

2/3/1/60

CONSTITUTIONAL ASSEMBLY

MANAGEMENT COMMITTEE

Please note that a meeting of the above committee will take place as indicated below:

Date: Thursday 4 April 1996

Time: 08h00

Venue: V16

AGENDA

1. Opening and adoption of agenda
2. Minutes of Meeting of 27 March 1996: pages 1 - 3
3. Matters Arising:
 - 3.1 Evaluation of Progress in Resolving Outstanding Issues
 - 3.2 Process of Certification: see CA Report 29 March 1996 Page 10
 - 3.3 Schedule for Process of Adoption: see separate document
4. AOB
5. Closure

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**

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CONSTITUTIONAL ASSEMBLY

MINUTES OF MANAGEMENT COMMITTEE MEETING THURSDAY 4 APRIL 1996

PRESENT

MC RAMPAHOSA (Chairperson)

Andrew K (alt)
Chabane OC
Meshoe KR
Meyer RP
Moosa MV

Myakayaka-Manzini YL
Sizani RK
Van Breda A
Viljoen CL
Wessels L (Deputy Chairperson)

Absent: PF Smith

Apologies: Eglin CW

In attendance: H Ebrahim, M Sparg, M Keegan, P Lilienfeld.

1. Opening

Mr Ramaphosa opened the meeting at 08h07. The Agenda was adopted. Mr Ramaphosa explained that the Management Committee would be dealing with procedural matters, whilst the Constitutional Committee of the same day would receive a comprehensive report-back from the multilateral at Arniston from 1 - 3 April.

2. Minutes

The Minutes of meeting of the Management Committee of Wednesday 27 March 1996 were adopted.

3. Matters arising

3.1 Evaluation of progress in resolving outstanding issues

- i Mr Wessels summarised progress made at the multilateral meeting in Arniston and praised the Administration, Panel and technical advisors for their assistance and commitment to the process.
- ii It was agreed that the Technical Refinement Team should proceed with preparation of the 5th Edition during the recess period. A draft would be available to members on Monday 15 April 1996.
- iii It was further agreed that members of the CA, particularly those members who had attended the multilateral would need to remain available and accessible to the Administration during the recess period. This was needed to ensure that the refinement team was able to consult whilst drafting on the basis of the latest political agreements. The Chairperson said members should ensure that they supplied the Administration with telephone numbers.

- iv Mr Andrew of the DP asked whether an interpretation and definition clause was being considered for the 5th Edition, along the lines of s232 and 233 of the interim Constitution.
- v Mr Ramaphosa said the CA had not given attention to this matter yet. However technical advisors had advised against the inclusion of such a clause on the grounds that it would be too extensive and could lead to further confusion. It was agreed the refinement team would consider this matter.
- vi Mr Chabane of the ANC asked how the refinement team would deal with matters in cases where parties disagreed. Mr Ramaphosa said notes and recordings were available from the multilateral discussions. In cases of extreme doubt, the refinement team would contact political parties to verify agreements.
- vii Mr Wessels suggested that members of the Constitutional Committee should also be supplied with a copy of the Constitutional Principles on 15 April. It was agreed this would be supplied in a separate pack to the 5th Edition.

3.2 Process of certification

- i Mr Ebrahim referred members to the CA Report of 29 March 1996, pages 9 and 10. He said there were various matters the Management Committee needed to attend to, including the appointment of counsel and preparation of documentation for the Constitutional Court. He said this needed to be done as soon as possible to ensure that counsel were prepared and participated in the final discussions of the Constitutional Committee.
- ii Mr Ramaphosa said the CA was four weeks away from adoption and counsel needed to prepare themselves to appear before the Court on 1 June. He said it was also necessary to finalise notice periods to give time to those political parties in the CA who wished to oppose certification.
- iii Mr Sizani asked what opposition the Chairperson was referring to.
- iv Mr Ramaphosa said the court wished to engage the parties before it. The CA would need to argue its case. They may also be parties who choose not to be part of the two-thirds majority on the day of adoption and who wished to argue that the Constitution did not comply with the Constitutional Principles. Hence, it was necessary for the CA to appoint counsel and to argue its case before the Court.
- v Mr Moosa of the ANC said the matter of appointment of counsel could not have been raised more timeously. He said it was necessary to appoint and brief counsel almost immediately and suggested that the Chairpersons take steps to brief counsel in the next week.

- vi Mr Chabane of the ANC agreed that because of the time factor, the Management Committee should agree to give this responsibility to the Chairpersons to finalise the appointment of counsel.
- vii Mr Meyer of the NP said it was necessary to appoint counsel timeously. However it would be wise to consider the need for someone to represent the CA who had been closely involved in the process. He suggested to the Chairpersons to consider what role the CA Law Advisor, Adv Grove could play in this regard, as he had possibly the best legal insight into the contents of the Constitution because of his close involvement in the process.
- viii Mr Ramaphosa said it was taken for granted that the CA Law Advisors would be part of the team at Court, providing back-up and preparing the initial report. He said there were other advisors who had been involved in the process and who were accustomed to appearing before court. In the end, the CA would need a combination of skills and Adv Grove would play a pivotal role in the matter. The meeting agreed.

3.3 Schedule for process of Adoption

- i The Chairperson drew the meeting's attention to the schedule provided to members on a separate document. He said this had been agreed to beforehand and was placed before members for purposes of confirmation.
- ii Mr Wessels said the programme allowed ample time to resolve any outstanding issues during the process of adoption.
- iii Mr Chabane asked whether a programme for the day of adoption itself had been considered by the Administration.
- iv It was agreed a draft programme would be provided to the Management Committee on 15 April 1996. The Administration would consult Mr Chabane who said he had some ideas on the programme for the day.
- v It was agreed that a Management Committee meeting would take place on Monday 15 April 1996 at 08h00.

4. Any Other Business

- 4.1 Mr Meyer said some parties had made public statements questioning whether the CA would meet the target date of 8 May, and thereby creating confusion.
- 4.2 Mr Moosa said Mr Wessels had earlier in the meeting summarised the progress made at Arniston and everyone in the meeting had agreed with his assessment.

- 4.3 Gen Viljoen of the FF said he wished to re-affirm that the FF was still concerned about the absence of the IFP. They believed the process should be extended to bring the IFP back into the process. He said the CA was also going over a great number of issues in a short period of time.
- 4.4 The Chairperson said he would make a statement regarding the IFP at the meeting of the Constitutional Committee.
- 4.5 Mr Andrew said the DP was committed to achieving the target dates. However, he said it was their view that this was a tall order and there were still major issues outstanding that had to be resolved. He said the CA should learn from the Kempton Park experience. It was good to have target dates to keep the pressure on. It would be unfortunate however if we end up with a new Constitution and have to start amending it because of the rush and pressure on the legal advisors. We could end up with a Constitution with sloppy and second-rate elements, because of lack of time.
- 4.6 Mr Moosa said the meeting needed to remember that when the interim Constitution had been amended on 29 March in the CA, this had been a unanimous amendment. Moreover, the schedule before the meeting had been accepted by all parties at the Management Committee. It was therefore quite wrong for the DP to create the impression that they or any other party had been placed under undue pressure. He said the wrong impression was being created that care is not being taken. Great care is being taken to ensure that the product is one all parties can be proud of. He said the experiences at Arniston had proved that much can be achieved to meet deadlines without placing undue pressure on anyone.
- 4.7 Mr Sizani said 8 May 1996 was also his birthday, besides being adoption day ! On a more serious note, he said ,whilst the PAC was not "terribly excited" about the contents of the Constitution but supported the deadline of 8 May 1996.
- 4.8 Mr Meshoe of the ACDP said every party should have the right to voice its opinion and this should not be interpreted as not being loyal to the process. He said the CA had worked under pressure. What was at issue, he said, was not the date of 8 May, but the contents of the Constitution. He said the ACDP was not proud of the contents of the 4th Edition and would say so publicly.
- 4.9 The Chairperson said parties should steer clear of making statements merely for the sake of publicity. If parties were not proud of the Constitution, they needed to state in what respects they were not proud. He said parties had been part and parcel of a process of consensus. Rather than seeking sensation in the media, parties now had the time to state in what respects they were not proud or happy with the Constitution. Moreover, as Chairperson, he had not heard in a globular fashion why parties are not proud or happy. It was not fair

for parties to reject the whole Constitution because one proposal they had made, had not been accepted.

4.10 On the deadline, Mr Ramaphosa said parties needed to ask themselves the question: what would we have achieved in another month, that we have not achieved in the past 23 months ? He said parties had to examine carefully what the CA had been through and what it would mean for the country if the CA failed to adopt on 8 May. It would create a lot of uncertainty, instill a lack of confidence in the political process and would wreak havoc on the currency. He had not heard anything convincing that made him believe it was not possible to meet the deadline. The refinement team would be working throughout the recess period and would produce the 5th Edition on 15 April.

4.11 On the IFP, Mr Ramaphosa said the CA had always said the doors remained open and the IFP was welcome to return. He said it appeared the IFP was keen to return. Senator Rabinowitz, an IFP member in the CA had phoned at Arniston to check on progress being made and retained a keen interest in the constitution-making process. He said this could be a sign that the IFP may want to return, hopefully before 8 May 1996.

5. Closure

There being no other business, the meeting rose at 09h10. It was agreed the Constitutional Committee would begin at 09h30. The next meeting of the Management Committee would take place on Monday 15 April at 08h00.

EXECUTIVE SUMMARY

EVALUATING THE CONSTITUTIONAL ASSEMBLY: NATIONAL SURVEY RESULTS

INTRODUCTION

C A S E, the Community Agency for Social Enquiry, was commissioned by the Constitutional Assembly (CA) to undertake an evaluation of the CA's media, public participation and education campaigns, in 1995. In 1996, C A S E was requested to undertake the second, larger phase of the evaluation. This covered evaluating the plain language initiative, the public participation and media campaigns, and the internal context of the CA itself. The full evaluation included the following:

- a limited internal evaluation of the internal administration of the CA to understand the context within which the campaigns were undertaken;
- interviews with Constitutional drafters to set the background and context for assessing the plain language initiative;
- 9 focus groups among 'ordinary citizens' (though with Std. 8 or higher education), one in each province, to test the plain language initiative (undertaken by Roots Research);
- interactive workshops with likely users of the Constitution (legal professionals, service professionals, civil servants and so on) to test the plain language initiative (undertaken by the Centre for Adult Education at the University of Natal, Pietermaritzburg);
- participant observation and exit polls to evaluate the effectiveness of the local Constitutional Education meetings organised by the CA;
- re-analysing existing CA data dealing with the outreach of their public participation campaign;
- a national sample survey of 3800 respondents aged 18 and above.

Each component of the evaluation has either reported already, or is in draft form for discussion and amendment by the CA. This document comprises a brief executive summary of the results of the national sample survey of 3800 respondents. The survey data had only been available for a week at the time of writing. A detailed survey report, with far greater detail, will be issued in due course.

METHODOLOGY

A draft questionnaire was designed by C A S E, in close consultation with members of the Constitutional Assembly, which was piloted (i.e. tested in successive draft stages) on a number of randomly recruited members of the public in Johannesburg. The recruitment criteria comprised age (18 or over), citizenship, different races, various education levels and potential exposure to CA advertising via access to different mediums. Piloting was conducted at the offices of C A S E and Research Surveys (Pty) Ltd. Piloting took place in order to ensure the questionnaire was appropriately phrased, and that it was running within our time constraint of 40 minutes. After some slight modifications, a final questionnaire was produced which went into field in mid-February 1996. The fieldwork was carried out by Research Surveys (Pty) Ltd. All analysis was undertaken by C A S E.

The sample

A total of 3 801 South Africans were interviewed in face-to-face discussions in the respondent's home and in their choice of language. The survey was based on a random household sample. Respondents had to have turned 18 on or before February 1996 and they had to be South African citizens or permanent residents in the country.

The survey is nationally representative in that it covered all race groups, all provinces of South Africa, and all areas - large metropolitan cities, smaller urban centres, rural areas (farm-workers as well as homesteads and farms), and informal settlements in both metropolitan and urban areas. Within each selected area, interviewers were assigned a random starting point, with four interviews per starting point. Once the household had been chosen (every fifth dwelling was visited), the interviewer identified whether or not potential interviewees lived in the household. If there was more than one person who satisfied the criteria, the "birthday rule" was used to randomly select the respondent. Having found an appropriate respondent to interview, if such a person was present at the household visited, then s/he would be interviewed. If s/he was not at home, two call-backs would be done to find this person. If still unsuccessful, a substitute household would be visited.

Check-backs to ensure the quality of the work done by the interviewers were conducted by Research Surveys. Time constraints stopped C A S E from carrying out independent check-backs, which we normally assume to do. The check-back rate was 28% overall, 29% for Africans, 28% for coloureds, 23% for Indians, and 26% for whites. The data collected from the questionnaires were then captured on computer, and weighted to the population of South African adults, according to certain demographic criteria, such as race, gender, area, dwelling, age, and province of residence. In this way, the results from the survey accurately reflect the opinions and feelings of the population covered in the survey.

Limitations

Methodologically, surveys do not elicit nuanced information. Responses are placed in categories for quantification and analysis, and this can lead to a loss of the detail and texture which exist in different peoples' responses. We have tried to limit this through our concurrent use of other methodologies, and through the strategic use of open-ended questions (see more detail below).

A household survey has additional limitations in that homeless people, for example, are not included in the sample frame. The following table sets out the demographic profile of the survey respondents.

