

In present day Kenya, the languages used in serious business transactions is English. Kenyan businessmen are shrewd and so will go an extra mile to learn foreign languages so as to be able to survive in business. The business transactions between Kenyans and Chinese is a good case in mind. For a long time, China has been a closed society but when it opened up, Kenyans took this advantage to engage the Chinese in business. One way of getting serious into business was by learning the Chinese language and not vice versa.

Luckily, however some Chinese know some English given its position globally. Due to this English has remained the major language of business in Kenya. It is not a wonder that in Kenya English is the major language used in commercial advertisements, in labelling of goods and in commercial printed matter. Here, we must also acknowledge the fact that to some extent these commercial advertisements also code-mix and even code –switch between English and Kiswahili and, to a very limited extent, indigenous Kenyan languages. In this context also, English in post new constitutional era Kenya still holds the same status it held before the clamour for a new constitution.

Language use and emphasis in the media in present-day Kenya is such that English is the language most used in Kenyan written press. Kenyan newspaper dailies like The Daily Nation, The East African Standard, The Star and The People Daily are all written in English, except Taifa Leo which is a Kiswahili sister daily of The Daily Nation. Even Kenyan weekly newspapers like Citizen are written in the English language. The same scenario is witnessed on Kenyan radios and televisions where most interesting programmes are in English, especially on Kenyan television sets. Most television stations in Kenya have programmes in both English and Kiswahili although it is English that is given much prominence. There are also radio stations in Kenya that emphasize indigenous languages such as Muleme F.M and Ramogi F.M besides the peer language of Sheng that is broadcast on Ghetto F.M. From this language in the Kenyan media scenario, and with liberalized airwaves, Kenya's language use in the media is a reflection of this new societal reality. How much this language in the Kenyan media policy really reflects the implementation will of Kenya towards the language issue in her 2010 constitution calls for further research.

In Kenya English is the official language although sometimes, because of what the new constitution of 2010 says, it finds itself in competition with Kiswahili in a few socio-communicative domains. In Kenya, although English is the de facto official language it is spoken by relatively very few Kenyans as their mother tongue or even as first language. One therefore wonders why Kenya as an independent nation has chosen to accord official status to a post-colonial language which is known by a small fraction of the total Kenyan population. It may seem from the non-implementing of the language issues in the new Kenyan constitution that Kenyans are more interested in international communication rather than national linguistic cohesion or even the saving of indigenous Kenyan languages that are endangered for facing extinction.

The issue of promoting Kenyan indigenous languages including Kiswahili as stipulated in the new constitution has failed because their promotion would be unnecessarily expensive to a developing nation like Kenya and which already possesses English as her official language. Thus, generally, Kenyans have viewed the elevation of Kiswahili as Kenyans first official language as serving no purpose for English has never failed in this obligation. Further, given that English is in Kenya a foreign language it acts as a unifying linguistic factor in multilingual Kenya. Thus, unlike Kiswahili which is Kenyan English does not carry any ethnic undertones and so does not privilege any ethnic group in Kenya.

Perhaps reacting to Bamgbose (1991)'s observation on why language policies fail in Africa, Kenya in her new constitution of 2010 may have decided to avoid vagueness in language roles, arbitrariness in language role allocation, and declarations about languages without implementation for it process involved many stakeholders on the language issue. Kenya avoided to be vague in her constitution by clearly declaring that her official languages shall be Kiswahili and English. In this kind of declaration the issue of languages planning themselves is clearly ruled out. In the Kenyan case, there have been calls over history to make Kiswahili an official language but because the past constitution only mentioned English as the official language the vagueness was here depicted. But now over three years since the promulgation of the new constitution, why is the language situation in Kenya still the same? In Kenya there is also an act of language policy arbitrariness where language policy declarations were made without due respect to the linguistic reality in Kenya. In the declaration of Kiswahili as the national language of Kenya in her constitution, the fact that Kenya also has Kenyans who communicate in sign language at the national level was never taken in mind. This means that those who communicate in sign language in Kenya cannot communicate nationally. This is a serious missing link in Kenya's language policy just as it was in the language policy before 2010 (see Okoth-Okombo 2001, 1994). It is also against such a background that we can argue against Kiswahili's lack of usage in official domains as being due to arbitrariness on the part of Kenyan language policy makers. This serves as an excuse on the part of politicians who treat language policy as a political statement to continue using English in official domains in Kenya as Kiswahili is blamed for lack of technical and scientific terminology as has always been the case. Thus, practical actions need to be taken if Kenya's language policy has to be in agreement with the stipulations on the same in her constitution of the year 2010.

