Legislating Mother Tongue Education in Ghana.

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Abstract

Language is a critical element in education in every society. Ghana has witnessed numerous language policies since colonial times. Unfortunately, it has not been possible to legislate language use in school, especially after independence. The difficulty has been deciding on the roles of each of the over 80 indigenous Ghanaian languages and English. As a result, different governments have had different positions on the issue leading to frequent changes in policy. The situation has serious implications for teaching and learning in basic schools. Education committee reports and language policy related material constituted our main source of data. We employed content analysis as our methodology. It was discovered that the lack of a strong language policy legislation has been a major cause of the frequent policy changes in language education in Ghana. In order to sustain an effective language policy in education, it was proposed that government must have the will to legislate language policy which will properly define the roles of each language in school. Such a legislation should provide for an implementation plan with distinct benchmarks.

Introduction

The question of whether indigenous language education should be made part of the education curriculum has never been in doubt from the point of view of the philosophy of education and research (Heugh, 2006; Anamuah-Mensah, 2002)). What has been in doubt is the political will (Nyamekye & Baffour-Koduah, 2021; Mensah, 2018; Mfum-Mensah 2018; Saah & Baku, 2011; Nsoh & Ababila, 2007) and the attitude of educational authorities (Atintono & Nsoh 2018), the

classroom teacher (Markin-Yankah, 1999), and in particular, the colonial mentality which survived the independence not only of Ghana but of Africa (Boampong, 2013; Pimpong, 2006; Graham, 1971). The result has been the fluctuation of the language-in-education policy since independence (Okyere, 2021; Anyidoho, 2018; Boampong, 2013). These frequent changes in policy have been caused by the lack of strong legislation, the absence of an implementation plan, poor enforcement by educational leadership, inadequate knowledge about the policy, inadequate relevant research data and the lack of political will (Mensah, 2018; Anyidoho, 2018, USAID, 2018). Apart from the two Educational Ordinances of 1882 and 1927 which strongly articulated the language policy of the colonial government, there has hardly been any such formal laws informing post-independence policy. The colonial authority did not only enact a law, but instituted a plan of action, and provided the necessary structures and systems to ensure compliance. Most importantly, the colonial government had the political will to implement their language policies under the Education Ordinances. It was mainly because of the lack of timely legislation during the colonial period that the policy changed frequently. Indeed, the revocation of the language policy requiring the use of indigenous languages as media of instruction was due more to protestations from Ghanaians rather than lack of legislation or the lack of political will. The law was misconstrued as a strategy on the part of the colonial government to give Ghanaians an inferior education.

Therefore, in this study, we argue that there are overwhelming and compelling local and international statutory provisions that support language-in-education legislation which provides for instruction in the language of the pupil/student in the basic school. We further argue that the frequent changes in the language policy is mostly attributable to the lack of a strong legislation. Finally, we claim that such a language-in-education law providing for an implementation plan would ensure stability and elicit responsive actions from educational authorities and compliance of classroom teachers.

Pre-independence language situation

Indigenous Ghanaian languages have largely remained numerically the same since colonial times. There has been no known disappearance of any local language except the one in northern Ghana, called Mpre (Dakubu, 1988; Cardinall, 1931). Non-indigenous Ghanaian languages were comparatively much smaller comprising African languages such as Yuroba, Hausa and Moore, and European languages such as English, Dutch, Portuguese and Danish. Most non-indigenous languages had very limited coverage beyond the coast except English which was the official language across the country, especially after 1874 when Britain became the dominant authority in the Gold Coast. Akan was also comparatively widespread because of its size, central location, trade as well as its rich natural resources which attracted labour from around the country especially from northern Ghana. Even though Ghana was multicultural nationally, the situation was not the same in all communities. Most rural communities were monocultural whilst towns and cities were multicultural. This situation meant that there were many monolingual communities in pre-colonial times.

Missionaries are believed to have followed the castle schools which were mostly conducted in coastal towns such as Accra, Elmina and Cape Coast. The languages of instruction were in foreign languages such as English, Dutch, Danish and Portuguese. At about the 1830s, missionaries started schools in different locations in southern Ghana. The Wesleyan Missionaries were the first to introduce schools and used English as the medium of instruction at about 1838. However, they later shifted to the use of the local languages. The Basel and Bremen missionaries on the other hand, used the local languages of the areas in which the schools were established. Until the introduction of the indirect rule in the Gold Coast in 1919, the English used assimilation rule like other Europeans in Africa such as the French and Dutch. As a result, English was both the subject of study and medium of instruction in schools from basic school for much of the colonial period. However, the indirect rule and the insistence of Sir Gordon Guggisberg that indigenous education be premised on local language and culture, encouraged the use of L1 as medium of instruction in early grade (P1-3). Some indigenous languages such as Akan, Ewe and Ga also became accepted as examinable subjects in school, with about six indigenous Ghanaian languages used for official radio broadcast news on a daily basis (Boampong, 2013; Owu-Ewir, 2006; McWilliam & Kwamena-Poh, (1975); Graham, 1971; Mawilliams).

This situation was to be replaced by an English-Only language policy especially after the introduction of the Gold Coast Education Ordinance of 1882. This English-only policy was later adopted by some post-independence governments.