Gender	Male	50%	
	Female	50%	
Highest level of education	No formal education	7%	
	Primary	21%	
	Jnr. secondary	31%	
	Snr. secondary	30%	
	Tertiary	10%	
Age	18 - 24 yrs	21%	
	25 - 34 yrs	28%	
	35 - 44 yrs	22%	
	45 - 54 yrs	13%	
	55 - 64 yrs	8%	
	65 + yrs	8%	
Area & dwelling	Metropolitan	formal	35%
		backyards	6%
		informal	6%
		hostels	1%
	total	48%	
	Small urban	formal	19%
		informal	2%
		total	21%
	Rural	farmworkers	4%
		farmsteads	27%
total		31%	
Province	Gauteng	26%	
	North-west	8%	
	Northern Province	9%	
	Mpumalanga	6%	
	Free State	6%	
	Northern Cape	2%	
	Western Cape	10%	
	Eastern Cape	14%	
	KwaZulu / Natal	19%	

THE RESULTS

The process of negotiating the final Constitution for South Africa has, naturally, been an arena of political contestation. Debates and disputes over a range of clauses - and even over the process itself - have raged, with more or less intensity, since the Constitution-writing process began. Moreover, the general political terrain has also been congested, with the Masakhane and RDP media campaigns competing for media space and attention, alongside the electioneering and voter education which accompanied South Africa's first democratic local elections in November 1995. In this context, the CA had a considerable struggle on its hands to develop an understanding of its identity and function in the minds of South Africans. However, the CA went further than that: the public were invited to take a direct role in the constitution-writing process by submitting ideas or demands for inclusion through a range of access points. This was a tall order.

Knowledge of the CA and its functions

Despite the considerable competition for the political attention of South Africans, just under two-thirds (60%) of all respondents have heard of the Constitutional Assembly - roughly equivalent to some 15,2 million adults. Those who have not heard of the CA are mainly drawn from disadvantaged sectors of South Africa's population. Where 76% of men have heard of the CA, only 55% of women have done so. Rural dwellers are least likely to have heard of the CA, as are the elderly. These figures in turn reflect patterns of media access - and non-access - in South Africa.

Most respondents who had heard of the CA, also have a fair idea of its functions. While 16% did not know what the CA does, 39% know it is drawing up the Constitution, while another 9% pointed to it "getting people's views" on key issues. For a fifth of respondents (22%), the CA is regarded as a law-making body: the extent to which this is a correct or incorrect answer (the CA is developing the supreme law of the land, but may also be regarded as part of parliament) would have to be tested in more detail. A tenth of respondents (10%) were incorrect in seeing the CA as part of government (7%) or part of the Reconstruction and Development Programme (RDP) (3%). This is an extremely positive result for the CA.

Equally important is the fact that while three-quarters (76%) of respondents first heard of the CA via mainstream media, 12% were first informed of it by word-of-mouth (from a friend, at work, at school and so on). This suggests that the CA campaign has been able to achieve one of the key goals of a social education media campaign, namely to generate interpersonal communication, and enter popular discourse. An additional 4% heard about the CA from political rallies, or civic or church meetings.

THE MEDIA CAMPAIGN

The Constitutional Assembly media campaign - mainstream and below-the-line - succeeded in reaching a massive 73% of all adult South Africans, equivalent to some 18,5 million people. The actual figure can safely be assumed to be higher, since media access increases disproportionate to age, and our sample included only those aged 18 and above.

These figures reflect rates of exposure to TV advertisements and Constitutional Talk (the TV version), to radio advertisements, to newspaper advertisements, to the Constitutional Talk tabloid, the Mandela Talk-Line poster, as well as the CA logo. Respondents could have been exposed to one or more components of the campaign.

It is encouraging to see that differences between race groups, the sexes and residential areas are not large, except in the case of rural respondents, and even then 60% were exposed to the CA campaign. This is partly related to the widespread absence of electricity or other power sources in rural homes and consequent lower TV viewing than elsewhere. It also reflects the very poor distribution of and access to newspapers in the rural areas. The gender differential was 6%, reflecting the unequal media access of women, as well as the on-going gender differences which run through our evaluation.

If we look at the component parts of the media campaign, we see that the TV advertisement was the most successful in terms of reach. Almost half (48%) of TV viewers had seen this advert. Considering that 73% of adult South Africans watch TV some of the time, this is a considerable achievement for the CA. (If we recalculate within the population as a whole - not just within TV viewers - 35% of the adult population had seen this advert.)

People from different demographic backgrounds did not have an equal chance of having been exposed to the TV advert. This becomes clear when we look at who watches TV. Generally, Africans, informal and rural dwellers, older people and lower-educated respondents are able to watch TV far less frequently than other groups. For example, 46% of Africans seldom or never watch TV, compared with 22% of coloureds, 15% of Indians and 16% of whites. Similarly, 54% of informal dwellers and 63% of people in rural areas seldom or never watch TV, compared with only 29% of people in formal urban and 28% in formal metropolitan areas. Similar patterns of disadvantage exist for the elderly, and for those with no formal education (77% of whom seldom or never watch TV) or with primary level only (63%). This obviously impacts negatively on their awareness of the CA and the new Constitution; it is also one of the reasons for the face-to-face education and participation campaign.

Before asking TV viewers if they had seen the TV advert, we asked them if they had seen anything at all on TV to do with the new Constitution or with the CA. Just less than half (49%) answered 'yes'. The most glaring differences were between men (55%) and women (42%); and the contrast between those with no formal education (14%) and post-matric-educated people (67%). In addition, respondents in metro

(52%) and urban (51%) areas were much more likely to have seen something on TV than informal (37%) and rural (38%) TV viewers.

These stark differences became slightly less apparent when we specifically asked about the TV advert, although rural dwellers remained worryingly low with an exposure rate of 39%, while even more clear was the poor position of those with no formal education, only 18% of whom had seen it, compared with 62% of those with post-matric education.

Appreciation of and educational role of the TV materials

Most of those who had seen the TV advert either liked it (64%) or thought that it was "OK" (28%). Respondents who disliked it were more likely to be white (24%) or over 50 years of age (20%); in total, only 8% disliked it.

In total, 71% of those who had seen the advert learned something from it, and of those, 72% said that they learned something new. Once again, negative responses to these questions came mainly from whites (62%) and respondents aged 50+ (43%).

Constitutional Talk (TV version)

One of the media items we tested was a programme on TV called "Constitutional Talk", which has a panel of experts discussing key issues. A third (34%) of TV viewers recalled having seen it. 19% more Africans (39%) than whites (20%), and 10% more men (39%) than women (29%) had seen part of the series. There was little difference across different areas, interestingly, but the patterns of disadvantage already established among TV viewers emerged again with older and less educated TV viewers were much less likely to have seen this programme.

Of those who had seen Constitutional Talk on TV, 70% liked it, a very positive result for the programme producers and the CA. Within this overall figure there are considerable differences: for example, only a third (33%) of whites liked it. Importantly, rural dwellers liked it the most (85%) and urban and informal dwellers the least (64%). Of those who had seen Constitutional Talk on TV, 76% said that they learned from it (only 38% of whites); of those, fully 82% reported learning something new.

The CA logo

The second most successful item was the CA logo, which read: "You have made your mark, now have your say", and which was shown to all respondents. 41% of all South Africans have seen this logo somewhere, equivalent to some 10,4 million people.

Radio materials

The radio advertisement was near-identical (in format) to that broadcast on TV, but it reached only 38% of radio listeners. However, radio has a wider reach than TV, with 82% of the population over 18 listening to the radio some of the time. Thus, while the radio advert seems less successful than the TV advert, it was nevertheless heard by almost a third

(32%) of the population as a whole (compared with the 35% who saw the TV advert).

There were other programmes on the radio, and we wanted to find out if respondents had heard anything on the radio to do with the new Constitution or the CA. 44% of all radio listeners answered "yes". Within the demographic groupings, there was not much difference between the races and the different areas. However, 8% more men (47%) than women (39%) had heard something, and 14% more younger people aged 18-24 (49%) than older people aged 50 or over (35%) had heard something to do with the new Constitution.

However, the most apparent difference was again within the different educational categories: only 18% of those with no formal education compared to 61% of post-matriculants had heard anything on the radio about the new Constitution.

Similar patterns exist among those who heard the CA radio advert. For example, 46% of 18-24 year-olds, compared to 26% of 50+ year-olds, had heard it. A fifth (19%) of those with no education had heard it, contrasting with almost half (46%) of those with post-matric. 42% of Africans compared to only 26% of whites had heard it.

Appreciation of and educational role of the radio materials

Of the 38% of radio listeners who had heard the radio advert, 70% liked it, 25% thought that it was "OK", and only 5% disliked it. Of those who heard the radio advertisement, 74% learned from it. The only clear difference here was among whites, 26% of whom reported learning nothing from it.

Importantly, of the 74% who learned something from the advert, 81% said that what they learned was new to them.

The Mandela Talk-Line poster

The Mandela poster was another successful item, reaching 34% of all respondents. It depicts the President, dressed formally outside a private home, holding a cellular phone and saying: "Hello, is that the Constitutional Talk-line? I would like to make my submission". It was distributed via newspapers as an insert, printed on good quality poster paper. More than half (53%) of newspaper readers had seen it. Whites, women, rural dwellers, older people and those with low education were much less likely to have seen it than others. Of those, whites enjoy regular newspaper access, and we can only conclude that recall was affected by their general lack of interest in (and, for some, hostility to) the Constitution-writing process.

Print advertisement

The newspaper advert did less well than the others, mainly because not many South African read newspapers regularly. 39% of the population never reads them and only 16% read them daily. It is mainly Africans (66%), women (66%), and informal (71%) and rural (75%) dwellers who

seldom or never read newspapers. Non-readers are also likely to be older people (60% of 40-49 year-olds and 64% of 50+ year-olds), and poorly educated (all those with no education, 85% of primary-school educated and 59% with Std. 8 seldom or never read newspapers).

Thus only 18% of the whole sample had seen the newspaper advert. Even within newspaper readers, however, the figure of 28% is still low. However, figures increased once we asked if respondents had seen anything in the newspapers about the new Constitution. Almost half (49%) of newspaper readers answered "yes", with more men than women and with more educated people than uneducated ones answering positively.

Of those who had seen the poster/print advertisement, 60% liked it, 63% learned from it, and of the latter, 77% learned something new.

Constitutional Talk tabloid (generic)

We showed all respondents a copy of the Constitutional Talk tabloid newspaper which included the draft Constitution, but did not open it and asked them if they had ever seen a copy of Constitutional Talk before (which could be the version they were shown, or any other). A fifth (20%) of the sample had seen it, a 5% increase in circulation over the figures from the 1995 survey. More Africans (22%) than other race groups (particularly whites at 13%) had seen it, as well as more men (24%) than women (17%).

Of those who had seen it, overall 60% liked it (true of only 19% of whites). There was an 18% difference between metro (57%) and informal (75%) dwellers who said they liked it. Older and more educated people did not like it.

Almost two-thirds (63%) of those who had seen it learned something from it. Of those who learned from it, 77% said that they learned new things.

Constitutional Talk edition including draft Constitution

After answering questions about Constitutional Talk generally, interviewers then gave each respondent a copy of the tabloid (which was left with them at the end of the interview) to look at for a few moments. They were then asked a similar set of questions, pertaining to the specific edition including the draft Constitution. Of those who had seen it, 62% liked it, 77% read all or some of it, 61% learned something, and 81% learned something new. 72% liked the cartoons used in conjunction with the text, and a further three-quarters (75%) liked the mixture of languages. (Cell sizes were too small to establish differences within demographic groupings.)

When looking at the overall penetration of the CA media campaign, we found a 27% difference between the youngest and the oldest age cohorts. While as many as 83% of 18-24 year-olds had heard or seen anything about the new Constitution or the CA, only 56% of 50+ year-

old could claim the same. The CA needs to find a way of reaching older people for future advertising campaigns.

It has a similar problem with less educated citizens. As education increases, there is a corresponding increase in exposure to CA materials. The difference in exposure to the CA campaign between tertiary level and those with no formal education was as much as 51%: over a third (36%) of those with no formal education, compared with 87% of post-matric educated respondents, were reached by the CA media campaign. This is a serious concern and the CA needs to explore creative ways of overcoming this problem, which was also highlighted in the 1995 C A S E evaluation.

THE OVERALL IMPACT OF THE CA MEDIA CAMPAIGN

We asked respondents who had been exposed to one or more components of the CA media campaign to assess whether exposure to the campaign had increased their knowledge about the new Constitution or not. The results below are self-reported increases in knowledge; no testing was undertaken to establish their accuracy.

In response to the question, over half (57%) said that the campaign had increased their knowledge; over a quarter (28%) said that their knowledge had been increased "a lot".

A notable success here is among rural dwellers, 59% of whom reported that their knowledge had been increased, compared with 53% of those living in small towns, 56% in informal areas and 58% in metropolitan areas. Equally importantly, there were no significant differences between men and women on the issue.

On the negative side, whites (and coloureds to a lesser extent) responded more negatively to this question than Africans and Indians. Previous C A S E research¹ has shown that whites (and coloureds) are uncertain about the political changes taking place, and this colours their attitude towards any political issue and sets the frame of mind with which any politically-orientated information will be received. The C A S E evaluation of the SABC multi-media voter education campaign for the 1995 community elections, for example, found high levels of hostility to voter education messages, deriving from feelings of insecurity and fear regarding the outcome of the elections themselves. This may explain why the majority of white respondents did not think that the CA media campaign taught them anything.

We also found that younger people were more likely to have learned something from the CA campaign than their elders. Two-thirds (67%) of

¹ See K. Fenyves and D. Everatt, *Evaluating the SABC voter education campaign for the 1995 Community Elections*, C A S E, 1995; and K. Fenyves, D. Everatt and R. Jennings, *Bringing Democracy Home; Evaluating the SABC's multi-media voter education campaign for the 1995 community elections: quantitative results*, C A S E, 1996

18-24 year-olds said that the materials taught them something, compared to only 45% of people aged 50+, a difference of 22%.

Lower-educated respondents learned less than higher-educated ones, possibly because some of the CA messages were complicated and difficult to conceptualise from brief media inserts, without an educational background, and without face-to-face methods being used. The use of face-to-face methods by the CA is of course a very positive factor in this regard.

