

***DEPARTMENT OF
CONSTITUTIONAL DEVELOPMENT***

***A PROPOSAL FOR
CONSTITUTIONAL EDUCATION***

***PREPARED BY
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CONTENTS

1.	INTRODUCTION.....	1
2.	WHAT SHOULD CDS DO TO FULFILL ITS MANDATE?.....	2
3.	STRATEGIC OBJECTIVES.....	2
	3.1. Principles.....	2
	3.2. The overarching goals of constitutional education.....	2
	3.3. Programme Objectives.....	3
4.	TARGET AUDIENCES AND THE STRATEGIES TO EDUCATE THEM....	4
	4.1. Government.....	4
	4.2. Educational Institutions.....	4
	4.3. Civil Society.....	4
	4.4. General Public.....	5
5.	EDUCATIONAL STRATEGY.....	6
6.	TIMEFRAMES.....	8
7.	CONCLUSION.....	8
8.	SIYAKHA COMMUNICATIONS.....	8

ANNEXURE

CONSTITUTIONAL DEVELOPMENT SERVICES

A proposal for Constitutional Education

1. Introduction

The New Constitution is the single most important aspect of the transformation of South Africa. It is the first constitution in our history to take onboard the aspirations of all citizens and accordingly the adoption and signing marks an important milestone in our history. It marks the beginning of a new phase in which all levels of society must contribute to the development of a rights based culture. It is in this phase that constitutional democracy must be entrenched through informed awareness and education. This will ensure that all sectors of society will be empowered to enhance and protect our democracy.

The public at large are not sufficiently aware of how it impacts on their day to day lives. It is only through an effective education campaign that the constitution can be made meaningful to all South Africans. Constitutional education will reinforce the ownership of the constitution which members of our society already enjoy.

The Constitutional Assembly (CA) achieved great success with its extensive Public Participation (PPP)(see Annexure A). Through the PPP all sectors and millions of members of the general public participated in the constitution-making process. The communication strategy consisted of a comprehensive multi-media campaign including the following complimentary mechanisms : educational workshops, public relations, radio, TV, public meetings, print media and educational publications. At the end of March 1997 the CA completed its campaign with the mass distribution of 7.3 million copies of the constitution to the public. Throughout PPP, immense public interest was generated and during March 1997, constitutions were collected from Post Offices at the rate of half a million per hour. Through the PPP, the CA created a credible process of constitution-making which has assured that our new constitution enjoys full legitimacy.

CDS should build on the foundations laid by the CA and use the awareness its campaign generated. However, while the CA's legacy should be used and its lessons incorporated, the approach of CDS to constitutional education must necessarily be different from that of the CA. This is because CDS and the CA have very distinct responsibilities. Although the CA implemented extensive and successful constitutional education and awareness raising programmes, it did so as a function of its primary mandate, which was to write a constitution. The responsibility of CDS is to educate all South Africans about the constitution and how to use it in their day to day lives.

2. What should CDS do to fulfill its mandate?

CDS has an enormous responsibility and fulfilling it will require development and implementation of an ongoing constitutional educational programme. Everyone needs constitutional education, but where and how should CDS begin? The constitution is the best medium for the post-Apartheid transformation of our society. The spheres of government, organs of state and the public service will take the lead in transforming our society and consequently constitutional education for these institutions should be prioritised.

Civil Society is also critical to the transformation of society and accordingly civil society structures should also be prioritised. The general public is equally important, but the sheer numbers involved will mean that they will not be able to be accessed at the same depth as the spheres of government, organs of state, the public service and civil society.