Post-independence Language situation

As observed earlier, Ghana is a bi-/multi-lingual nation with many of its citizens speaking two or more languages (GSS 2021; Ethnologue, 2019; Dakubu, 1997, 1988). It is estimated that

there are between 50 and 80 languages (GSS 2021; Ethnologue, 2019; Nsoh & Ababila, 2007; Dakubu 1997, 1988). These estimates are usually based on the source of data and what is classified as dialect or language. There are two main sub-language groups of the Niger Congo language family coinciding with the northern and southern demarcation of Ghana. They are the Mabia (Gur) and Kwa languages respectively (Nsoh, 2022; Bodomo et al. 2020; Ethnologue, 2019; Dakubu, 1988). There are two Mande languages in Ghana, viz, Bisa and Ligbi and the Ghana-Togo Mountain languages in the Volta region of Ghana.

In the last two to three decades, several community radio and TV stations have sprung up broadcasting mostly in indigenous languages and English. In 2022, there were 707 radio stations while TV stations were 164 in 2023 (NCA, 2022). Out of these, about 79 of them (NCA, 2016) were community radio stations which broadcast in the local languages. Online resources have even facilitated the expansion of languages beyond local boundaries.

The multiplicity of languages and cultures have serious implications for classroom instruction. All Education Review Committees and parliamentary debates on national language,

the languages of instruction and study have cited it as a major implementation block (Nsoh et al, 2001). There are twelve (12) government approved indigenous languages that are used in schools across the country while only eleven (11) are currently being examined by the West African Examinations Council (WAEC). However, a total of sixteen (16) indigenous languages are taught from basic to the tertiary levels. Only the approved languages are used as subjects of study from basic four (4) to the Colleges of Education (CoE). The remaining are taught and researched at the Universities. The majority of languages are not taught or deliberately targeted for research. Teachers may use the language of the pupils as medium of instruction, especially in monolingual communities.

Legislation versus policy for language in education

Since independence, various language policies have been crafted to guide classroom teaching and learning. Unfortunately, they remain as policies with little or no effort made to develop them into more permanent legislation. Many of these have been frequently changed by government or some of its agencies such as the Ghana Education Service (GES) or the Ministry of Education (MoE) (Anyidoho, 2018; Boampong, 2013). Except for the two pre-independence education ordinances which included clauses on languages in education, we are unaware of similar provisions in post-independence education acts or ordinances. Therefore, formally legislating the policy by way of an act of Parliament is critical to the institutionalisation of language use in school.

It may be appropriate at this stage to define policy and legislation or an act as part of our effort to explain why there is the need to raise the debate from a language policy to a language of legislation. According to Anderson (2003:2), a policy may be defined as "a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern". Public policies are usually formulated by authorities such as elders, paramount chiefs, executives, legislators, judges, administrators, councilors, monarchs and so forth. The National Development Planning Commission (NDPC) (2020) says a "public policy refers simply to a purposive course of action taken by the government in response to an issue requiring an intervention" (p.9). Odei-Tettey (2021:4) citing Voican 2008) acknowledged that policy and law differ in that "…whereas law can compel or prohibit behaviours (…), policy merely guides

actions…". He himself takes the position that "…policies become laws and rules once they are passed by parliament and/or given presidential accent". Both policy and law encompass rules and regulations for guiding societies and institutions. However, the former (policy) is more informal while laws are formal. Policies are usually temporary and may be easily reviewed with very little effort. Acts are more permanent legal documents, and usually proceed from policy to a bill and finally passed as an act or a law by a Parliament or local authority after going through rigorous procedures including debates. Reviewing or revoking an act requires similar standardized rigorous procedures. There is much greater likelihood of sustenance, observance, or compliance due to enforcement in the case of acts than policies. It, therefore, means that having a language

policy made into a law or an act could lead to its stability and greater observance by educational authorities and teachers with much less political interference.

Theoretical basis for language policy or law

It has normally been claimed that a child learns better in a familiar language especially in the L1 (Atintono & Nsoh, 2018; Nsoh & Ababila, 2007; Bamgbose, 1991; Williams, 1996; Fafunwa et al, 1989)). Averting to long-standing linguistic and learning theories will confirm these claims. Most of the learning theories from Nativism, through behaviourism to constructivism appear to support this claim. Each of these theories postulates a learning process that leads to or results in a formed behaviour as in the acquisition of a first language (Clark, 2003). Most children arrive in school with their first language.

First, according to Chomsky's Universal Grammar theory (Chomsky, 1957, 1965), every child is born with what he termed the language acquisition device (LAD) which enables her or him to learn any language once in the appropriate linguistic environment. With an inborn language learning facility, the child then acquires linguistic, communicative and pragmatic competences when exposed to a real-world language situation. So, one requires the innate system plus the necessary linguistic environment to successfully learn a language (Haegemann, 1991; Radford, 1988; Chomsky, 1957, 1965). When a child is denied her/his language in the early grade formative period, the teacher/facilitator is forcefully dismantling an already established L1 language structures or systems and replacing them completely with new systems and expecting the child to use that shaky system to learn. Chomsky's approach to language learning has been labelled as the nativist theory of language learning. Thus, there is a mismatch between what the child knows and the unfamiliar foreign language that the child meets in school. When a child arrives in school, s/he has already acquired her/his first language to match the LAD with the local language environment. Not only is s/he not able to understand the school language, s/he is not able to immediately match concepts in the first language with those of the second language (L2). The result usually is poor learning outcomes which may lead to school dropout, truancy, or at best a general disinterest in school.