THE PUBLIC PARTICIPATION CAMPAIGN

Attendance at local meetings about the Constitution

In the context of competing demands for political space and attention, it was not surprising to find that attendance at meetings about the Constitution have fallen away somewhat since the first C A S E evaluation in 1995. There we found that 18% of respondents knew of meetings in their area dealing with the Constitution, of whom 62% had attended such meetings. A year later, we find that 13% of South Africans - a not inconsiderable number - know of meetings in their area, while a tenth (11%) of these people attended. The survey fieldwork was underway as the final, intensive wave of local meetings was being run by the CA (the latter are evaluated elsewhere) and will only partly be reflected in the results.

Firstly, the point needs to be made that to give all adult South Africans a one in seven chance of attending a meeting about the Constitution is a not inconsiderable achievement. People living in small towns had the greatest opportunity, with 17% reporting that meetings had taken place, followed by people in informal areas (15%). People living in rural areas had least opportunity at 11%, a figure almost identical to metropolitan dwellers who reported meetings taking place in their areas (12%).

The point needs to be made that when people did attend meetings, almost half (48%) reported that they actively participated by asking questions. The meetings were deliberately designed to try and achieve broader than normal participation in meetings, and seems to have succeeded in this regard.

The local government elections took place in late 1995 (with elections still to occur in KwaZulu-Natal and parts of the Western Cape). The electioneering for these elections will certainly have impacted on the CA campaign, and over the ability of people to determine whether meetings were held to discuss the Constitution or as part of an election campaign. Moreover, with elections having taken place in 1994 and 1995, South Africans may well be suffering 'meeting fatigue'.

Moreover, it seems that few organisations in civil society - with the notable exception of the trade union movement - have made a concerted attempt to draw their members into meetings or discussions about the Constitution-writing process. Of respondents who belong to a range of

societies, clubs or organisations, fully 79% had not been informed about the CA process by their organisation.

Of those people who belong to trade unions, 37% had been informed about the Constitution, 29% had had the opportunity of attending meetings on the subject, and almost three-quarters (71%) had done so. 9% of those who belong to a political party had been kept informed about the Constitution, and only 8% of church goers. This suggests that the civil society partnerships which the CA needed to form for a successful public participation campaign were less effective than they may have been, with limited follow-through by key organisations.

Where the CA was in charge of the process itself, however, things look better. Thus, for example, almost a third (29%) of respondents knew that they were able to send in written demands to the Assembly. We asked people to tell us, without any prompting at all, how people can take part in the process of drawing up a new Constitution. The results, set out in the table below, show 'top of the head' or spontaneous responses to the question (the results do *not* show the numbers of people used these means, merely those who recalled that they were available). Over half of all respondents (56%) knew how to take part in the process:

HOW CAN PEOPLE TAKE PART IN THE CONSTITUTION-WRITING PROCESS?

Contact your local organisation	18%
Write to the Assembly	19%
Phone the Assembly	11%
Use the Internet	1%
Phone Talk-Line	10%
Raise it with my local organisation	8%
Contact a member of the Assembly	8%
Contact my political representative	9%
Attend a local meeting/workshop	12%
Via local government	9%
Don't know	44%

It is important to note that while only limited numbers of people utilised the different participation mechanisms mentioned in the table, the CA succeeded in generating discussion among South Africans. Early on in the questionnaire, a spontaneous response revealed that a quarter (24%) of all respondents reported that they had discussed the CA and Constitution-related issues with friends or family. Later in the questionnaire, we found that 51% of all those who have read parts of the draft Constitution have discussed it with friends or family. These are additional indicator that the

CA campaign has reached a powerful position where the issues it deals with are entering public discourse.

Attitudes towards the public participation campaign

In the contested political and media terrain of the post-liberation period, it would be unsurprising to find that most South Africans were suffering a political saturation and wanted only to be left alone, rather than called on to engage with the difficult notions of constitutionalism, human rights, and the CA process. However, what we found was that just less than half (48%) of all adult South Africans feel part of the CA process, while just over a quarter (28%) do not feel this (the remainder are unsure).

This is a considerable achievement, to develop a sense of ownership or involvement in a process which, as we have seen, is both contested and abstract. In this the CA has maintained the surge of support which attended its launch and which was detected in the first C A S E evaluation in early 1995.² It is particularly noteworthy that the positive feeling about the CA process is expressed near evenly across formal metropolitan areas (48%) and formal urban areas (49%), as well as the more disadvantaged areas - informal dwellers from both metropolitan and urban areas (43%) and rural dwellers (46%). Positive feelings dip slightly among the latter two groups, but by small margins.

Less positive, however, is the fact that men are more likely to feel positive (52%) than women (44%). This gender differential stood out clearly in the 1995 C A S E evaluation, and comprised one of the key recommendations made to the CA. Sadly, it re-appears in many areas of the 1996 C A S E evaluation, and has yet to be adequately understood or tackled. In part, it derives from the fact that politics remains 'men's business' in many parts of South Africa, combined with the social, economic and political disadvantages faced by women. It must be recalled that this is reinforced by the biases in media access, which see far fewer women than men able to access mainstream (particularly prime time) media. This serves to reinforce existing forms of gender oppression, and any campaign which relies in part on media - as with the CA campaign - has to develop particular means and strategies to overcome this bias.

On the other hand, the CA campaign does seem to have caught the imagination of the younger generation - the people who will live most of their lives under the Constitution currently being finalised. This is set out in the table below:

**DO YOU FEEL PART OF THE PROCESS OF DRAWING UP THE NEW CONSTITUTION?
("YES" ANSWERS)**

18 - 24 years	56%
25 - 29 years	53%

² See Everatt et al: "Bringing the constitution and the people together: assessing the impact of media campaign of the Constitutional Assembly" (C A S E, May 1995).

30 - 39 years	51%
40 - 49 years	42%
50+ years	35%

Having established the extent to which people felt involved in the CA process, we then asked all respondents (whatever their answers had been as to whether or not they felt part of the process) whether they *wanted* to be part of the Constitution-writing process. Here the results were more positive, with just less than two-thirds (63%) of all adult South Africans expressing the desire to be part of the process. Again, rural dwellers were as positive as metropolitan and urban folk, although people from informal settlements were less positive, with only 56% responding positively to the question. This is low in comparison with other areas, but can be seen as positive as well: if we put it another way, over half of all respondents from informal areas - among the most poverty-struck of South Africans - expressed the desire to be part of the process.

Again, however, fewer women (59%) than men (67%) responded positively to the question, indicating the persistence of the gender differential in the evaluation results. While the same pattern as we saw above obtains across the age spectrum, the difference here is that almost half (47%) of those aged 50 and above want to be part of the process; at the other extreme, however, almost three-quarters (74%) of those aged 18-24 want to be part of the process.

We asked respondents who knew they could write to the Assembly, but had not done so, why they had not done so. The answers are interesting. Only a fifth (20%) noted that they were either "too lazy" or "not interested". The remainder had a range of responses: 17% of respondents (containing a third more women than men, and mainly from informal areas) felt that they "don't know enough" to do so, while 13% reported that they "don't know how" to do so (rural dwellers featured strongly in this group). A further 16% claimed to be "too busy". One in twenty (5%) stated that they lacked the confidence to do so, while 4% noted that "someone else did" and so they did not, and another 4% stated that they could not write well enough to do so.

On a much smaller scale, 1% (25 respondents) reported that they had phoned the Constitutional Assembly (20 of the 25, unsurprisingly, were from metropolitan areas), half of whom (13 respondents) stated that they left a message (presumably containing their submission) on the Talk-Line.

Faith in the public participation programme

We have already seen that fully half of all adult South Africans believe that the CA genuinely wants them to participate in the Constitution-writing process. We asked all respondents whether they believed that the Assembly would treat their submission seriously, were they to send them in. Responses were slightly less positive to this question, with only 41%

of respondents believing that their submissions would be seriously regarded.

Intriguingly, rural dwellers (at 43%) are most likely to believe their submissions would be treated seriously, compared with 42% of urban dwellers, 40% of metropolitan dwellers and only 39% of those in informal areas. The highest level of scepticism came from whites, of whom only 16% believed their submission would be seriously treated, compared with 21% of Indians, 29% of Coloureds and 48% of African respondents. This suggests that the antagonism towards the CA process on the part of whites, detected in the first C A S E evaluation, remains in place.

Should the public be consulted about the new Constitution?

While some degree of scepticism seems to exist as to whether the Constitutional Assembly would treat individual submissions seriously, which contrasts with greater faith in the CA's call for public participation, it seems quite clear that the CA is doing what people want: namely, consulting ordinary people about the new Constitution. Fully 83% of respondents stated that the Assembly should be consulting the public about the Constitution. There was little difference across race, gender or age cohorts in supporting the CA process. In short, regardless of whether individuals feel that their own submissions would be treated seriously if they sent them in or not, the overwhelming majority believe that the Assembly is right in consulting the public. In this, the CA may well be setting a precedent - not merely in consultation but in the deliberate attempt to reach marginalised communities - which government departments will have to try and match in future.

EXPOSURE TO THE DRAFT CONSTITUTION

The C A S E survey was in field a couple of months after the draft Constitution had been released, and found that already 8% of South African adults - some 2 million people - had seen the document, while 5% of the sample - some 1,3 million people - have read some or all of the Constitution. This is most likely to be the tabloid version issued by the CA, but includes other versions as well.

The use of plain language is being separately evaluated and reported on. It is important to note here that the self-reported results of the relative ease or difficulty with the language are very positive, with only 9% of readers battling to understand what they read.

Interest in the new Constitution

We have already seen the extent to which respondents want more information about the Constitution. We also asked respondents whether they would be interested in reading the Constitution, once it has been completed. In response, a massive 84% of respondents replied that they would indeed want to read the Constitution, while another 8% (mainly made up of those with no formal education) were unsure. Only 7% of respondents expressed no interest in the final document.

These results are partly borne out by the fact that over half (51%) of all those who have read the draft Constitution, have also discussed issues it raised with friends or colleagues. As we have noted, the Constitution has entered public discourse.

Interest in reading the final Constitution was similar across race and gender. Support remained high across metropolitan (87%) and urban (86%) areas, but dipped slightly among rural dwellers (80%) and those from informal areas (78%). Similarly, the desire to read the Constitution ranged from 86% to 89% among 18 to 49 year-olds; however, it fell away to 72% among those aged 50 and above. Finally, those with no education (63%) or primary level only (78%) were lower in their desire to read the new Constitution than those with higher education levels: 90% of those with senior secondary and with tertiary education want to read the document. This is partly explained by the illiteracy or semi-literacy rates, and their expectations of the final document. Nonetheless, the fact that two-thirds of those with no formal education express an interest in the final Constitution suggest that the Constitution might become a powerful adult education and distance learning tool, and the CA might wish to form partnerships with NGOs working in this field, as a means of trying to reach these particular groups.

Finally, as we have seen, interest in the Constitution increases as age decreases. The survey only sampled people aged 18 and above, so we can only speculate that this interest is retained at least amongst teenagers. This adds support to the notion reported elsewhere in the C A S E evaluation that the Constitution - or at least the Bill of Rights - ought to be popularised and discussed at school level, not just regarded as an adult matter.

We tackled the issue from a different angle, asking respondents whether they believed the final Constitution could reflect everybody's views, and whether it would reflect the respondents' own views. In response, 42% of respondents replied that the Constitution can reflect everybody's views, while a third (33%) were unsure and a quarter (25%) correctly said "no". The Constitution-makers may *consider* the views submitted to them, but the Constitution certainly cannot reflect all those views. The answers to this question do suggest that more work needs to be done to explain the process that the CA went through, and the fact that the Constitution is a negotiated document which reflects broad consensus among its authors.

Older people showed a notable pessimism about the new Constitution's ability to and likelihood of representing their own and others' views; only a fifth (22%) of those aged above 45 answered each question positively. In contrast, almost two-thirds of people aged 18-24 years felt that the new Constitution will guarantee freedom and equality for all. Most hostel dwellers were unsure whether the new Constitution could reflect the views of everybody (70%) or would reflect their own views (75%). Hostel dwellers were twice as likely as people from other areas to be unsure of their response, but were also less likely to respond negatively.

Women were slightly less positive towards the new Constitution than were men, but were also less negative; they tended to be more unsure of their attitudes, and did not take strong positions: between 36% and 40% chose "unsure" in answer to the questions about reflecting everybody's views and their own views respectively.

Finally, we informed respondents (after asking a range of questions about the public participation campaign) of the goals of the participation campaign, and then asked whether they believed that ordinary people helped write the Constitution. The answers to the question make interesting reading. The largest single group were those who were unsure, comprising just less than half (48%) of all respondents. A further 35% were positive, believing that ordinary people had indeed made a positive contribution. Half this number (17%) were negative in their responses.

People younger than 44 years were most likely to feel that the public had contributed to the constitution making process, with 81% answering the question positively. Negative responses increased with age.

In all areas there were more unsure responses than positive ones, an effect which was most noticeable among hostel dwellers where we found twice as many negative (25%) as positive (13%) responses, and almost two thirds of residents were not sure.

People seem unwilling to commit themselves to an answer to this question, which is unsurprising since only 8% had seen and only 5% had read the document, and were in a position to at least attempt a judgment. The question thus really probed peoples' belief in the process, and was less effective than we might have hoped.

This discussion raises the same questions as we noted when analysing those who want more information, in the short- and medium-term, about the Constitution: namely, what is to happen to the public participation, media and public education campaigns mounted by the Constitutional Assembly?

Expectations of the final Constitution

The final question in the survey instrument was an open-ended one, to allow respondents to reflect on the issues raised during the interview and answer the question: "Think about South Africa in the future and please tell me how the new Constitution will affect the way South Africa is governed". Answers reveal the three basic patterns identified in the

evaluation as a whole: about a fifth (22%) stated that they "didn't know" what effect it would have. A small grouping (about a tenth of respondents) felt that the Constitution would either have no effect at all, or would make things worse in South Africa. The remainder - three-quarters of the sample - were positive, citing a range of improvements which they believed would result from the adoption of the final Constitution.