CDS will have to develop education strategies and programmes that have:

- short, medium and long term objectives;
- prioritised target audiences and specific strategies to reach them;
- sustainability;
- co-operation and co-ordination with:
 - * other structures of government and state institutions supporting constitutional democracy. This is to ensure that there are no duplications but rather maximum synergies between the programmes of the SAHRC, the Gender Commission and the Department of Justice;
 - * Civil Society structures

3. Strategic Objectives

3.1. Principles

In order to formulate and implement an effective, integrated, co-ordinated and legitimate constitutional education programme, the following principles must form the cornerstone of the programme:

- Inclusivity
- Credibility
- Transparency
- Effective delivery
- Continuous evaluation

3.2. The overarching goals of constitutional education are to:

- entrench constitutional democracy;
- build and develop a human rights culture at all levels of government and society;
- reinforce and entrench ownership of the constitution by all South Africans;

- put in place mechanisms which will ensure that educational institutions include constitutional education in their curricula;
- develop and strengthen the relationship between government and civil society
- empower all South Africans to develop and deepen their democracy.

3.3. Programme objectives:

a) Short term

- i) Implement a detailed needs audit and constraints analysis
- ii) Liaise with SAHRC, Gender Commission, Department of Justice etc. regarding their programmes
- iii) Provide constitutional education to all elected representatives in the national, provincial and local spheres of government
- iv) Provide constitutional education to all senior members of the public service as well as those who are responsible for interfacing with the public on a day to day basis
- v) Educate key civil society sectors
- vi) Develop education resource material in all official languages. This resource material should be developed in plain language, including training manuals that can be used to train trainers and facilitators in government and structures of civil society
- vii) Liaise with government training officers and educational institutions regarding constitutional course material and syllabi
- viii) Initiate constitutional education programmes for the general public through the creative use of media, public relations and edutainment
- ix) Monitor and evaluate

b) Medium Term

- i) Institutionalise Constitutional education for:
 - all elected representatives
 - all members of the public service
- ii) Extend education to all civil society structures
- iii) Initiate constitutional education programmes in all education and training institutions
- iv) Deepen constitutional educational for the general public through media campaigns, workshops, rallies and public relations events
- v) Monitor and evaluate

c) Long Term

- i) All South Africans should have access to institutionalised constitutional education courses and programmes

- ii) Organise regular campaigns and public relations events to nurture interest and provoke debate
- iii) Monitor and evaluate all constitutional education processes on a regular basis

4. Target Audiences and the strategies to educate them

4.1. Government

Constitutional education should begin on the premise that the state will lead society in establishing a culture of constitutionalism. It is vital that all elected representatives, senior policy makers and senior government officials ensure that the state complies with the constitution.

Government must be aware that it operates in a manner that is consistent with the constitution and all structures of the state need to commit themselves to entrench human rights. Government must also ensure that it operates within the spirit of the constitution, this means acceptance of transparency and accountability in its day to day operations.

The education program should consist primarily of face-to-face communications e.g. briefings and workshops (see paragraph 4.3). The priority for this programme would be the education of all elected representatives, policy makers, elected officials and senior civil servants in all levels of government. The level of awareness across all these sectors will be very uneven. Specific programmes should be developed for each sector within government to accommodate this and to cater for their specific needs and functions. Through the provision of information and educational resources to training sections within government departments, these structures will be empowered with respect to the training and education they can render to officials within their own departments.

4.2. Educational Institutions

Joint co-operative programs between educational institutions and CDS could ensure that schools build constitutional education into their curricula. This should also be extended to all adult education and basic training institutions. This will be the first step to institutionalise constitutional education. Educational institutions should mainly be accessed through face-to-face communications which will include educational publications e.g. posters, pamphlets, booklets and manuals.

4.3. Civil Society

South Africa is broken up into a patchwork of stakeholder groupings which are collectively known as civil society. Civil society consists of a large and diverse number of organised formations. These range from key national sectors like business, labour, women, youth, religious authorities, traditional authorities etc., to regionally and locally based organisations e.g. civic bodies, religious groups, advice offices, NGO's,

community-based organisations (CBO's) etc. This strong civil society is one of the best assets of our young democracy and it is able to access communities. These are also the people that reach the people. The face-to-face outreach programmes should strategically interface with elements within these structures in order to reach communities.

