

MEMO

TO: THE DIRECTORATE

FROM: COMMUNITY LIAISON

DATE: 15 NOVEMBER 1995

RE: PROPOSAL FOR WORKING RELATIONSHIP BETWEEN THE CA AND
VARIOUS SERVICE PROVIDERS FOR THE PURPOSES OF
CONSTITUTIONAL EDUCATION

Introduction

The Constitutional Education Programme (CEP) has formed an integral part of the Public Participation Programme run by the Community Liaison Department. Its main focus has been on rural and disadvantaged communities, and its brief has been to conduct an education programme aimed at enabling and facilitating disadvantaged communities to input into the constitution-making process. This has performed included an element of education on the concept of constitutionality.

Since the inception of the CEP there has been an awareness that the work which needs to be done is beyond the capacity of the Constitutional Assembly. For this reason much thought went into how best to effect a delivery mechanism which could provide education on the constitution and the constitution-making process to rural and disadvantaged communities.

The process which was conceptualised during 1994 was to involve organisations already involved in education and training, particularly those organisations with a legal bias. A workshop was held during February 1995 at which the human rights, legal and paralegal NGOs agreed in principle to assist the CA with constitutional education. This process has now been worked out in a manner which ensures that there is effective delivery of a community workshop programme, at the same time ensuring that the capacity of the CA is not overextended.

The education NGOs have not yet been contacted in connection with this programme. There needs to be fairly extensive discussions with these organisations in order to establish which education NGOs could assist the CA with the delivery of its workshop programme.

One of the difficulties experienced in the planning process was the lack of funds for the CEP. This situation has, through the intervention of the Directorate, now been rectified, with the result that the CA has funds with which to ensure delivery of a wider constitutional education programme.

The additional advantage of working through structures of civil society is that there is a process of transfer of ownership of the Constitution. This process occurs parallel to the process of writing the Constitution.

Delivery Mechanism

The basis of the relationship between the CA and NGOs will be a contractual one. The key to the proposal is that the CA contract specific NGOs to conduct workshops. These NGOs will work with their constituencies or communities, and funding will be provided where appropriate.

The content of the workshops to be conducted by NGOs will be constitutional education. This means that there will be resources focussing on the concept of constitutionality. In addition, the Working Draft will be used as a resource. There is a summary of the Working Draft, which aims at making the Working Draft accessible. It gives some details of the various options presently being discussed, but these will be removed from the summary used by NGOs during this period. Education on the final Constitution will continue after adoption. The education process at this stage will not focus on particular issues contained in the Working Draft, but will form part of the broad education for democracy process.

Monitoring mechanisms and a training of facilitators programme will need to be set up.

Payment will be effected by the CA on completion of the contract. It is possible that interim payments could be made, but this would be the subject of discussion with each NGO.

Process

The initial work will comprise setting up meetings with the respective NGOs and negotiating contracts or agreements with these organisations. It is proposed that these meetings be held with each NGO, so that specific terms can be negotiated. These would include the number of facilitators available for training, and the approximate number of workshops to be held.

With at least 20 organisations to meet, it is hoped that some of this process can be completed during 1995. The actual agreements or contracts will only be signed early in 1996.

Human Resources

At present, the person available to work on this programme is Fran Biggs, the Constitutional Education Manager. Greg Moran, the Deputy Resource and Training Manager, is preparing resources for the January/February period. Ivan Nielsen is currently confined to bed rest, but should return to work in the New Year.

The Communication Support (CS) team will become available in March, but are not available now.

Monitoring Mechanisms

The work of the NGOs will have to be monitored in some way, and the question arises as to how this is done. If the coordinators are only going to monitor the work done by other organisations, then contracts could be entered into with a greater number of NGOs.

After 20 February, when the comments phase is completed, the CS team will once again be available. It is proposed that the provincial work done by the CS team in January and February be extended for the period March to June to include a monitoring function. This process would have to be carefully planned and managed.

- 1 The agreement between the CA and the NGOs will provide for various monitoring mechanisms. These could include the provision of registers and the provision of a workshop programme with dates and venues.
- 2 It is proposed that the coordinators and the members of the CS team be used to assist in monitoring the NGOs. One query in this regard would be the cost implications. If a member of staff from Cape Town visits the provinces in the normal course of their work, it is possible that this additional task could be given to them. It is possible that Wayne and Maphelo will be able to assist in this regard.
- 3 The implications of using coordinators to monitor NGOs needs to be carefully assessed.

Production and delivery of resources

The CA will develop resources necessary for the workshop programme. These will have to be distributed either from the national office or by the coordinators. Distribution mechanisms have been developed for the distribution of the Working Draft, and these will be utilised for the delivery of resources where appropriate.

The period of delivery of workshops is from March to June 1996. This is a possible total period of 4 months, but assumes that facilitators are trained by end February.

Training of Facilitators

- 1 The training of facilitators from NGOs needs to take place in February in order for the workshop programme to come into effect in March.
- 2 Training workshops could be held nationally or regionally. The proposal is that the facilitators from national NGOs are brought to a central venue and

trained together. It may be that facilitators from several national NGOs could be trained at the same time.

- 3 Facilitators from regional NGOs would be trained in the provinces with the assistance of the coordinators.

Tasks

November 1995

- 1 Contact key NGOs in legal and paralegal sector, to gain support for proposal.
- 2 Establish which education NGOs should be included in the workshop programme.
- 3 Write to human rights, legal and paralegal NGOs and education NGOs, setting out terms of proposed agreement, and requesting meeting in early January 1996.
- 4 Prepare agreement and decide on terms of contract. Upon approval of the programme, discussions will begin with the Law Advisers on the terms of the contract.

December

- 1 Ensure that all NGOs have received letters explaining process to be followed in 1996.
- 2 Enter into telephonic discussions with NGOs to facilitate agreement in 1996.

January

- 1 Plan training workshops for NGOs. This must be done in conjunction with NGOs and coordinators. This would be number of training workshops, and venues (national or regional).
- 2 Bring NGOs to Cape Town and sign agreements.
- 3 Plan details of training workshops.

February

- 1 Run training workshops.
- 2 Set up monitoring mechanisms.

March - June

- 1 Maintain relationship between CA and NGOs.
- 2 Provide resources to NGOs.
- 3 Monitor workshop programme.

Organisations

ACCORD
c/o University of
Durban-Westville
Private Bag
X54001
Durban
4000

Diakonia Council of
Churches
P O Box 1879
Durban
4000

Black Lawyers Ass
P O Box 2141
Witbank
1035

Black Sash
7 Long Street
Mowbray
Cape Town

Centre for Applied
Legal Studies

Centre for Human
Rights Studies
University of OFS

Centre for Rural
Studies
P O Box 1169
Stellenbosch
7599

Community Law Centre
7th Floor
Berea Centre
249 Berea Road

Durban
4001

Farmworkers Research
& Resource Project
P O Box 114
Wits
Johannesburg
2050

Industrial Aid Society
P O Box 620
Johannesburg
2000

Inst for Independent
Research on Peace
P O Box 481
King William's Town
5600

Legal Education Action
Project
Criminology Dept
UCT
Private Bag Rondebosch
7700

Legal Resources Centre
National Office
P O Box 9495
Johannesburg
2000

Lawyers for Human
Rights
730 Van Erkom Bldg
Pretorius Street
Pretoria
0002

NADEL
P O Box 3122

Port Elizabeth

Street Law
8 Carbinier Rd
Wynberg
7824

Centre for Conflict Resolution

Association of Law Societies

IDASA

IMSSA