This is extremely important for the CA. We have already seen that people are interested in the final Constitution, and the extent to which people want to be part of the Constitution-writing process. Here we find that there is a large section of the population which sees the Constitution as an integral part of the democratisation of South Africa, of bringing about a better country and improved life for all.

We also asked respondents whether they felt that final Constitution would guarantee freedom and equality for all South Africans. There were around twice as many positive as negative responses to this question, with 57% of all respondents replying positively and only 14% negatively; the remainder were "unsure".

Looked at by area, we find that people living in informal areas were most optimistic (at 65%), closely followed by rural dwellers (60%) and formal urban (59%); the least convinced were formal metropolitan dwellers, 55% of whom nonetheless believe that the Constitution will secure freedom and equality for all. This is an extremely positive result, suggesting that people from marginalised areas have pinned their hopes to the Constitution securing their future rights. "Unsure" answers were most common among people with low (or no) education, and decreased as education levels rose.

HUMAN RIGHTS AND CONSTITUTIONALISM

One of the key problems facing the evaluation was to try to develop an understanding of what people understand of terms such as 'human rights' the 'the Constitution', which of course underpin the entire CA exercise. To do so statistically (the issues were tested qualitatively in early 1995, as part of the first evaluation) we developed an introduction to the survey (which is read to all respondents) that deliberately failed to mention the constitution or rights. This was immediately followed by two open-ended questions. Open-ended questions allow respondents to give any answer they choose, which is later coded and grouped with other, similar answers, to allow a near-qualitative element to be part of a quantitative exercise. The first two questions which respondents had to tackle, with no prompting or explanations were "Could you please tell me what you understand by the term Human Rights?", and "In one short sentence could you please tell me what you think a constitution is?". The reason for asking these questions in this manner was to probe knowledge of human rights and the Constitution in an environment not yet intruded into by 40 minutes of questions about related issues, which may badly skew answers. Of course, had we asked the questions later, more people may have felt confident to answer, and may have provided more detailed (and hopefully accurate) answers. However, we hope that the results reveal 'top of the head' notions of human rights and constitutionalism which people are likely to hold.

The main answer to the question about human rights was that human rights are "the rights of the people" (25%), closely followed by those who did not know the answer (23%). Thereafter, freedom of speech (12%), equality (7%) and other rights issues were cited by respondents. A closer analysis of the individual answers which constitute these codes will reveal the extent to which "the rights of the people" is a well-informed answer or not, but time has not yet allowed for that. We can say that a quarter of respondents do not know what human rights are: the remainder have a more or less clear conception of rights.

When we asked about the Constitution, the "don't know" answers rose to 38% - precisely the same as it had been in the 1995 C A S E survey for the CA. Those who say they don't know what a Constitution is are more likely to be African, female, and from rural or informal areas.

Among those who did know what a Constitution is, a fifth described it as the laws or rules by which the country is governed - a precise definition. Another 12% described it merely as laws or rules, while 9% saw it as laws passed by government, clearly beginning to misunderstand the difference between ordinary law and the Constitution.

Other respondents cited issues such as protection of individual rights and laws made for and by the people, while 1% referred to the CA campaign of gathering people's views together for possible inclusion in the Constitution.

When we compared these results with those from the 1995 survey, the main difference is the distinction between rules and regulations, and rules to govern by. A closer scrutiny of the individual responses in these codes is needed, but it may be that a more subtle understanding of the Constitution - as the supreme law of the country - has emerged over time.³

Later in the questionnaire we asked respondents what the main issues are that they would want to see included in the Constitution. Results from the 1996 survey scarcely differed from those of the previous year: jobs, houses, the need to end crime and violence and better education topped the scales on both occasions. This is open to two interpretations. On the one hand, these results clearly strengthen those who are calling for the inclusion of socio-economic rights in the Constitution. On the other hand, it might be that respondents are unclear as to what the kind of issue is that should be in a Constitution, and are rather highlighting their immediate needs. It should be noted that socio-economic issues are intermingled with more 'traditional' rights - equal opportunities, freedom of speech, religious freedom and so on - throughout the list of issues raised by respondents.

A third argument may well be that many South Africans are aware that previous Constitutions and bodies of legislation were precisely the vehicle which denied the right to vote but also the right to basic necessities such as jobs, houses, clean water, electricity and so on. The struggle against the tricameral parliamentary system, and the ensuing heightened resistance focusing on bread-and-butter issues of the 1980s is still recent enough to have made a strong impression on people's sense of what rights *should* be. It is noteworthy that only 6% of respondents did not know what issues they would want to see included.

In sum, it seems that adult South Africans have a relatively clear understanding of human rights, although fewer know what a Constitution is. Most respondents put forward issues for inclusion in the Constitution that included both socio-economic and more 'traditional' rights. There seems to be a healthy interest in and knowledge of these key issues, among the population at large. As we noted, however, ignorance of these issues is highest among the more disadvantaged groups - who arguably most need to know what their rights are.

CONCLUSION

The future of the Constitutional education and participation campaigns

The survey data strongly suggest that the media campaign, the public participation campaign and the local-level constitutional education campaign, are all in full swing. Many South Africans know of the CA and what it is doing; know that they can take part in the Constitution-writing process; feel part of the CA process, regardless of whether or not they

³ Thanks to Phil Knight for highlighting this distinction.

have taken part, while more *want* to take part in future; and most South Africans believe that they should be consulted about the Constitution. The CA campaigns are primarily responsible for this knowledge of and interest in the process. It must also be noted that there are a considerable number of Non Governmental Organisations (NGOs) which undertake rights education, either generally or in specific areas (such as workers' rights, women's' rights and so on). They too have contributed to the public knowledge of the CA process, as have the on-going debates and disputes among political parties, and the attendant media coverage. Furthermore, structures such as the Human Rights Commission have a mandate to undertake human rights education in the future.

However, the CA have also acknowledged that they are working in a difficult field, trying to explain complex concepts included in the Constitution (as well as the Constitution itself) to South Africans, and focusing specifically on the marginalised communities such as rural and informal dwellers, the elderly, women, the under-educated, and others. These groups also suffer from extremely high illiteracy, compounding the difficulties of the task.

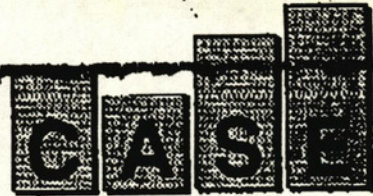
In the face of these problems, it is unsurprising that it has taken over a year for the campaign to hit full stride. That is where it is currently. Our question is simple: if the CA has reassured South Africans throughout the Constitution-writing process of the need for their active involvement rather than mere interest in the process, and have gone out to facilitate such involvement amongst normally marginal groups, how is it that the CA is expected to close, and its campaign to end, at the precisely the point of greatest need - that is, at the moment that the final Constitution is issued. Who will mediate and explain it to ordinary people in the street? Who will focus on illiterate and semi-literate South Africans, in order to explain their rights? Or to farm-workers and other, similar, groups?

We believe that the campaign of civic and constitutional education and participation must not be allowed to end in mid-1996, when the Constitution is finalised. That is the most important point in the campaign - to finally explain to people exactly what their rights are. There is also at least a short-term need to demonstrate to people quite how their submissions were dealt with and may or may not have influenced the final document (the current phase of advertising is already tackling this issue to some extent). Whether it be the CA itself, or the Justice Department, the Human Rights Commission or some other government structure, is not of concern here. Our strong recommendation is that the campaign be continued in its current shape, combining mainstream and below-the-line media with face-to-face workshops for communities in rural and peri-urban areas. We also urge that if the campaign is retained, then the wealth of experience currently in the CA be passed on to whatever new structure runs the campaign: it must not start again from scratch. This multi-faceted campaign has generated excitement in South Africans about the new Constitution, and the desire (on the part of 84% of the adult population) to read the final document. That will be compounded by the

fanfare which will attend the launch of the Constitution. That is precisely the moment at which an intensive education campaign needs to start, and to continue running.

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**RESEARCHING THE PLAIN LANGUAGE INITIATIVE****C A S E EVALUATION OF THE CONSTITUTIONAL ASSEMBLY****INTRODUCTION**

The Constitutional Assembly committed itself to drafting the Constitution in plain language, in order to make it as accessible a document as possible. Results from the evaluation of the CA, conducted by C A S E, the Community Agency for Social Enquiry, suggest that the initiative has met with widespread support, and that the draft Constitution is indeed very readable.

The notion of plain language, however, is not an easy one to utilise in South Africa. Illiteracy rates are estimated at between 40% and 50% of the population. In addition, we have eleven languages, with dialects on top of that. Constitutions, as with most legal texts, are frequently written in complex language. In this context, it may be useful to consider degrees of plain language, rather than insist on an absolute level of plain language. This became apparent in the evaluation, where respondents pointed out that plain language often takes away the poetry or majesty that Constitutions should have, as documents of national unity and inspiration.

A range of research instruments were used to test the plain language initiative. These included focus groups with ordinary citizens, interactive workshops with potential users, and interviews with Constitutional drafters. These different research instruments were designed so as to involve different potential users and generate a range of responses. All participants in the focus groups had at least some secondary education, although they differed with respect to province, race, home language, gender, area, level of education and occupation.

All the research instruments found overwhelming support for the plain language initiative. All demonstrated that the plain language versions were more accessible for a wide range of users. They also highlighted difficult terms and phrases, and the dissonance between plain language and traditional, more complex language clauses, which commingle in the draft Constitution.

The full reports on the different instruments contain detailed observations and recommendations, as well as listings of difficult words and phrases, and so on. Some of the more salient and general recommendations are summarised here.

RECOMMENDATIONS

- The plain language initiative should not be restricted to the Constitution i.e. the Department of Justice should move towards plainer drafting of all legislation.
- There should be ongoing testing of plain language. The more general tests of the initiative conducted to date must be supplemented by detailed testing, particularly by the "first", or most likely, users as each new piece of legislation is drafted.
- Plain language drafting should become the norm for government drafters, and certainly for important or contentious pieces of legislation. Over time, drafters will become more experienced in using this method, and legal professionals will become more used to reading it, and short-term objections (the difficulty of learning how to draft, the possible loss of legal certainty, etc.) may fall away.
- Cross-discipline teamwork should be encouraged in all plain language initiatives. In particular lawyers need to learn from language specialists which constructions, words and other language features are difficult. Language specialists need to be aware of legal requirements in terms of certainty, precedents, and so on. Monitoring and testing is vital to ensure that the most likely 'first user' - interested people from various walks of life - are able to understand the document. These are the three main components of the team approach.
- Little attention was given to layout in the various tests as the plain language initiative in respect of the Constitution had not yet focused on this issue. Layout will require considered attention as it is clear that it has a significant impact on ease of use and accessibility. Tests run during the research show that considerable amendments are required to make the document reader-friendly. This should not be restricted to the final Constitution; ideally the official version of all legislation should embody as many of the plain language ideals as possible.
- Particular attention should be given to tables of content and headings. These have a significant impact on how people approach the text and how easily and quickly they find the information they require. They need to be a 'way into' the text, and not a complicated page that makes some readers not want to read any further, or unable to identify what they are looking for.
- Plain language drafting, however skilled, will not make legislation accessible to the large majority of our population who do not know English well and/or cannot read and write well. Translation into other languages, and the development of alternative media forms, will be needed to make it more widely accessible. Translation is not the same as plain language, and each translation will itself need to embody the principles of plain language drafting.

- Comprehension and accessibility increase when people have background knowledge of the issues. The effectiveness of plain language will be significantly enhanced by civic and legal education programmes. The Constitutional Assembly's media and public participation campaigns have been very successful in reaching people, and in generating discussion about key terms and concepts in the Constitution. Other Government departments need to study the CA approach, and see what elements of it can be used to popularise their own message/s. The more an issue is spoken about, the better equipped readers are to make sense of plain language material dealing with the same issue or topic.
- The principles involved in plain language drafting, as well as the technical details of how to do it, should be widely discussed, particularly among lawyers. The research suggested that much of the initial resistance to the initiative resulted from lack of understanding and the apparent "strangeness" of the text. With involvement lawyers found that many - if not all - of their objections fell away.
- By the same token, ordinary citizens need to be able to access material once it has been produced by departments. Existing distribution networks under-serve rural areas, informal areas, and reinforce the weak position of many disadvantaged groups in South African society. Creative ways of getting plain language-drafted material to the widest possible readership need to be developed. The mainstream media alone are not sufficient to do so.
- Drafting should, wherever possible, be done immediately into as plain a language as possible, rather than first being drafted in the traditional style and then 'made plain'. This will help to break the tendency for those with legal training on traditional texts to fall into the old patterns.

Ms Debbie Budlender and Dr David Everatt, CASE
April 1996



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: MANAGEMENT COMMITTEE MEMBERS

FROM: HASSEN EBRAHIM

DATE: 12 APRIL 1996

RE: PROGRAMME FOR ADOPTION DAY

1. Draft Programme

- * Attached please find draft programme for Adoption Day: 8 May 1996.

2. Provincial involvement/ Programmes

- * Provincial Premiers have been invited to attend the Adoption Ceremony in Cape Town.
- * In each of the Provincial Legislatures arrangements will be made to watch proceedings of the day on television screens.
- * The Provinces may organise special events around Adoption Day. The Constitutional Assembly Administration proposes that Members of the Management Committee attend these events. Once confirmation is received from Provinces, Management Committee members will be informed accordingly.

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You've made your mark



Now have your say

THE NEW CONSTITUTION

CONSTITUTIONAL ASSEMBLY

ADOPTION DAY - 8 MAY 1996

DRAFT PROGRAMME

Inside National Assembly:

- 08:00
1. Guests with seats in the National Assembly arrive through Old Assembly entrance and are seated in the public gallery
 2. Public enters venues within the Parliamentary complex to watch proceedings on video screens
- 08:45 Praise singer leads procession into National Assembly
- 09:00 Leon Wessels welcomes and presides
- 09:10 Moment of Silence
- 09:15 Messages of support from UN and OAU
(to be confirmed)
- 09:35 Cyril Ramaphosa's address
- 10:00 Political Parties' address
- 11:10 Voting procedure
- 12:10
1. Leon Wessels closes the formal proceedings
 2. CA members are asked to proceed to the steps outside National Assembly for the outdoor proceedings.