Civil Society organisations interact with their own constituencies in a dynamic and ongoing way. Interfacing with civil society structures offers the following additional advantages:

- through the provision of information and resources, the structures are empowered with respect to the services they can render to their own constituencies;
- links between official institutions and civil society are strengthened;
- partnerships through which CDS can share responsibility for constitutional education.

Special resource material will have to be developed for civil society. It will be necessary to disseminate both general and specific information to various sectors.

4.4. General Public

The multi media campaign will ensure that public interest in the constitution is stimulated, maintained and deepened. The objective of this campaign would be to ensure that the campaign creates an informed public awareness.

An open week campaign can be instituted where e.g. all legislatures and local authorities will be open to the public. Each of these institutions will have a members of the institution to answer questions.

A media campaign with the theme "101 ways to be protected by your constitution" should be developed. This campaign will endeavour to inform the public about the constitution. It is through this campaign that issues in the constitution will be explained.

Running concurrently with the media campaign will be an edutainment radio program in all languages. Script writers should also be engaged to develop an edutainment TV series. To supplement the radio and TV drama series, a comic should be produced. The SABC can be asked to contribute air time.

Star Music can provide information tapes for taxis. The tapes can have different messages every three months. The tapes must be made in all languages.

Educational publications e.g. posters, pamphlets and manuals in plain accessible language should be produced to complement all levels of the education programme.

A constitutional phone line can be instituted so that people can access the Constitution whenever they want and in the official language of their choice.

A regular newsletter which provides information on the Constitution must be established. Alternatively the CA's "Constitutional Talk" can be taken over by CDS. The newsletter can articulate debates on the constitution. The Newsletter should be circulated to all elected representatives, senior civil servants and NGO's. It should also allow individuals to subscribe.

5. Education Strategy

- 5.1. The overarching objective of the education strategy is to realise the goals of the education programme and the project objectives;
- 5.2. There should be a comprehensive, cohesive, focused, multi-media and PR campaign that integrates the above, below and off-the-line (workshops) components of the education programme. The campaign should be multi-layered and it will not be possible to leave out one element of the campaign. This will undermine the remaining components and endanger the overall campaign;
- 5.3. the strategy should encompass an extensive face-to-face workshop programme to reach elected officials, civil servants, civil society structures as well as historically disadvantaged and rural communities. By consulting, informing, educating and working with elected officials, public servants and civil society structures, CDS will be able to capitalise on interest and deepen the process of informing and educating people about the constitution. The face-to-face outreach programme, through the training of trainers and facilitators will ensure that influencers and members of civil society structures will be empowered to continue with constitutional education in their own constituencies. This will create a "snowball" effect and will create the platform for the people to be reached by the people.
- 5.4. Further elements that should form part of the education strategy are the following:
 - a) communications should be in all official languages;
 - b) PR events and campaigns like the Open Legislatures week and the 101 ways competition should be organised at strategic intervals.
 - c) optimum use should be made of the existing channels of mass communication (print, electronic and outdoor). Billboards, busses and bus shelters are examples of outdoor media;
 - d) an advertising campaign should be developed for print, electronic and outdoor media;

- e) educational publications e.g. posters, pamphlets, a booklet, manuals and other resource material in plain accessible language and incorporating graphics should be produced;

i) *Posters*

Posters are an economical and effective means of reaching a wide target audience. Their function is to raise awareness and interest and provide education and information.

ii) *Pamphlets*

A series of pamphlets covering specific aspects of the constitution should be developed.

iii) *Booklet*

An explanatory booklet should be developed to back up the pamphlets and provide substantive information.

iv) *Manual*

To ensure that everyone running educational events provides that same level of education and information, a manual should be developed. This manual could also empower trainers and facilitators to continue constitutional education in their own constituencies.