Similarly, the constructionist approach to learning assumes that the young person learns through what one already knows with one's personal experiences. So, our mental models are continuously matched with our new experiences to create learning. The child arriving in the school compound might have generated thousands of mental language concepts or models which would have resulted in a language learning behaviour emerging from several matched experiences in her/his L1. Deconstructing all these to reconstruct a new language in order to learn new concepts would be a great task for the lad.

Other learning theories such as cognitivism and behaviourism all go to support the research evidence that children learn better in familiar language environment. A language policy or particularly a language-in-education law could improve learning outcomes in most schools in Ghana. A bi-/multi-lingual language law that promotes multilingual pedagogy would be the best approach to adopt in our current linguistic contexts.

Methodology

The paper employs only secondary data. These data mostly comprise language or education committee reports before and after independence that relate to the language policy. Some of our target documents include the pre-independence Education ordinances, the NLC Education Committee, and the 1987 Education reforms, the Anamuah-Mensah Education report, the NaCCA Draft Language Policy (2017). We also studied national governance documents such as the 1992 Constitution and the Local Government Act 2016, Act 936. The language policy-related documents cover the period between 1880-2018, the period within which most of the documents may be found. In addition to these local documents, regional and international laws such as the UN Universal Declaration of Human Rights, the Declaration of the Rights of Indigenous Peoples, the Charter of African Cultural Renaissance, the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions etc. were also reviewed. We did a content analysis of these documents combining comparative and unobtrusive analyses to arrive at the conclusions about the need to work towards a parliamentary legislation instead of maintaining ineffective language policies which sometimes hardly reach the classroom before they are changed or are never implemented at all (Anyidoho, 2018).

According to Luo (2022) "content analysis is a research method used to identify patterns in recorded communication". It involves "systematically collecting data from a set of texts, which can be written, oral, or visual". Similarly, Hassan (2022) defines content analysis as a research method used to analyze and interpret the characteristics of various forms of communication, such as text, images, or audio. It involves systematically analyzing the content of these materials, identifying patterns, themes, and other relevant features, and drawing inferences or conclusions based on the findings". As stated already, the data are language policy texts, and national, regional and international statutory documents that we analysed, interpreted and reported on. The research involved comparing different language policy-related texts without having to go back to the authors and any other person for that matter. Major issues in the policy texts were categorised into themes to include attitudes, perceptions, and conclusions, and each theme was explained or interpreted in relation to the focus of the paper. The texts were coded and analysed manually.

In collecting and analysing these data, we are seeking to respond to the overarching question of what legislation already exists locally and internationally to support a legislation on a strong representation of local languages in the classroom across especially at the basic level? More specifically, what has been the state of legislation on language in education in Ghana? What has caused the frequent changes in language-in-education policy in Ghana? What is the best way to respond to the current state of the language-in-education policy situation?

Terminological consideration

There is the need to clearly define some critical terms for the purposes of this paper. It is sometimes assumed that terms are understood by the expert in the area or in context. However, because of the area that the paper focuses on, readers could be very encompassing.

In this paper, we are concerned with the terms "indigenous Ghanaian languages" and "Ghanaian languages", "medium of instruction" and "subject of study", and "bilingualism" and "multilingualism". Indigenous Ghanaian languages (IGHL) are those sometimes referred to as local (Ghanaian) languages. These languages have recognized settled community of speakers in each location in Ghana. They are normally excluded by the UN's definition of indigenous languages, but the African Union have made a representation to the UN to include them as such (Wolff 2021). The languages have been linguistically classified as part of the sub-branches of one or another of the African language families such the Niger-Congo or Mande as living languages in Ghana. Indigenous languages fall within the Mabia (Gur), Kwa, Mande or Ghana-Togo Mountain languages. Ghanaian Languages (GHL) on the other hand, include all natural languages that are spoken in Ghana. These comprise both Indigenous Ghanaian and non-Ghanaian languages. They include African and foreign languages such as Hausa, Ibo, Yuroba, Swahili, Moore, German, French and English. They are usually not classified as languages original to Ghana. In this paper, we are concerned with the roles of all these languages in education with particular attention to indigenous Ghanaian languages.

Medium of instruction (MoI) and subject of study (SoS) are also important terminologies that appeared regularly in the research. Medium of instruction refers to the language officially recognized for classroom instruction. In the Ghanaian context, several media of instructions are recommended for use in teaching and learning across the country but only one medium of instruction may be used in a given classroom. However, in a bi-lingual language policy, it is possible to have two media of instruction in one single class in a given lesson. For instance, a teacher may use an indigenous Ghanaian language and English to teach the same pupil during an arithmetic class. On the other hand, the same teacher could use the two languages in different lessons. Ghanaian languages and English have competed for use as medium of instruction in early grade. However, the latter has been the undisputed medium from upper primary to the tertiary level. Other foreign languages such as French are used for students offering that language programme. Subject of study on the other hand, is a course or programme of study in a school curriculum. This is usually a course of study that is recommended by educational authorities. In the case of indigenous languages, twelve of them have been approved by government for study up to the Colleges of Education level. They are, however, optional subjects at the SHS and at the colleges.