Outside National Assembly:

- 11:00 Gathering of civil society groups and school children outside National Assembly.
- 12:20
1. CA members in place on the steps of Assembly.
 2. Choir entertains public while waiting
- 12:35 Chairpersons, President and Deputy Presidents in place on podium
- 12:40 Anthem led by choir

12:50	President address outside gathering
13:05	Cyril Ramaphosa address
13:15	Performance of the CA song
13:25	CA Mural unveiled
13:30	Closure
13:45	Reception (to be confirmed)

Dinner at (venue to be confirmed)

Time: 19:30 for 20:00

1. Dinner hosted by Mr Cyril Ramaphosa and Mr Leon Wessels
2. President Mandela will be the Guest of honour

Invitees to Adoption Ceremony

ACCORD
ACDP Youth League
Advancing Basic Education & Literacy (ABEL)
African Traditional Religions
African Cultural & Development Association
African Traditional Way of Life
African People's Democratic Union
Afrikanerbond
Afrikanervolkswag
Agriculture
AHI (3)
Airforce
Akanani Rural Development Association
Amnesty International
ANC Youth League
ANC Women's League
Anglican Church
Apolistic
ARAG
Associated Press
Association for Regional Magistrates
Association of State Aided Schools
Association for the Physically Disabled
Association of Regional Local Governments of SA
Association of Law Societies of SA
Association for Rural Advancement
ATKV
Auditor General
Azanian Student Convention
AZAPO
Baptists Union of SA
Base Command Post, Airforce
Black Sash
Black Housewives League
Black Lawyers Association
BOP Broadcasting Corp
Border Rural Committee
Buddhist Institute of SA
Built Environmental Support Group
Business SA (BSA) (3)
Business Report
Business Day
Call of Islam
Cape Times
Catholic Bishops Conference

Ceasefire Campaign
Centre for Rural Legal Studies
Centre for Applied Legal Studies
Centre for Conflict Resolution
Centre for Policy Development
Centre for Criminal Justice
Channel Africa
Chief Justice W Corbett
Chief of Staff - Office of the President
Child Welfare Society
Christian Youth
Citizens Advice Bureau
City Press
Commission on Provincial Government
Commission for the Restitution of Land Rights
Committee of University Principals
Committee of Technikon Principals
Community Agency for Social Enquiry (CASE)
Community Youth Service Organisation
Community Law Centre
Community Health Association
Concerned Evangelicals
Conservative Party
Constitutional Development
Constitutional Court (11)
Constitutional Development
CONTRALESA
Correctional Services
COSAS
COSATU (3)
COSG
DAG
Dames Aktueel (DA)
DBSA
Deaf Federation of South Africa
Democratic Party Youth
DG Labour
DG Land Affairs
DG Justice
DG Mineral & Energy Affairs
DG Health
DG Home Affairs
DG Foreign Affairs
DG Intelligence
DG Finance
DG Transport
DG Water Affairs & Forestry
DG Welfare
DG Trade & Industry

DG State Exenditure
DG Public Works
DG Safety & Security
DG Sport & Recreation
DG Post and Telecommunications
DG Housing
DG Kwazulu-Natal
DG Mpumalanga
DG Gauteng
DG Northern Province
DG Education
DG Northern Cape
DG Western Cape
DG North West Province
DG Defence
DG Eastern Cape
DG Free State
DG Enviromental Affairs & Tourism
DG Arts, Culture, Science & Technology
Disabled People SA
Disabled Children's Action Group (DICAG)
DPSA Youth League
Drum Magazine
Early Learning Resource Unit
Earthlife Africa
Environmental Monitoring Group (EMG)
Equality Foundation
ERASE
Executive Women Club
FAK
FAK Jeugkommittee
Farm Workers Research and Resource Project
Federasie van Rapportryers
Federation of Women's Institutes
FEDSAL (3)
Finance Week
Financial Mail
Financies & Tegniek
Fiscal and Finance Commission
Free Market Foundation
Freedom of Expression Institute
GASA
Gender Equality Unit
General Council of the Bar
Gerherformde
GLOW
Herformde
Housewives League of SA
HSRC

Human Rights Committee
Human Rights Commission
IDASA
IFP Youth
Industrial Health Research Group
Institute of Town Clerks
Institute for Local Government and Development
International Committee of the Red Cross
Islamic Council for SA
JEP National Development Coordinating Committee
Junior Rapportryers Beweging
KP Jeugraad
Land Claims Court
Lawyers for Human Rights
Legal Education Action Project (LEAP)
Legal Resource Centre
Lutherns
Mail & Guardian
Major Urban Areas Group
Media Options
Medical Research Council
Medical Association of SA
Methodist Church of SA
Molo Songololo
MPD
Muslim Judicial Council
Muslim Youth Movement
NACTU (3)
NAFCOC (3)
Nat. Assoc. of Democratic Lawyers (NADEL)
National Council for the Physically Disabled
National Arts Foundation
National Parks Board
National Professional Teachers Organisation
National Arts Coalition
National Committee for the Rights of the Child
National Council of Women of SA
National Council for the Aged
National Land Committee
National Intelligence Agency
National Rural Development Forum
National Party Youth
National Hindu Federation
National Primary Health Care Network
National Network of Violence against Women
National Hindu Youth Federation
National Medical and Dental Association
NEDLAC
Network against Child Labour

New Nation
NGK
Office of the Public Service Commission
OFSRUC
Organisation of Gay and Lesbian Activists
Pan Africanist Students Organisation
Penguin Films
PLANACT
Planned Parenthood
Project Vote
Public Service Commission
Public Protector
Radio SABC
Rape Crisis
Rapport
Rastafarian
Reproductive Rights Alliance
Reuters
ROOTS
Rural Council of Women
Rural Women's Movement
Rural Foundation
SA Akademie vir Wetenskap en Kuns
SA Environmental Action Trust
SA Union of Jewish Students
SA Property Owners Association
SA Jewish Board of Deputies
SA Traditional Healers Council
SA Council of Churches (SACC)
SA Women's Agricultural Union
SA Association of Youth Clubs
SA Institute for Race Relations
SA National Council for Child and Family Welfare
SA Federation for State Aided Schools
SA Navy
SA Police
SA Committee for Higher Education
SA National Council for Child & Family Welfare
SA Health and Social Services Organisation
SA Agricultural Union
SA Students Congress
SA Democratic Teachers Union
SA Board of Jewish Education
SA Federation for Mental Health
SABC - Radio
SACP
SAM Services
SANCO
SAPA

SAUSRC
Studentewag
Surplus People's Project
Tamil Federation
The NGO Coalition
TRAC
Truth and Reconciliation Commission
Volkstaat Council
Wildlife Society
Women's National Coalition
Women's Lobby
World Council of Religion and Peace
Zionist

Funders/Contributors (21)

Anglo-American
Arm Scor
British Embassy
Danish Centre for Human Rights/DANIDA
Danish Embassy
German Embassy
HNR Computers
Hunt Lascaris
IBM
Mondi
Mural Sponsor
Netherlands Embassy
Norwegian Embassy
SACS
Sappi
Song Sponsor
Song Production House
Swedish Embassy
Swiss Embassy
Telkom
The Commonwealth
The European Union
USAID

Technical Advisors (38)

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Adv. J Guantlett
Dr JC Heunis
Dr. C Albertyn
Judge PJJ Olivier
Mr Neil Morrison
Mr. Z Husain

Mr. Blake Mosley
Mr. A Cachalia
Mr. Andre Cornelissen
Mr. Andrew Boraine
Mr. C Rustomjee
Ms. Dhaya Pillay
Ms. Luciene Abrahams
Ms. L Nyembe
Ms. T Madonsela
Ms. S Liebenberg
Ms. L Gcabashe
Prof N Steytler
Prof D van Wyk
Prof D Basson
Prof H Cheadle
Prof Hugh Corder
Prof P Benjamin
Prof D Davis
Prof B Majola
Prof F Venter
Prof C Dlamini
Prof T Nhlapo
Prof. V Dlova
Prof. R. Erwee
Prof. Van der Merwe
Prof. A Seegers
Prof. AWG Raath
Prof. I Rautenbach
Prof. B Mqeke
Prof. W Breytenbach
Ms. A Claasen

Panel of Experts (8)

Adv. P. Sedibe-Ncholo
Adv. Zac Yacoob (and assistant)
Adv. I. Semanya
Prof. Gerard Erasmus
Prof. Chritina Murray
Prof. Johan van de Westhuizen
Prof. Johan Kruger

Premiers (9)

Mr MR Mhlaba	Eastern Cape
Mr NM Phosa	Mpumalanga
Mr Tokyo Sexwale	Gauteng
Dr FT Mdlalose	Kwazulu-Natal
Mr MA Dipico	Northern Cape
Mr N Ramathlodi	Northern Province
Mr Popo Molefe	North West Province
Mr MPG Lekota	Free State
Mr Hernus Kriel	Western Cape

VIP's Invitees (37)

President Nelson Mandela (7)
Deputy President Thabo Mbeki (5)
Deputy President F W de Klerk (5)
Cyril Ramaphosa (5)
Leon Wessels (5)
Speaker (5)
Speaker of the Senate (5)

Traditional Authorities

King KD Matanzima
King G Zwelithini
Kgosi Sekhukhune III
King Mayisha II
Prince KM Tshivhase
King B Dalindyebo
Queen N Gwenbindlala
King EM Mabena
Kgosi V Shuping
Kgosi SS Montshiwa
Queen M Modjadji
Paramount Chief MP Mopeli
Paramount Chief LC Mota
King TV Ndamase
King MZ Sandile
King MT Sigcau
Mr NR Mahlalela - Mpumalanga House of Traditional Leaders
Mr T Phiri - North West House of Traditional Leaders
Mr D Westhuizen - Kwazulu-Natal House of Traditional Leaders
Mr MS Mokake - Free State House of Traditional Leaders
Mr LB Boshielo - Northern Province House of Traditional Leaders
MBV Ntshogwana - Eastern Cape House of Traditional Leaders
Contralesa

INVITATION LIST
FOREIGN REPRESENTATIVES

1	AFGHANISTAN	57	LIECHTENSTEIN
2	ALBANIA	58	LITHUANIA
3	ALGERIA	59	LUXEMBOURG
4	ANGOLA	60	MADAGASCAR
5	ARGENTINE	61	MALAWI
6	AUSTRALIA	62	MALI
7	AUSTRIA	63	MALAYSIA
8	BANGLADESH	64	MALTA
9	BELGIUM	65	MAURITIUS
10	BOTSWANA	66	MEXICO
11	BRAZIL	67	MONACO
12	BULGARIA	68	MONGOLIA
13	BURUNDI	69	MOROCCO
14	CANADA	70	MOZAMBIQUE
15	CAPE VERDE	71	NAMIBIA
16	REPUBLIC OF CHILE	72	THE NETHERLANDS
17	CHINA	73	NEW ZEALAND
18	COLOMBIA	74	NIGERIA
19	COMOROS	75	NORWAY
20	CONGO	76	OMAN
21	COSTA RICA	77	PAKISTAN
22	COTE D'IVOIRE	78	PALESTINE
23	CROATIA	79	PAPAU NEW GUINEA
24	CYPRUS	80	PARAGUAY
25	CZECH REPUBLIC	81	PERU
26	DENMARK	82	PHILIPPINES
27	EGYPT	83	POLAND
28	ERITREA	84	PORTUGAL
29	ESTONIA	85	ROMANIA
30	ETHIOPIA	86	THE RUSSIAN FEDERATION
31	CUBA	87	RWANDA
32	FINLAND	88	SAO TOME AND PRINCIPE
33	FRANCE	89	SEYCHELLES
34	GABON	90	SINGAPORE
35	GEORGIA	91	THE SLOVAK REPUBLIC
36	GERMANY	92	SPAIN
37	GHANA	93	SWAZILAND
38	GREECE	94	SWEDEN
39	GUATEMALA	95	SWITZERLAND
40	HOLY SEE	96	TANZANIA
41	HUNGARY	97	THAILAND
42	INDIA	98	TUNISIA
43	INDONESIA	99	REPUBLIC OF TURKEY
44	IRAN	100	UKRAINE
45	REPUBLIC OF IRELAND	101	UNITED ARAB EMIRATES
46	ISRAEL	102	UNITED KINGDOM OF GREAT BRITAIN & N/IRELAND
47	ITALY		
48	JAPAN	103	UNITED STATES OF AMERICA
49	JORDAN	104	URUGUAY
50	KENYA	105	VENEZUELA
51	KOREA	106	VIETNAM
52	KUWAIT	107	FEDERAL REPUBLIC OF YUGOSLAVIA
53	LATVIA		
54	LEBANON	108	ZAIRE
55	LESOTHO	109	ZAMBIA
56	LIBYA	110	ZIMBABWE

INTERNATIONAL ORGANISATIONS IN THE REPUBLIC OF SOUTH AFRICA

- 1 AFRICAN PROJECT DEVELOPMENT FACILITY
- 2 INTERNATIONAL COMMITTEE OF THE RED CROSS
- 3 INTERNATIONAL FINANCE CORPORATION
- 4 INTERNATIONAL LABOUR ORGANISATION
- 5 WORLD BANK GROUP
- 6 WORLD HEALTH ORGANISATION

INTERNATIONAL ORGANISATIONS

- 1 UNITED NATIONS (UN)
- 2 OAU
- 3 SADCC
- 4 COMMON WEALTH
- 5 EUROPEAN UNION
- 6 NON-ALIGNMENT MOVEMENT

Budget: Adoption Day May 8

ENTERTAINMENT

Praise singer	1	1500	R1,500
Choirs			R5,000

R6,500

TRAVEL

VIP Guests	50	2000	R100,000
VIP Guests	50	400	R20,000
Buses	20	5000	R100,000

R220,000

PR

Mural			R156,000
Promotional Material			R100,000
Press Kits			R25,000
Dinner			R500,000
Decorations			R20,000
CA Song			R50,000