Theorists on language policy matters argue that for a language policy like the one we are discussing in this paper to succeed, there are basic fundamentals to be borne in mind. First, the languages in question need to have speakers with a base that is vied as important. In Kenya, the three major language groups that have always formed the basis of language policy discussions are English as an ex-colonial and international language, Kiswahili as a national and regional lingua Franca, and indigenous languages and are the basis of this paper. In comparative terms, Kenyan indigenous languages of which Kiswahili is one do not have a strong base of speakers. In Kenya English has always been equated to high paying white collar jobs while Kiswahili and other Kenyan indigenous language speakers have been viewed as the languages of the have-nots (Kembo-Sure 2002, Mukhwana 2010). In such a situation, the implementation of Kenya's 2010 constitution that gave Kiswahili and other indigenous languages statuses that would make them too different from what they had been before the promulgation of the new constitution of 2010.

The second language policy criterion for the successful implementation of a language policy is that of political will from the authorities that are in power. This second criterion is closely related to the third one which has to do with having a strong government capable of implementing the language policy in question. When Kenya got her current constitution in which the language matters this paper is discussing were passed as policies the political power was in the hands of President Mwai Kibaki and Prime-Minister Raila

Odinga. Due to the fact that these heads of the Kenyan nation shared power on a 50/50 basis, their leadership was naturally that of each one of them trying to outdo the other. In language policy matters, we cannot expect the constitution to have been implemented during their tenure. This can be one of the reasons why Kenya's new language policy remains as it were four years ago.

Kenya as a government is not strong enough economically as to be able to implement her new constitution of 2010. Since the Jubilee government took over power in March 2013, its leaders have been faced with striking workers in very essential sectors like education and medicine and they have openly confessed that they do not have money to pay striking workers. The workers have been promised that they will be paid salary increments once the economy improves. When and how the economy will improve your guess is as good as mine. In a nutshell, money will be needed by the Kenya government to facilitate the implementation of the language policy and will go towards the facilitation of services such as translation of reading materials, curriculum development, dictionary making, establishing of language institutes, language councils, language and cultural departments, language standardization efforts that will include alphabets and orthography, and even language policy publicity.

5. Conclusion

From the above discussion on language policy implementation following the promulgation of Kenya's new constitution in August 2010 it is evident that Kenya had a very ambitious language policy whose implementation has turned out to be impossible. The same old language status that obtained before the new constitution is what is still being witnessed now. There seem to be very many factors contributing to this state of affairs. Kenya did not put its linguistic reality in mind when it passed the language policy that the current paper is discussing. Kenya did not get the language attitudes of its people before coming up with the kind of language policy that was stipulated in the new constitution and this is one reason why the implementation of this language policy has been rendered not implementable. Economically, Kenya is not prepared to implement the new constitution for lack of fiscal resources, human resources and even educational resources. Given Kenya's recent political happenings where politicians try to outdo their opponents in every action, it can also be noted that lack of political will is a major contributor to the stalemate in the implementation of Kenya's new constitution.

It is worth noting that the Kenyan constitution that this paper has discussed was a blanket law that did not zero into the specifics. Language policy about Kenya needs to be specific and concrete, and has to be complemented by detailed language plans of implementation. Thus, although the language policy issue in Kenya's new constitution was not contentious, we suggest that a Kenyan nationwide sociolinguistic and psycholinguistic research zeroing in on attitude on statuses accorded the languages in Kenya be carried out to ascertain the reality on the ground. It is only by doing such a scientific study that the language policy issue in Kenya will be in a position to be implemented.

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