Bi-lingualism is a linguistic situation in which an individual speaks two languages. A multilingual person speaks more than two languages. A monolingual language policy is one in which only one language is used as medium of instruction. In a bi-lingual policy, only two languages perform those functions. A multilingual language policy on the other hand is one in which more than two languages are used in the classroom. Ghana is currently seeking to introduce a bi-lingual language policy (draft policy 2017). This implies that only an indigenous Ghanaian language and English would be recommended for use in a given school or classroom context.

Bilingual education especially in the Ghanaian contexts usually refers to a policy that permits the use of a local language and English in a classroom (cf: Owoo, 2022). However, we should be thinking of a multi-lingual language policy both at the basic level and beyond. First,

such a terminology implies that all indigenous Ghanaian languages are lumped into one language. This gives a very bad representation of local languages vis-a-vis English and, creates the master-servant pre-colonial view of the African and all that it stands for (cf: Owoo, 2022). Second, that

approach fails to capture the situation where a teacher might need to use more than one indigenous Ghanaian language in a classroom to teach pupils/students with varying language backgrounds. Third, it also fails to capture the language situation in the classroom beyond the lower grades (i.e., kindergarten - basic three). From basic four to the tertiary level, other languages including indigenous and non-Ghanaian languages such as Hausa, Swahili, French, German, Spanish and Chinese are used. Thus, the concept of bi-lingual language policy ought to be revisited or reviewed. In our opinion, Ghana should develop a multilingual language policy. This does not only reflect the current classroom situation, but it also predicts the state of the classroom in the future.

Results

Local and international statute documents: charters, conventions, declarations…

A number of national, regional and international laws support or justify the development of legislation for the local languages. In article 26(1) of the 1992 Constitution of Ghana, cultural freedom is guaranteed. It states, "Every person is entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the provisions of this Constitution," while freedom of speech and expression are protected in Article 21(1a). Again, the Constitution states in article 39 (3), "The State shall foster the development of Ghanaian languages and pride in Ghanaian culture". This action will make it possible for the state to "take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and the conscious introduction of cultural dimensions to relevant aspects of national planning (Art 39(1)).

The Cultural Policy of Ghana recognizes the importance and role of indigenous Ghanaian languages and notes in chapter 6.0 under 6.1.2 as follows:

"Ghanaian languages shall be promoted as a medium of instruction in the educational system. Consequently, steps shall be taken by the National Commission on Culture, in collaboration with the Ministry of Education and other relevant bodies, to ensure the development of Ghanaian languages and Literature as vehicles of expressing modern ideas and thought processes."

These constitutional and other statutory provisions can be traced to similar laws in the Charter for African Cultural Renaissance as captured in Article (18) which reads; "African States recognize the need to develop African languages in order to ensure their cultural advancement, and acceleration of their economic and social development. To this end, they should endeavour to formulate and implement appropriate national language policies". Article (19) in the Charter, on the other hand says,

States should prepare and implement reforms for the introduction of African languages into the education curriculum. To this end, each State should extend the use of African languages taking into consideration the requirements of social cohesion and technological progress, as well as regional and African integration.

Article 22(f) even requires individual states to harmonize "…national policies and legislation with international charters, conventions and other legislative instruments". All these provisions in the Charter are given a much stronger expression in Article 3(k) requiring countries

"to develop all the dynamic values of the African cultural heritage that promote human rights, social cohesion and human development".

Three out of the eight guiding principles of the "The 2005 Convention on the protection and promotion of the diversity of cultural expression" assume some legal status for all national cultures which embody indigenous languages. These include Principle 1 (Principle of respect for human rights and fundamental freedoms) which states,

"Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions are guaranteed."

This clause emphasizes the need to guarantee human rights under such cultural laws. Principle 2 clause (2) of the convention reiterates the rights of states under the UN Charter to determine their cultural laws or policies. It states, "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory." Then, finally under principle 5(5), where the right of individuals to participate and enjoy their culture is sustained (i.e., the Principle of the complementarity of economic and cultural aspects of development). It is explained that "Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy."