R851,000

TECHNICAL EQUIPMENT HIRE

TV Screens- Indoor			R50,000
Sound Equipment			R50,000
Photographer			R20,000

R120,000

PROVINCIAL PROGRAMME

Flights- Man Comm Members	20	2000	R40,000
Accommodation- Man Comm Members	20	500	R10,000
TV Screens- Provincial Legislature	9	10000	R90,000

R140,000

TOTAL

R1,337,500

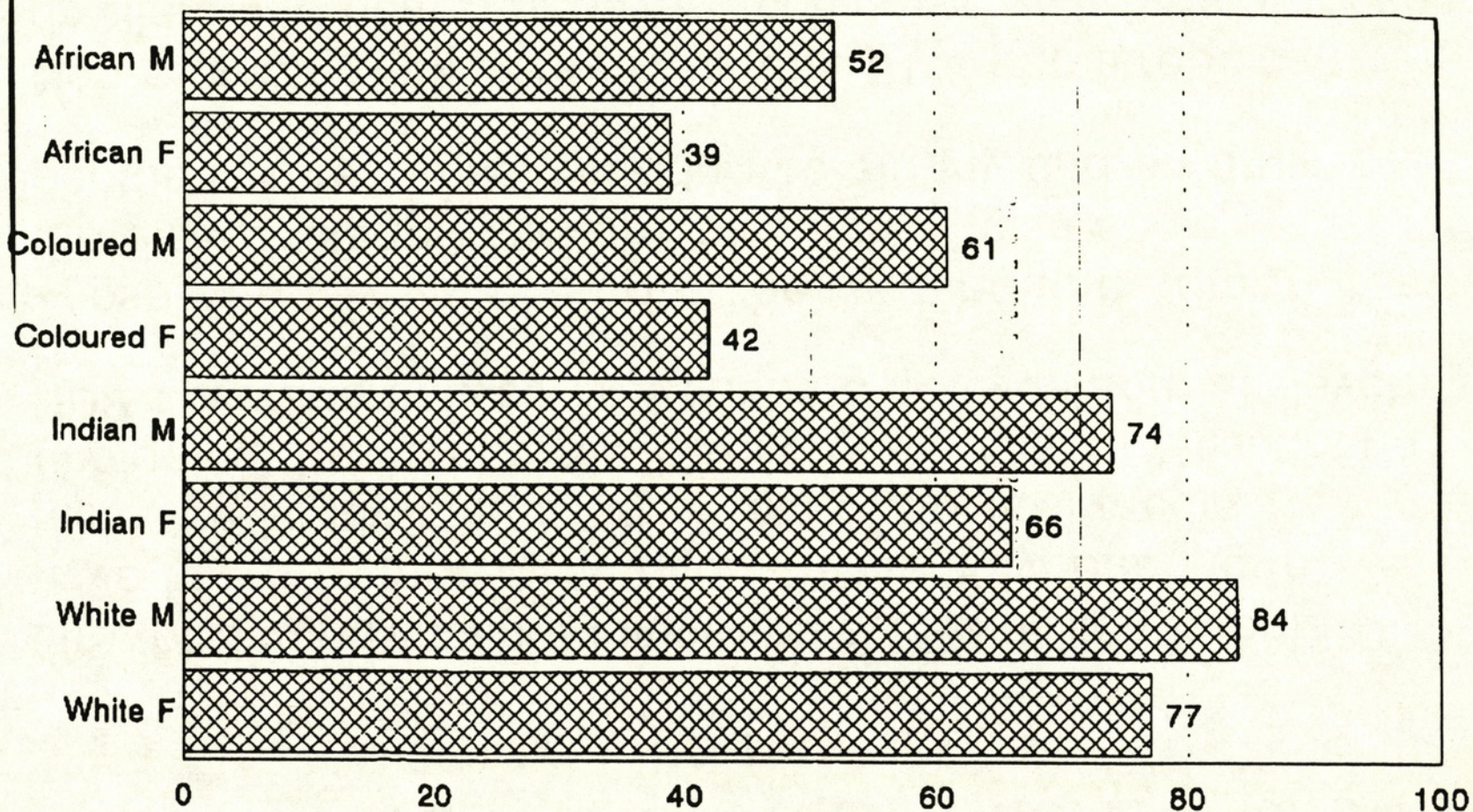
Note: Discussions are already taking place to secure sponsorship for the Adoption Dinner.

Who has heard of the Constitutional Assembly and who has not?

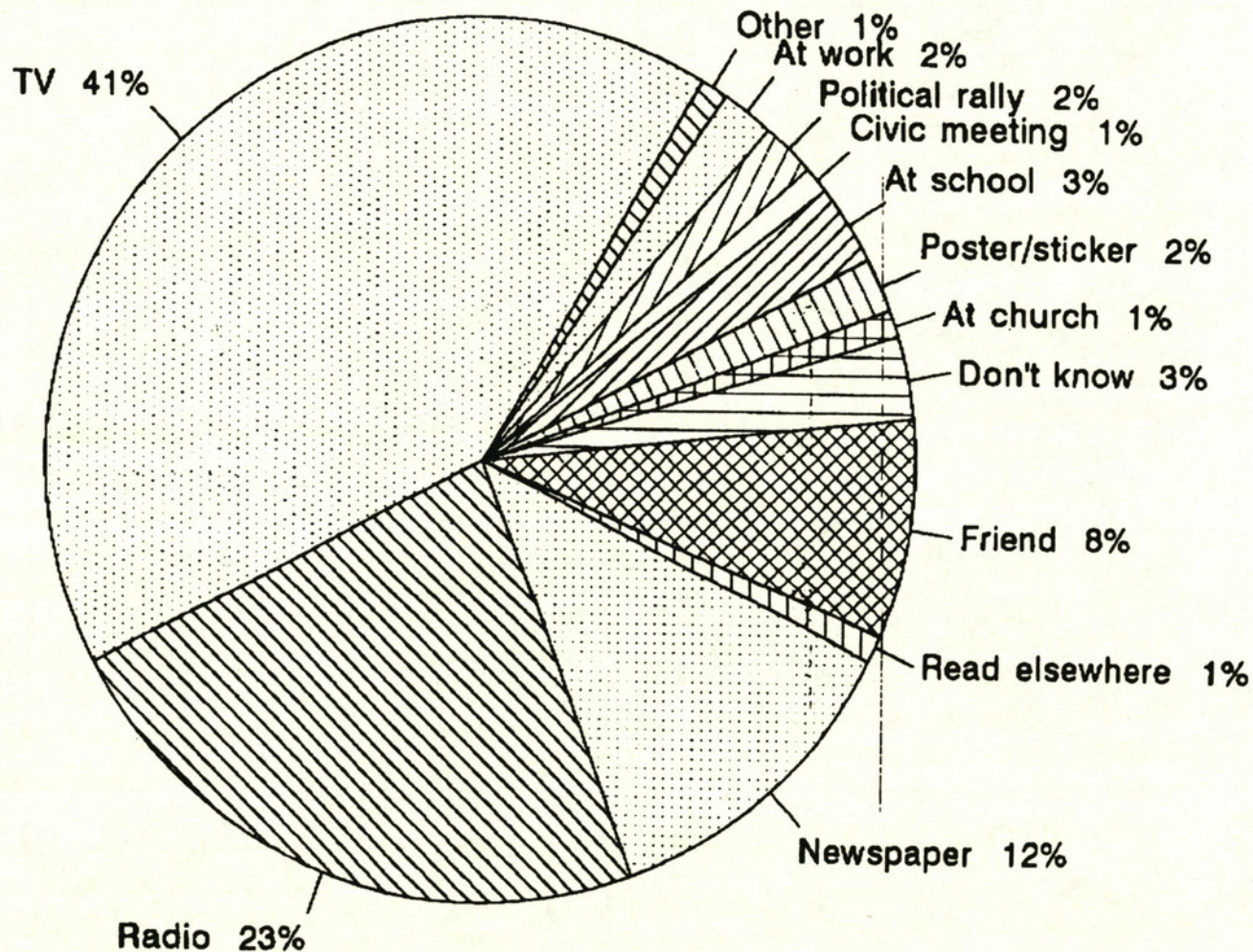
- 60% of South African adults - some 15,2 million people - have heard of the Constitutional Assembly. Bearing in mind the highly contested terrain of political media (including the community election campaigns, Masakhane, RDP coverage and so on), this is a considerable achievement.
- Those who have not heard of the CA tend to be drawn from the disadvantaged sections of South African society - people in rural areas, women, the elderly and so on.
- Non-prompted answers reveal that 61% of metropolitan dwellers had heard of the CA, compared with 58% of those in small towns, 42% in informal areas (metro and urban) and only 32% of those in rural areas. 13% more men than women spontaneously recalled the CA. Less than half (46%) of those aged 50+ spontaneously recalled the CA.

'Have you heard of the Constitutional Assembly?'

by race and gender
(spontaneous recall only)



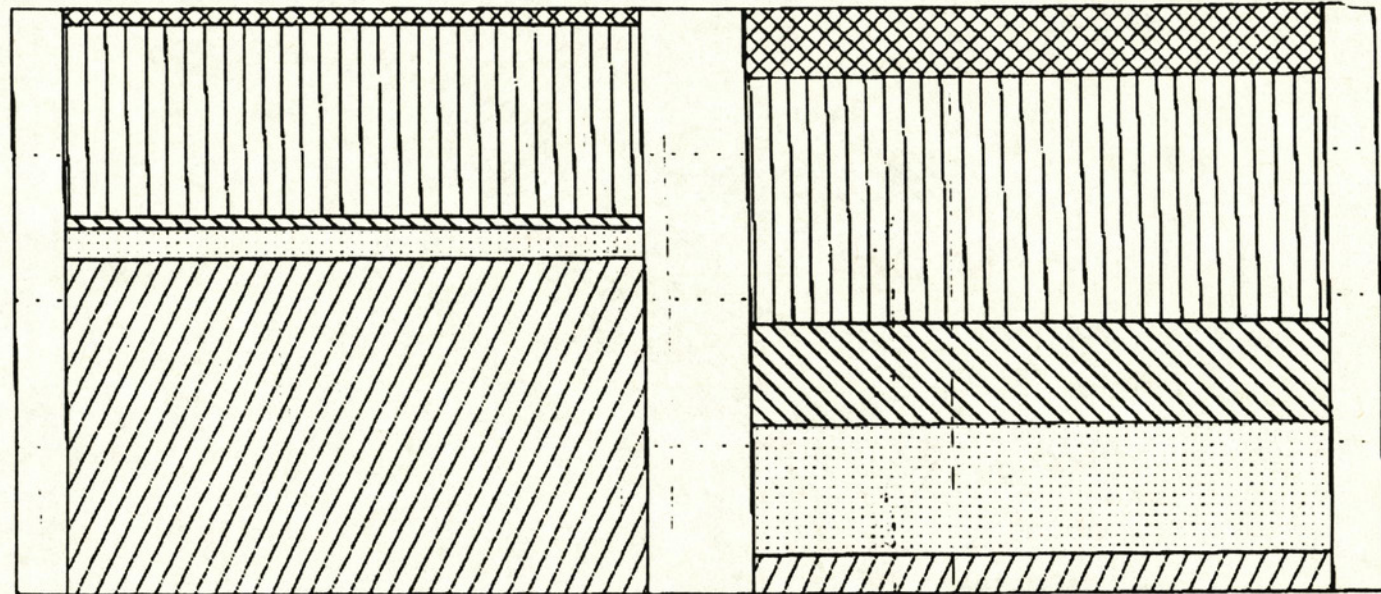
'How did you first hear about the Constitutional Assembly?' (among those who had heard of the CA)



47

Membership of key civil society structures and their role in informing members about the CA process (all respondents, graphing "Yes" answers only)

48



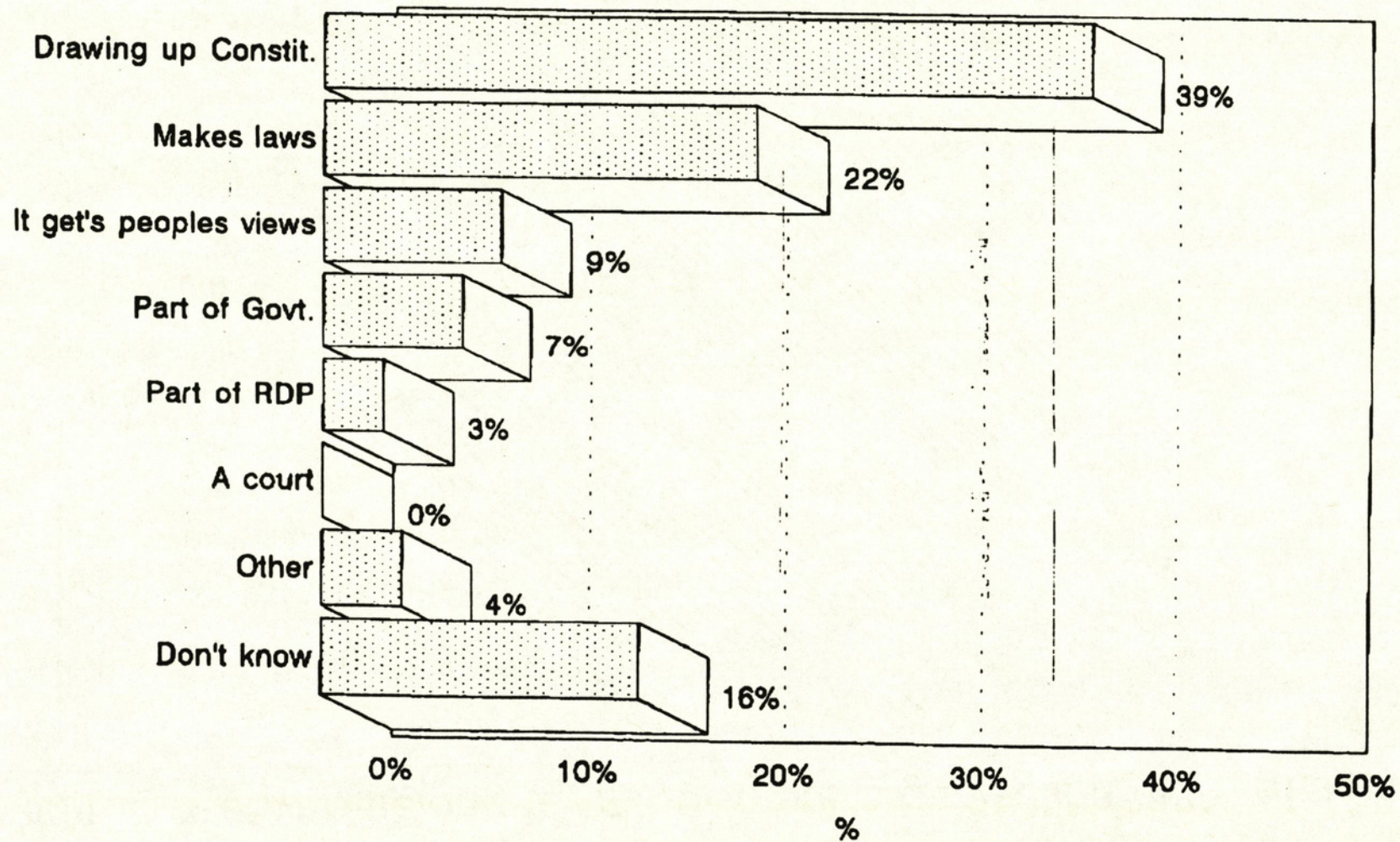
Church

Trade union

Made submission?	<input checked="" type="checkbox"/>	4%	20%
Did you go?	<input type="checkbox"/>	49%	71%
Held meetings?	<input checked="" type="checkbox"/>	3%	29%
Informed you?	<input checked="" type="checkbox"/>	8%	37%
Belong?	<input checked="" type="checkbox"/>	85%	11%