- f) educational material for the electronic media should also be produced. All educational material should be produced in all official languages. This material will complement the face-to-face outreach programme;
- g) promotional material e.g. a brochure should be produced;
- h) edutainment should be emphasized. This can be done with radio and TV using drama and other creative methods for constitutional education. These programs can also be supported by comic books, based on the characters and stories. NGO's can be approached for the development of the scripts;
- i) the formulation of the education programme should be unique but also build on the momentum generated and the lessons learnt by the CA. (see Annexure A)

6. Timeframes

It is envisaged that the first leg of this program should take place over a period of 10-12 months. The process of creating an informed awareness is a complex task. Furthermore, very specific programs will have to be developed for some sectors.

Constitutional education is a long-term process and should be developed and implemented in different phases. It is only through an ongoing programme that a human rights based society can be developed and all sectors of society empowered to advance our democracy.

7. Conclusion

The responsibility for constitutional education lies with the Department of Constitutional Development (CDS). CDS has to develop a multifaceted campaign to promote an informed awareness of constitutional issues.

- 7.1. it needs to develop a multimedia approach for ensuring that all levels of our society are sufficiently informed of constitutional issues;
- 7.2. the campaign must begin with the structures of government;
- 7.3. Furthermore it has to extend the program to ensure that civil society is also empowered;
- 7.4. CDS has to ensure that it develops a long term approach to constitutional education. This involves the development of mechanisms to locate and entrench constitutional education in the training programmes of all government departments and in the syllabi of all educational institutions.

8. Siyakha Communications

Siyakha Communications CC has been established to offer a full range of communication services including those that are not provided by other communications companies. The team has rich experience in developing and implementing public issue strategies and campaigns at national, provincial and community level. Siyakha specialises in:

- Developing and implementing education programmes;
- Developing educational publications and resource materials in plain and simple language;
- Developing and implementing workshop programmes;
- Developing Communications Strategies;
- Managing the implementation of Communications programmes;
- Facilitating community consultation processes;
- PR and Event Management

Siyakha has extensive community experience and is committed to work in co-operation with civil society structures including CBO's, NGO's, and other organisations which represent grassroots communities.

Our structure is composed of the heart of the Community Liaison Department of the Constitutional Assembly (CA). This department was responsible for the development, planning and implementing of the successful face-to-face component of the Public Participation Programme (PPP) of the CA. The majority of the Siyakha members (over 75%) were part of the senior management and implementation structures of the Community Liaison Department.

Siyakha can offer the following competencies:

- Ability to manage multi-disciplinary undertakings;
- Ability to develop and implement media advertising based on a comprehensive understanding of South Africa's diverse target audiences;
- Ability to train public figures, corporate groups and many others to present themselves to the media, including public speaking skills;
- We offer South Africa's best database of civil society structures and community organisations;
- A balanced set of specialist skills, including project management and public participation;
- An appropriate blend of experience and reputation;
- Specific experience in having run the Public Participation Programme of the Constitutional Assembly through which 117 184 people were accessed. This included the following:
 - * Constitutional Public Meetings across all nine provinces - 26 events in which, 20 549 people and 717 organisations participated.
 - * National Sector Public Hearings that engaged with all key sectors of South African society - 13 events, 1508 people attended, 596 organisations participated.
 - * An extensive Constitutional Education Programme that was implemented in all provinces - 486 workshops, 259 briefings, 446 meetings.
 - * 1252 community participation events between September and November 1996, including work for Census 96, Mortgage Indemnity Fund and Truth and Reconciliation Commission.

Related Project Experience

a) Constitutional Assembly : Constitutional Education Programme

The Constitutional Education Programme (CEP) formed part of a strategy developed by the Constitutional Assembly to interact with the South African public. The specific mandate was to engage in face-to-face communication with rural and disadvantaged communities to enable them to make effective input into the constitution-making process. To do this, it was necessary to educate

people about constitutions and the process of writing the New Constitution. This ensured that the people understood the issues and the process involved and were consequently able to make informed submissions and comments.