In 2007, the UN approved the declaration on the Rights of indigenous Peoples. Again, Article 14(1&3) of this declaration on Education stipulates:

"Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their OWN LANGUAGES, in a manner appropriate to their cultural methods of teaching and learning (3). States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their OWN CULTURE AND PROVIDED IN THEIR OWN LANGUAGE." (emphasis ours)

All these provisions in support of cultural rights and the role of states in cultural legislation and development originate from the Universal Declaration of Human Rights especially in article 27(1) which states, "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

It is also worthy of note that there have been several education committees that were set up by successive governments including the colonial period. These committees or commissions produced reports which included the language policy. The Phelps-Stoke Education Committee report, the Education Ordinance based on the Gordon Guggisberg's sixteen principles of education in 1927, the 1970 Konuah Allotei Education Committee, the 1974 Dzobo Education Committee, the 1984 Evans-Anfom Education Committee report and the 2002 Anamuah-Mensah Education Committee report argued mostly for the use of L1 as medium of instruction. The Evans-Anfom Committee made the most far-reaching recommendation for indigenous languages. Indigenous languages were not only made Medium of instruction (MoI) in lower primary, but they also made

them compulsory subject of study up to senior secondary school. The decisions to revert to an English-Only policy usually through a government white paper or a directive through a government agency are not informed by expert advice. For instance, even though the Anamuah-Mensah Committee proposed a quasi-bilingual policy, the government's white paper recommended an English-Only policy as captured below:

The Committee recommends that:

1. Either the local or English language should be used as a medium of instruction at the kindergarten and lower primary as appropriate;

2. Where teachers and teaching and learning materials are available, local languages must be used as the medium of instruction;

3 Within a period of five years, the Ministry of Education and the GES should make the necessary preparations for a more effective implementation of the use of local language as a medium of instruction. This should include: The training of more local language teachers and the provision of teaching and learning materials;

4. As much as possible teachers posted to teach at this level should be familiar with the local language;

5. Emphasis should be on the production of more teachers in various local languages. In posting teachers to teach at the kindergarten and lower primary, their local language competence should be taken into consideration.

If such recommendations ended in legislation with very clear implementation plans, the role of indigenous languages in education could have been different.

Established systems and structures that would support a parliamentary legislation on language in education in Ghana

In Ghana, there already exists institutional and legal systems and structures that could support a legislation on language use in education. Even though many of these institutions have mostly operated in their own right with little or no formal regular collaborations, they could be 'provoked' to team up to support a bill leading to an Act of Parliament and then assisting to operationalize it. The first of these institutions is the Bureau of Ghana Languages (formerly the Vernacular Literature Bureau) which was established in 1951 to promote the development of indigenous Ghanaian languages through the production of material. It is headquartered in the national capital, Accra but has branches in some regional capitals. It could help in the material development in addition to an advocacy programme.

The Commission on Culture was created in 1990 to lead in the promotion of national culture. It has a very wide coverage with regional and district offices referred to as the Centres for National Culture (CNC). They have developed a Culture Policy, aspects of which could be integrated into the Language policy in the future. Considering their reach and focus, it could contribute to the implementation component of a legislation.

In addition to these language and culture specific institutions, there are two umbrella government ministries, namely, the Ministry of Chieftaincy and the Ministry of Tourism, Culture and the Creative Arts. Again, there are several departments of Indigenous languages and culture at the Universities and Colleges of Education. They produce human and material resources many of whom remain outside the classroom. There is also the Complimentary Education Agency

(CEA) (formerly the Non-Formal Education Division of the Ministry of the Ghana Education Service).

At the international level, UNESCO as a UN agency dedicated to education and cultural development, has local offices in Ghana. It could be of great support especially in providing data and other resources.

In addition to all these institutional structures, the 1992 Constitution of Ghana probably has the strongest statutory backing for the justification for legislating language in education. There is also a draft language policy, and a culture policy which could constitute the foundation material for drafting a cabinet memo and a bill which could eventually become law.

Frequency in language policy change

A review of the language policy trend dating from the precolonial period clearly shows frequent changes in policy decisions regarding language-in-education policies (Nyamekye & Baffour-Koduah, 2021; Anyidoho, 2018; USAID 2018; Atintono & Nsoh, 2018; Boampong, 2013; Nsoh & Ababila, 2007). Anyidoho (2018) observed the following;

> What the preceding discussion reveals is that within a period of three and a half years, January 2001 to August 2004, heads of Basic Schools must have received three circulars stating different language policies they were expected to implement in P1 – 3, i.e. (a) the sole use of local language in teaching, (b) the sole use of English, (c) the use of both local language and English.

More seriously, the policy is hardly implemented in the classroom as there is usually no implementation plan and no effort to regularly supervise the policy (Anyidoho 2018; Atintono & Nsoh, 2018; Markin-Yankah, 1999). During some periods in pre-colonial times, grants were used as inducement to compel schools not to use indigenous Ghanaian languages as medium of instruction. Conversely, there has not been similar interventions to encourage schools to use the Indigenous language in school since the colonial period. The following table captures the inconsistency in the language policy from the 1520s when the first castle school was established by the Portuguese.