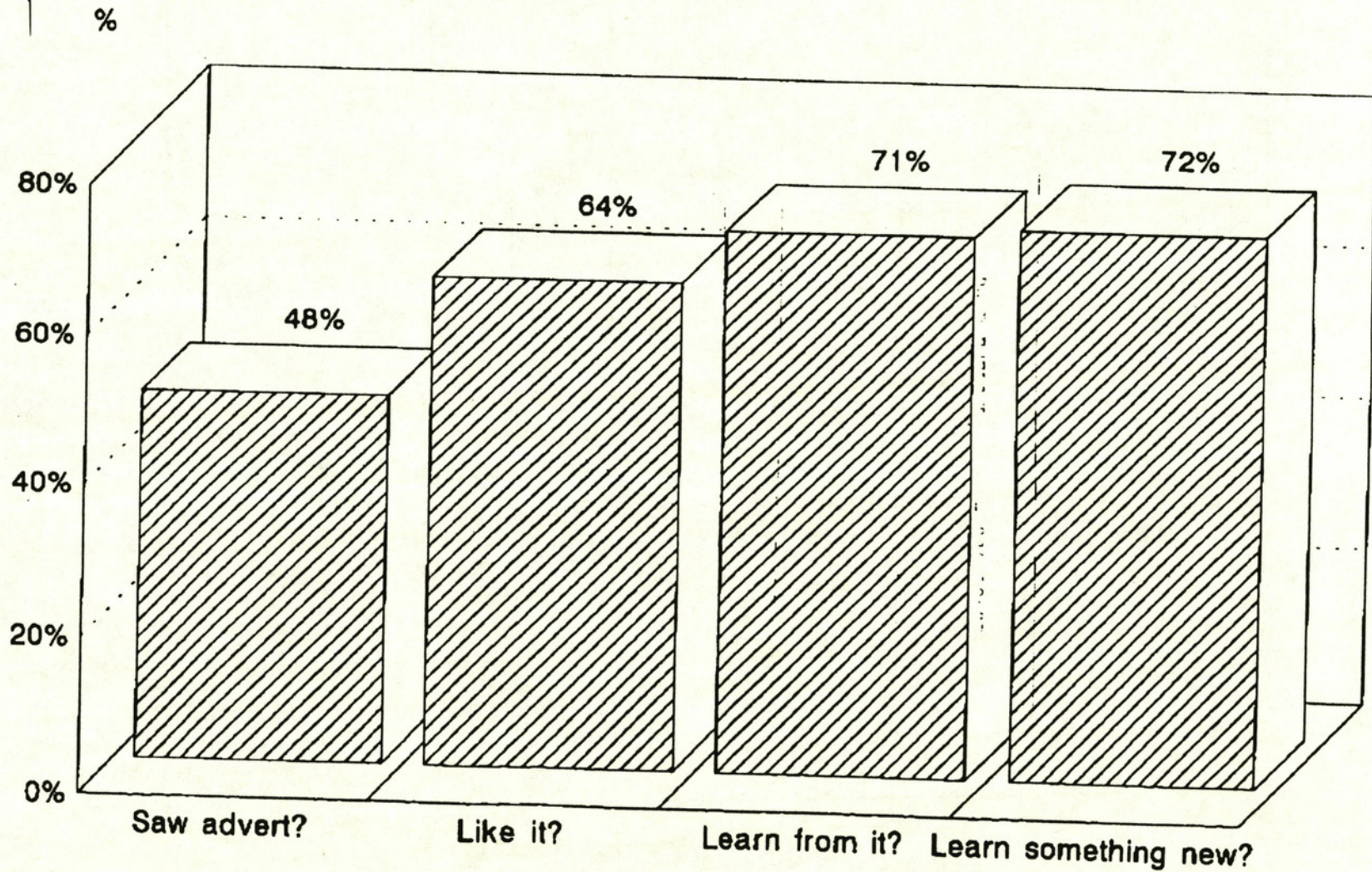
'What is the CA doing?'

(among respondents who had heard of the CA)



50

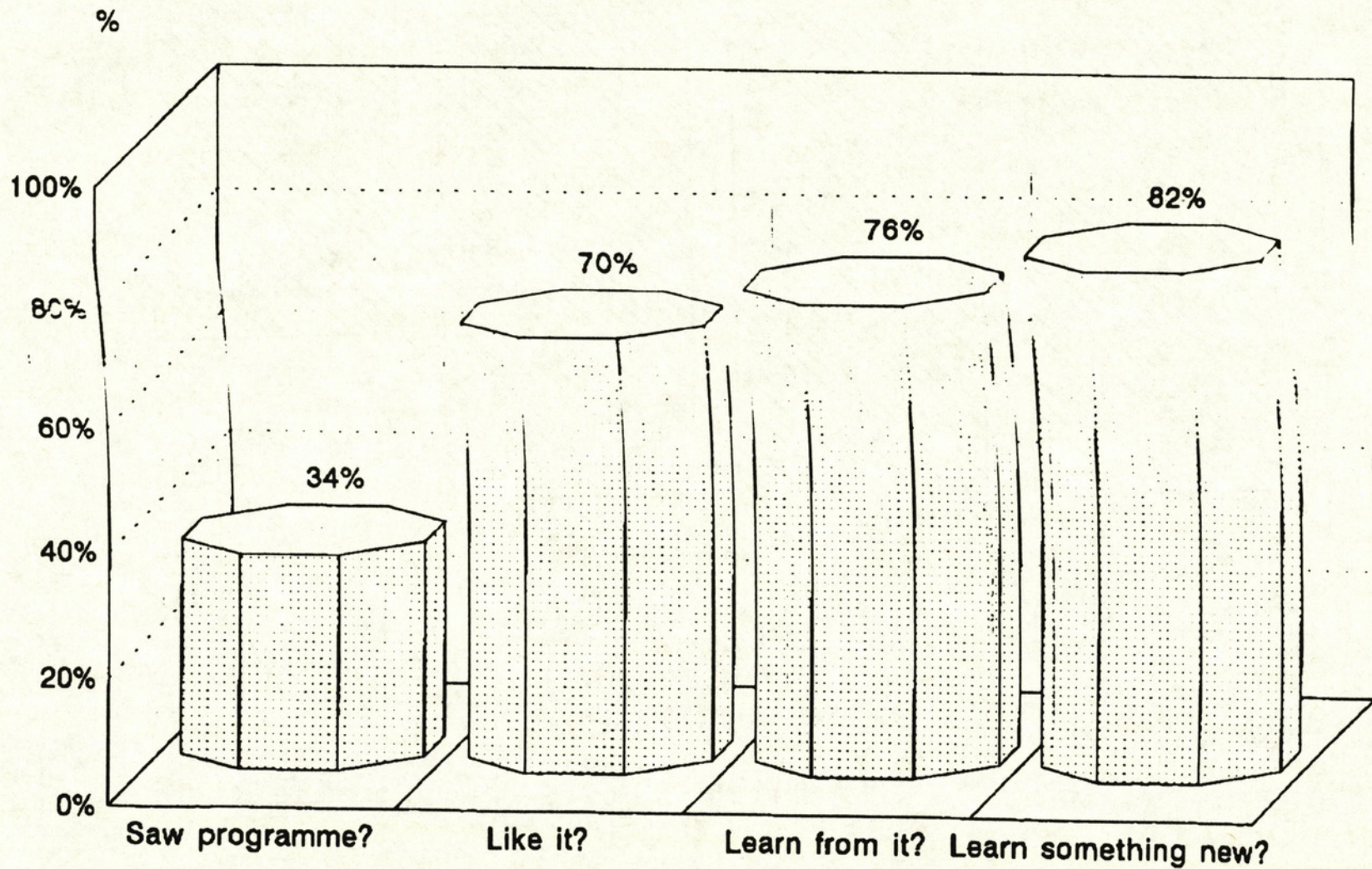
Exposure and response to TV advert for draft constitution (among TV viewers)



51

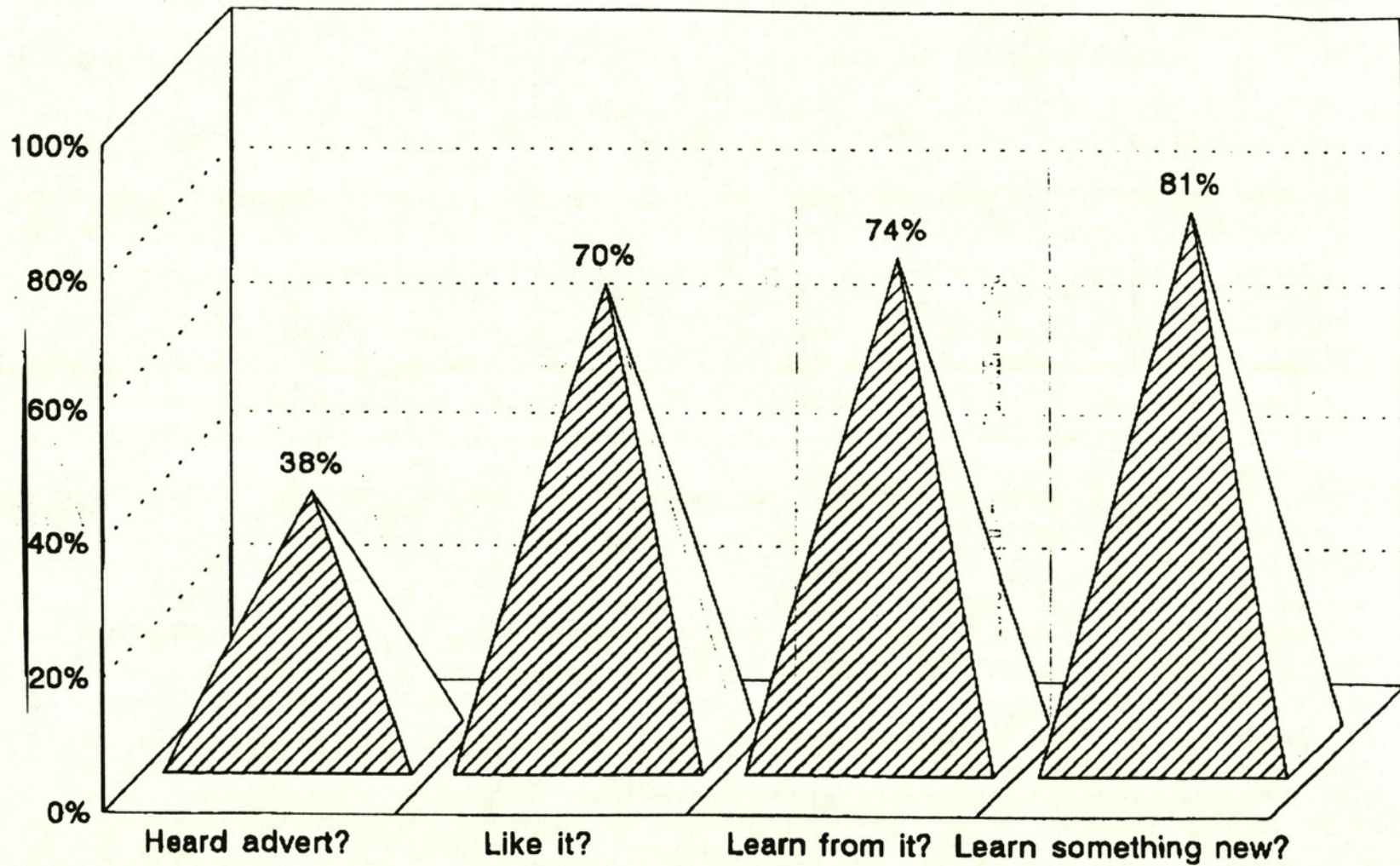
Exposure and response to Constitutional Talk (TV version) (among TV viewers)