The objectives of the CEP were the following:

- i) helping to ensure maximum community participation in the constitution-making process, primarily through community workshops;
- ii) raising the profile of the CA and popularising the process;
- iii) a specific focus on rural and disadvantaged communities, including a process of empowerment

The CEP adopted the community workshop approach for educating rural, educationally and historically disadvantaged people who usually also lack access to the print and electronic media.

The underlying philosophy of this approach was that people learn much better if they are involved in the learning process and not merely lectured to. Workshops were thus designed to be as participatory as possible and were held in people's own communities to ensure that people could attend without having to spend scarce finances on transportation. Two co-ordinators from each province were identified and trained to run these workshops. They had the language skills required by their province as well as an understanding of the communities in which they worked.

Other important ways of interacting with civil society included the interaction on a provincial basis with the CEP co-ordinators. All co-ordinators met with representatives from civil society structures in order to inform them of the constitution-making process. These meetings were held on a regular basis as the process unfolded, so that civil society structures were kept up-to-date with developments.

b) Truth and Reconciliation Commission

Siyakha Communications developed and implemented the TRC print media campaign to publicise hearings during the launch phase in April and May 1996. Siyakha also developed and is still busy implementing the second phase of the TRC grassroots outreach programme. To date this has entailed:

- developing a communication strategy and communication campaign.
- creating and writing copy for print advertisements;
- managing the flighting of print advertisements in conjunction with Grey Holdings;
- developing and writing radio scripts in plain language;
- development and production of posters, tabloid, booklet, pamphlet and workshop kit in plain language and;

- the implementation of workshops across South Africa to inform, educate and prepare people with regard to TRC hearings.

In the fulfillment of the above-mentioned brief, Siyakha has demonstrated strategic capability, creative ability, and the ability to work with the complexity inherent in the work of the Commission. All the above were delivered under extremely tight deadlines.

c) Census 96

Siyakha Communications developed and implemented the Census 96 grassroots outreach programme. The aim of this campaign was to inform and educate communities to participate in the Census and to complete census forms. This entailed:

- 253 workshops, involving rural communities across South Africa;
- 204 briefings involving local authorities and aimed at reaching community influencers and distributing resource materials;
- 2 mail shots reaching 1500 NGO's and Civil Society Structures. The mail shots included information such as posters, an information letter, leaflets and booklets.

d) Mortgage Indemnity Fund

Siyakha developed an education/outreach strategy and operational plan for the Mortgage Indemnity Fund. A total of 309 actions (workshops/meetings) were held in all provinces from 1 September 1996 to the end of November 1996. A further 83 actions are planned for 1997.

The Public Participation Programme (PPP) of the Constitutional Assembly

The strategy used by the CA consisted of a multi mix of media mechanisms, PR and face-to-face engagements. This multi-pronged approach ensured that the reach of the CA campaign went far beyond conventional media mechanisms. It ensured that communities who had previously not been reached, were accessed and involved. This included the following:

- **face to face engagement** : consisted of various components, firstly civil society and other role players were consulted on areas of the constitution which affected them, these sectors participated in the CA process through workshops and hearings;
- **constitutional education workshops** : allowed ordinary members of the public to participate. These educational workshops were used to equip members of the public who otherwise would not have been able to participate in the constitution making process;
- **public meetings** : extensive interaction between the public and constitution makers was facilitated through numerous public meetings;
- **media campaign** : included extensive press and electronic media advertisements, the use of taxinet , outdoor media, and street murals in the townships. Radio and TV talk shows also generated public awareness;
- **PR activities** : these included the adoption ceremony, special briefings for foreign embassies, briefings for the provincial legislatures and the Constitutional talk line;
- **educational resource materials and publications** : were produced in house for use at the face to face workshops. Posters were also used to entrench key ideas;
- **media liaison** : included press conferences and a strategic interface with the press on an ongoing basis.
- **"Constitutional Talk"** : a regular newsletter that kept key role players abreast of the process.

For further information the 1996 Annual Report of the CA should be consulted.