Period	Year	Institution/government	Language policy type	Examinable languages	SoS
Pre-independence					
	1529-1838	Castle schools (1st castle school by the	Portuguese/English/Dutch/Daish		

	1838-1922	Portuguese) missionary schools	Missions: L1 as MoI; English as SoS (Wesleyan missions started with English-Only but reverted to L1 as MoI later)	-	
	1882-1922	Passing of the Gold Coast Education Ordinance	English as MoI; Missionaries discouraged from using L & obliged to use English		
	1922-1930		-L1 as MoI, P1-3; English as SoS & MoI from P4; English as MoI from P4-6; IGHL as SOS	Twi, Ewe, Fante, Added to Teacher training Colleges' curriculum	Office established to produce textbook in IGHLs in Fante, Ewe, Ga, Twi
			-MoI in southern areas: Ewe, Ga, Twi, Fante (Regional languages) -MoI in northern areas: Dagbani, Mole, Nankani, Hausa (Regional Languages)		
			Board of Examiners established for Europeans		
	1927	Passing of Education Ordinance which support use of IGHLs			
	1930-1951-		-English as MoI from P1 -6 IGHLs broadcast on radio from 1935		
	1951-56		GHL as MoI from P1-3		
Post-independence					
	1957-1966	CPP government	English-Only medium		
	1967-1969	NLC	L1 in P1 only & English as MoI from P2		
	1970-1973	PP	L1 as MoI from P1-3 & English thereafter		Ewe, Akan, Ga & Nzema recommend

				ed as second subjects but not implemented
1972	SMC1			French introduced into primary school curriculum
1974-2000	SMC 1&2, PNP; PNDC; NDC	11 GHLS approved as MoI & SoS from P1-3; English as MoI thereafter		
1987-1994	PNDC			11 GHLs approved as compulsory SoS from P4-SSS
1994-2000	NDC	L1 as MoI from P1-3 & English as SOS thereafter		GHLs made optional at SSS but compulsory at Colleges of Education
2001-2008	NPP	(Mixed policies): indigenous language-Only/English-Only/bilingual		GHL as compulsory from P1-JSS
2008 to date	NDC/NPP	GHLs as MoI from KG-P3		
2020	NPP	-	Farefari (Gurenɛ) approved as examinable subject	Farefari (Gurenɛ) as SoS up to SHS

IGHL=Indigenous Ghanaian languages; GHLS=Ghanaian Languages SoS=subject of study; MoI=medium of instruction; SSS=senior secondary school; SHS=senior high school

From the table above, there were about seven changes in the policy. The first was the castle school period during which an English-Only policy was justifiably implemented. Then, this period was immediately followed by missionaries' schools which used the mother tongue as MoI. The third phase was motivated by the enactment of the Gold Coast Education Ordinance which promoted an English-Only policy from the primary school. The fourth phase was motivated by the introduction of the indirect rule, insistence on the use of indigenous languages in education by Sir Gordon Guggisberg and the enactment of another ordinance based on the Guggisberg's sixteen education principles. Again, between 1930 and 1950, the English-Only policy re-emerged. Then, just six years before independence, the MoI policy was reintroduced. The changes in post-independence language-in-education policy are much more confusing.

Language situation in Ghana: bi-/multi-lingualism

Ghana has about 80 local languages (GSS, 2021; Dakubu, 1988). These exclude the dozen African and non-African languages such as Moore, Hausa, English, French and German. The sheer number of local languages and the influx of non-Ghanaian languages have facilitated the emergence of bilingualism and multilingualism (cf: Wolff 2021, 2016; Amfo, 2020`; Boampong 2013; Nsoh et al. 2001). For instance, there were 953,428 persons who were literate in three languages while 185,436 spoke more than three languages (GSS, 2021). These linguistic phenomena have been aided by the roles of Akan, Hausa and English as lingua franca at various levels. Most classrooms are therefore multilingual (USAID, 2018).

Overwhelming theoretical and empirical evidence

As observed earlier in this paper, there is overwhelming theoretical and empirical evidence that supports the use of a child's L1 as medium of instruction in school. For instance, most of the learning theories, especially the nativist ones (Moerk 1994; Haegemann 1991, Chomsky 1965, 1957; Skinner 1957) support this position. Again, the Ife Primary Education Research Project (1970-1978) in Nigeria is one empirical evidence that supports the L1 education. UNESCO has a plethora of research evidence on its IIEP learning portal, excerpts from which are captured below.

> "Children learn best when the first language of instruction is their mother tongue (Benson, 2004; Bühmann and Trudell, 2007; Pinnock, 2009a, 2009b). Results of learning assessments show that when home and school languages differ there is a negative impact on test scores (UNESCO, 2016). According to an analysis of SACMEQ III data in 2010, there is a positive correlation between speaking the language of instruction and pupil's achievement, especially in reading (Trudell, 2016). Using the mother tongue in the classroom has been found to enhance classroom participation, decrease attrition, and increase the likelihood of family and community engagement in the child's learning (Trudell, 2016). In order to enhance their learning, students also need access to inclusive and culturally relevant curriculum and learning materials in a language with which they are

familiar (Bühmann and Trudell, 2007; Mackenzie and Walker, n.d.; Pinnock, 2009b; UNESCO, 2016).

Most research now concludes that learning achievement is enhanced when children are taught in their mother tongue for at least the first six years of primary school before the second language, the main language of instruction, is introduced (Ball, 2011; Benson, 2004; Pinnock, 2009a, 2009b; UNESCO, 2016). Bilingual and/or multilingual education has been found to increase a student's self-confidence and self-esteem (UNESCO, 2016). In bilingual models, students

continue to use both mother tongue and second language as languages of instruction for a range of academic subjects throughout primary and secondary schooling (Ball, 2011; Pinnock, 2009a). If the transition from mother tongue to second language is too rapid, the risk is that students will not attain full mastery of either language (Benson, 2004; Pinnock, 2009a). Mother tongue-based bilingual education – the use of the child's mother tongue alongside a second language is now the recommended strategy (UNESCO, 2016) (UNESCO 2023 accessed 15.07.2023).