U4/10/90 16.14 040 120



52

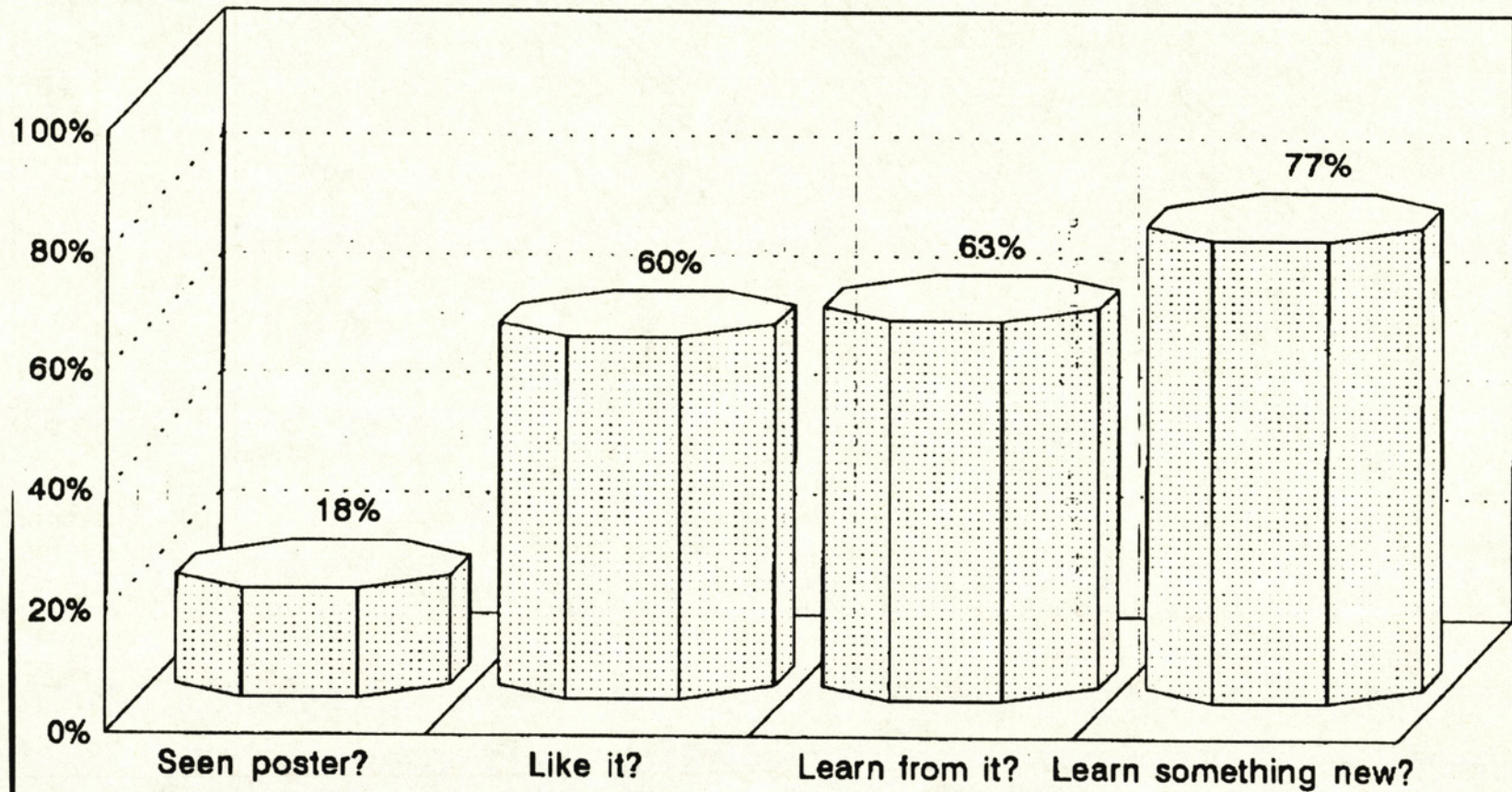
Exposure and response to radio advert for draft constitution (among radio listeners)



53

Exposure and response to CA print advert (all respondents)

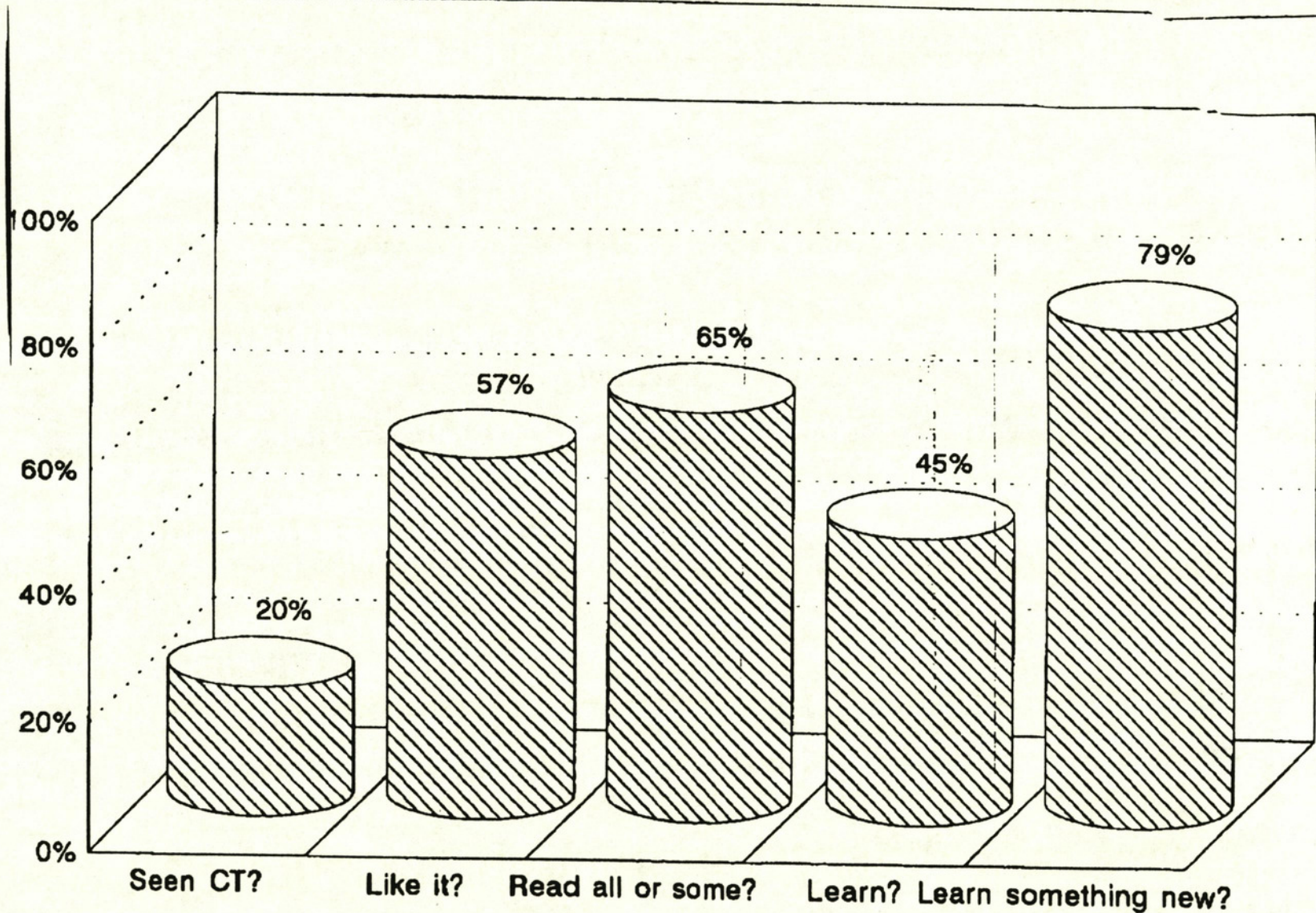
(these adverts appeared in newspapers and as posters)



54

C A S E research for the Constitutional Assembly
The CA has produced a host of posters: we used one and asked if respondents had seen this poster or one like it.

Exposure and response to Constitutional Talk (newspaper version) (all respondents)



55

Exposure and response to Constitutional Talk edition including the draft Constitution

- 17% of the sample - some 4,3 million adults - have seen the Constitutional Talk edition which included the draft Constitution.
- Of those who saw it, 62% liked the newspaper and 32% found it "OK": only 6% disliked it.
- Interestingly, only 14% of those who saw the newspaper, read all of it. It seems that people read what interests them, not the whole Constitution.
- 84% of those who read the newspaper learned from it. For 81% of them, what they learned was new.
- Three-quarters (73%) of readers liked the mixture of text and cartoons. A similar number (75%) liked the mixture of languages, with only 14% disliking the linguistic mix (the remainder were unsure).

Overall impact of CA media campaign (among respondents exposed to one or more component of the campaign*)

57

- ✓ We asked respondents who had been exposed to one or more elements of the CA media campaign to consider whether exposure to the campaign increased their knowledge about the new Constitution or not.
- ✓ Over half (57%) said that the media had increased their knowledge; over a quarter (28%) said that they learned "a lot" from the campaign.
- ✓ It is important to note that the campaign seems to have had a positive impact among rural dwellers who were able to access the media: 59% of rural dwellers learned from the campaign, compared with 53% in small towns, 56% in informal areas and 58% in metro areas.
- ✓ There were no significant differences between men and women on this issue.
- ✓ Overall, the CA media campaign seems to have been well regarded among those it reached.

C A S E research for the Constitutional Assembly

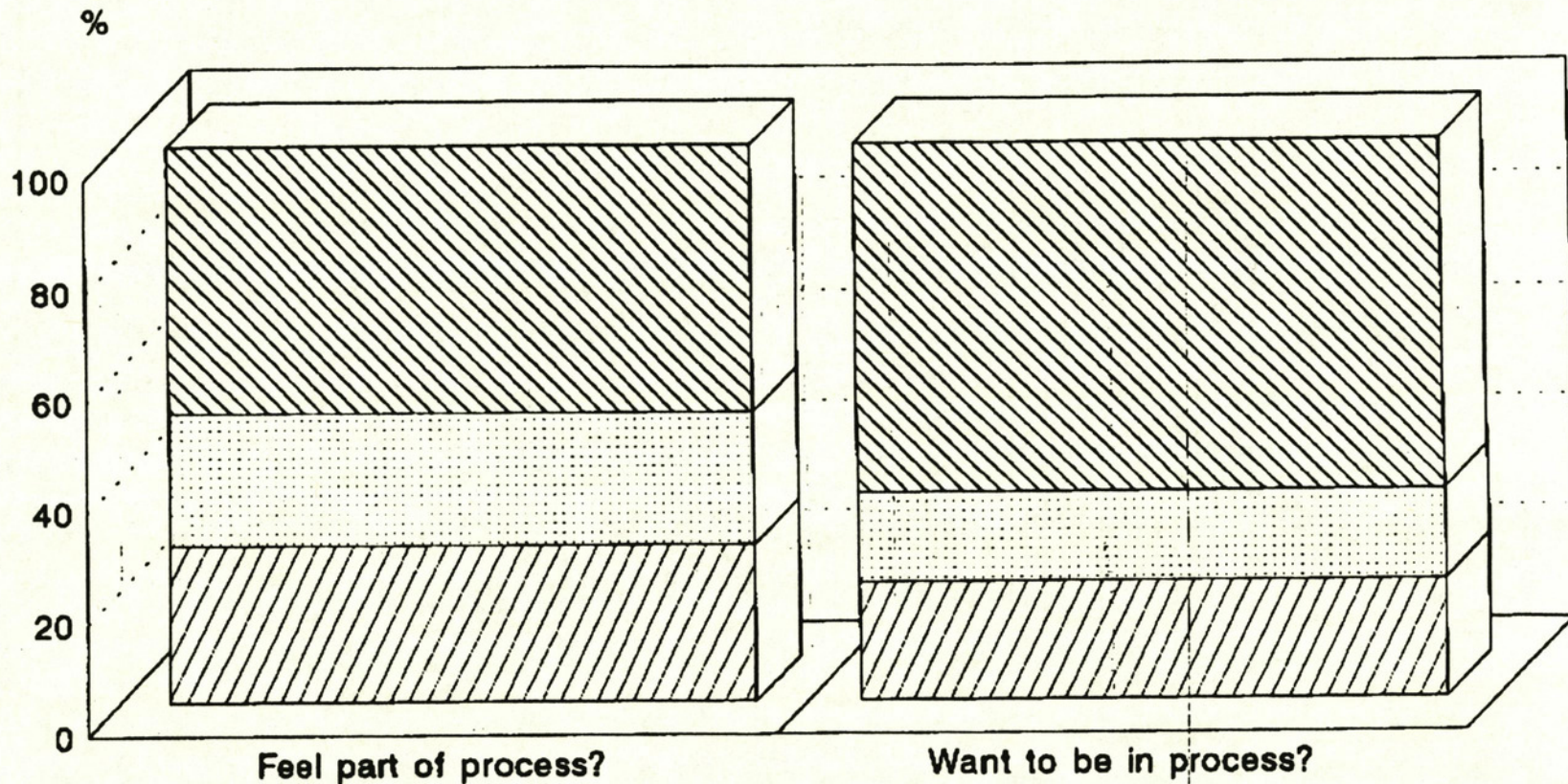
Includes: TV and radio programmes & adverts; print adverts; Mandela poster; CA logo; Constit. Talk.




'Do you want to know more about the new Constitution?' (all respondents)

- We asked all respondents whether or not they want to know more about the new Constitution. In response, 82% said yes. This is roughly equivalent to 21 million adults who want to know more.
- Demand for information was similar across gender and rural/urban areas. Slightly fewer people aged 50+ want to know more - but 69% of this age cohort do want information. Fully 71% of those with no formal education want to know more about their rights and the Constitution.
- This in turn raises the question: who will undertake this civil education? The survey has shown the limited role that civil society has been able to play thus far in constitutional education. In the absence of a structure such as the CA to drive the process, to whom will the CA's legacy and campaigns be entrusted?

Attitude to public participation campaign (all respondents)

59



Yes		48	63
Unsure		24	16
No		28	21

Knowledge of ability to make written submissions (all respondents)

60