Inclusivity and participation in national socio-economic and political discourse

According to article 35(3) of the 1992 Constitution, "The State shall promote just and reasonable access by all citizens to public facilities and services in accordance with law". It even adds under the same article 35(5), "The State shall actively promote the integration of the people of Ghana and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs."

In order to facilitate access to information through citizen participation in District Assembly processes, article 40 of the Local Government Act 936, (2016) states that "A District Assembly shall enable the residents and other stakeholders in the district to participate effectively in the activities of the District Assembly and the sub-district structures of the District Assembly".

In article 3(e) of the Charter of African Cultural Renaissance, states are to "combat and eliminate all forms of alienation, exclusion and cultural oppression everywhere in Africa". In addition, they should ensure "to promote freedom of expression and cultural democracy, which is inseparable from social and political democracy (3b).

UNESCO again explains in its IIEP learning portal referred to in the previous section thus,

"Students are unable to receive support from their parents if they also do not understand the language of instruction. If a child's parents lack familiarity with the language of instruction used in school this can further reinforce the gap between minority and majority language groups (UNESCO, 2016).

Children studying in an unfamiliar language face a double burden. Not only must they learn new academic concepts and skills, they must do so using words they do not

understand (Bühmann and Trudell, 2007; Pinnock, 2009b). There is strong evidence that use of the mother tongue in the initial years of schooling helps reach socially and educationally marginalised populations, improving their enrolment, attendance, and achievement (Pinnock, 2009b). Marginalization of indigenous communities in high-income countries is also visible in student assessments (UNESCO, 2016).

Several studies show that offering instruction in the mother tongue has a positive impact on girls' enrolment and transition rates, primarily because girls are less exposed than boys to languages outside the home and so face a tougher barrier when the mother tongue is not used in school (Benson, 2004, 2005).

Migration and displacement can affect education, requiring systems to accommodate those with migrant backgrounds who do not speak the language of instruction at home. A lack of knowledge of the language of instruction or the classroom language hinders the ability of refugee students to engage, learn, and communicate, and is a barrier to being included in national education systems, especially for older children and youth (UNESCO, 2018), (UNESCO 2023 accessed 15.07.2023)

The United Nations was also mindful to ensure that the declaration of its Universal Human rights captured the right of everyone "…to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits (Art. 27(1))". The declarations also guaranteed "…the right to take part in the government of his country, directly or through freely chosen representatives (21(1))" and "…the right of equal access to public service in his country (21(2))."

National, regional and international laws as captured on cultural promotion and protections facilitate inclusivity and citizen participation in national and local discourse on matters of individual welfare. Language obviously makes this much easier.

Discussion

The 1992 Constitution of Ghana, the Charter of African Cultural Renaissance and several international laws including the UN Charter use "rights" in relation to culture and languages. By continuous reference to rights in the various local and international charters, states which have ratified such laws are compelled to craft similar legislations which would ensure that citizens fully enjoy those rights. The inability of the Ghanaian government and its agencies such as the Ministry of Education (MoE) and the Ghana Education Service (GES) to develop and sustain a language-in-education legislation, is in contravention of those charters. In most of the policies that were developed, there was hardly any reference to these local and international laws. In order for Ghana to respect these international laws most of which she has ratified or developed herself in the case of local legislation like the 1992 Constitution or Local Government Act, she

ought to pass a language-in-education legislation that aligns with these important legal documents.

A historical analysis of the trajectory of the language in education from the pre-independence era reveals a number of critical issues as they relate in particular to indigenous Ghanaian languages and their legal and instructional status in the classroom or school. First, there were two important education ordinances enacted by the colonial authorities which impacted positively or negatively on indigenous language instruction in the classroom. These included the 1882 education ordinance and the 1922 ordinance. While the former proscribed the use of indigenous languages, the latter encouraged their use even for expatriate inspectors. These were backed by political will and institutional support. These were not only impactful but more sustaining except for the opposition from Ghanaians themselves. There are no parallel legislations in the post-independence educational space except the short-lived, inconsistent, little known and hardly implemented policies. It is very worrying that it was only during the colonial period that at least one ordinance was enacted in support of local languages. Interestingly, Ghanaians opposed the law leading to its eventual revocation. This obviously played into the agenda of the colonial authority who, in reality did not support it (Owoo 2022; Guggisberg, Gordon and Frazer 1929 cited in Boampong 2013). It is not surprising therefore that the 1882 Gold Coast Education Ordinance discouraged local languages as media of instruction and reintroduced English as the only medium.

During the colonial period there were hardly local, regional or international laws that supported local legislation in favour of local languages. In spite of these compelling legislation within and outside Ghana as demonstrated in previous sections, Ghana has not only failed to enact a law but has not managed to sustain a stable language-in-education policy. It appears to us, that both the ruler and the rulers have coinciding ideas that support an English-Only education (Mfum-Mensah, 2005). Second, there is a negative attitude towards the use of indigenous languages in school from the point of view of colonial authorities, educational authorities, and the Ghanaian public (Atintono and Nsoh, 2018; Nsoh & Ababila 2007; Boampong, 2014; Mfum-Mensah, 2005; McWilliams and Kwamena-Poh, 1975; Graham, 1971). The reasons for such an attitude are not far-fetched. It has usually been claimed albeit erroneously that introducing several languages into the school curriculum could engender conflict but there is not such evidence to support the wild claim (Wolff, 2021; Anyidoho & Anyidoho, 2009). It is difficult to see that the use of the language of a pupil to teach her/him in the classroom could lead to conflict. In reality such decisions are political façade to a political agenda. For instance, the decision to promote an English-Only education immediately after independence was about satisfying the public who had rejected a Ghanaian language medium during the colonial period. The elite felt it was a ploy at the time to give the Blackman poor education. Freedom fighters who supported Nkrumah's emancipation struggle had that conviction. It would have been a stab in their backs to reintroduce what they resisted as second-hand education from the colonial government. The third, and probably the strongest factor militating against the enactment of legislation in support of indigenous language education is the lack of political will to back such an enterprise. After massive consultations with stakeholders in education with the intention of building a consensus on language in education, which was expected to facilitate the enactment of an act of Parliament, the 2017 language policy was shelved by the Education Ministry. The decision to route it through the various processes and

procedures from a draft policy to a cabinet memo, a bill and ultimately an act, was completely abandoned without recourse to the committee that led the process.

Bi-/multi-lingualism have become a major feature of the Ghanaian population (Soma & Zuberu, 2022; GSS 2021; Amfo, 2020; Dakubu 1997). This linguistic situation has reflected in many classrooms especially in the urban centres (USAID, 2018). With an annual population growth rate of about 3% and an urban population totaling about 57.98 (GSS, 2021), the bi-/multi-lingual situation can only increase. This is partly made possible because of the large number of languages estimated at 80 in addition to globalization which has facilitated language contact and foreign language learning especially through schooling. The language situation would require a language-in-education legislation that will not only legislate the phenomenon but also provide for multi-lingual teaching methods in the classroom. At the moment, no conscious effort is made to train teachers/facilitators in such methods.

Language is one major medium by which people participate not just in the classroom but in national and development discourse. Training the child in her/his L1 eases learning and puts all children on the same footing in terms of learning concepts across subjects. It minimizes school drop-out rates and provide opportunity for persons from marginalized communities to participate fully in classroom learning and social discourse.

As I observed in the previous sections, there is ample theoretical and empirical evidence to teach children in the L1 or in a language that s/he is familiar with. In all education review reports or education committee reports, this evidence has always been referenced and reinforced. In addition, international declarations such as the international language day and the declaration of the rights of indigenous peoples as well as local legislations have been based on these findings. However, they have not fully reflected strongly in the language in education to ensure that children and ultimately the state benefits from such foundational research outcomes.

As was observed in the previous sections, most education review committees have recommended the use of local languages as MoI. In almost all cases, the multiplicity of languages, inadequate teaching and learning resources and the lack of teachers to teach the languages or use them, have been identified as the major challenges. Fortunately, we have long gone past these challenges hitherto considered as major stumbling blocks. All the government approved languages have produced adequate human and material resources. The departments of Ghanaian languages of the University of Education, Winneba, house all these approved languages in addition to three unapproved ones. These together with similar departments at sister Universities and the Colleges of Education continue to produce adequate resources. Indeed, it is unacceptable to use the same challenges that were used to justify the exclusion of IGHL after more than a century ago when the issue was first raised. As Guggisberg observed

> ...the belief that because an African may have no literature in the vernacular, we must give education in an alien language....But then it is only comparatively recently that we have realised the importance of developing the African races along the lines of their own institution, with which the vernacular has an intimate and all-important connection." (Legislative Council Debate 1925 cited in Boampong 2013)

Conclusions

There is overwhelming and compelling theoretical, statutory and empirical evidence in support of the use of mother tongue (L1 or the language that the child is familiar with) in the classroom. The evidence has been accepted by experts involved in nearly all the education committees since colonial rule. The only reason that has countered this obvious option has been non-expert response from the politician aided by unsubstantiated claims about the negatives of local language as MoI.

Both local and international statutes do not yet fully find expression in our laws as they refer to language in education, not only regarding the frequency of changes but in legislation.

The frequent changes in policy may be attributed mostly to the lack of political will which feeds from poor attitudes towards IGHLs resulting mostly from inadequate research data, and misconceptions and erroneous believe that indigenous Ghanaian languages are partly the cause of the poor performance of pupils/students in general and in the English language in particular. Weak legislation is partly to blame for the frequent language policy changes.

The inability of the state to ensure consistent presence of IGHLs in the classroom and the failure of civil society to compel her to do same continues to exclude many pupils/students from fully participating in the classroom and eventually contributing fruitfully to national discourse. This is a contributory factor to poor pupil performance and school dropout rate.

The overall conclusion to draw from the above is that, the country requires much stronger legislation that compels both the political and administrative classes to ensure a stable language in education law.

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