

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

USAID/SOUTH AFRICA



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Mr. Mandla Mchunu
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University of Natal
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Durban
4001

1993 -07- 2 1

Subject: South Africa Community Outreach and Leadership
Development (COLD) Project
Agreement with Center for Socio-Legal Studies (CSLS)
Agreement No. 674-0301-G-SS-3048-00

Dear Mr. Mchunu:

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, and the Comprehensive Anti-Apartheid Act of 1986, as amended, the Agency for International Development (hereinafter "USAID") hereby enters into this Grant Agreement (hereinafter "Agreement" or "Grant") with the Center for Socio-Legal Studies (hereinafter "CSLS" or the "Grantee") and obligates the sum of \$170,000 to provide support for a program described in Attachment 1, entitled "Schedule," and Attachment 2, entitled "Program Description," of this Agreement.

This Agreement is effective and obligation is made as of the date this letter is signed by an authorized USAID representative. The Agreement and obligation shall apply to commitments made by the Grantee in furtherance of program objectives during the period beginning on May 1, 1993 and ending April 30, 1994. Retroactive payment for eligible program expenses is authorized as of May 1, 1993.

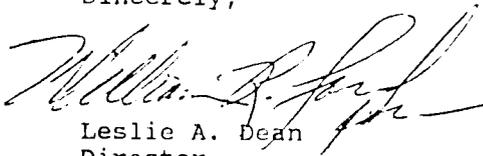
This Agreement is entered into with the Grantee on the condition that the funds will be administered in accordance with the terms and conditions set forth in Attachment 1, "Schedule," Attachment 2, "Program Description," Attachment 3, "Standard Provisions," Attachment 4, "Disbursement of and Accounting for Agreement Funds," Attachment 5, "A.I.D. Geographic Code 935 List," Attachment 6, "Guidelines for Financial Audits Contracted for by Foreign Recipients" and Attachment 7, "Grantee Certifications". This letter and the seven attachments just described, which have been agreed to by your organization, constitute the Agreement.

BEST AVAILABLE DOCUMENT

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We request that you and a member of the board or trustee of the Center for Socio-Legal Studies sign the original and one (1) copy of this letter and then return the original to USAID/South Africa.

Sincerely,



Leslie A. Dean
Director

Date: 7/20/93

ACKNOWLEDGED AND ACCEPTED
Center for Socio-Legal Studies

By: Mardla Mchunu
Title: Director

Date: _____

By:
Title:

Date: _____

Attachments:

1. Schedule
2. Program Description
3. Standard Provisions and Additional Provisions as Applicable
4. Disbursement of and Accounting for Agreement Funds
5. A.I.D. Geographic Code 935 List
6. Guidelines for Financial Audits Contracted for by Foreign Recipients
7. Grantee Certifications (Grantee Signatures Required)

BEST AVAILABLE DOCUMENT

ATTACHMENT 1
SCHEDULE

I. OVERVIEW OF AGREEMENT

This Agreement provides funding to the Center for Socio-Legal Studies for the development and production of a "Youth for Democracy" training manual which will be used in the National Street Law Programme and other human rights education programs to educate young, historically disadvantaged South Africans about democracy, elections and voters' rights.

II. PERIOD OF AGREEMENT

The effective date of this Agreement is the date the cover letter is signed by an authorized USAID representative. Unless otherwise agreed to by USAID in writing, the expiration date is April 30, 1994, meaning that no USAID funds under this Agreement shall be applicable to goods not furnished or services not performed for the program by this date. USAID hereby agrees to provide retroactive payment for selected allowable and eligible program expenses incurred on or after May 1, 1993.

III. AGREEMENT FUNDING AND PAYMENT

A. USAID hereby obligates the amount of \$170,000 for eligible program expenditures under this Agreement.

B. Payment shall be made to the Grantee in accordance with procedures set forth in Attachment 3 - Additional Standard Provision 1, entitled "Payment - Periodic Advance," and as provided for in Attachment 4, "Disbursement of and Accounting for Agreement Funds."

IV. FINANCIAL PLAN

A. Financial Plan

The Financial Plan for funds obligated under this Agreement is set forth in Table 1 below. Revisions of this Plan shall be made in accordance with Mandatory Standard Provision 4 of this Agreement, located in Attachment 3 and entitled "Revision of Grant Budget." The Grantee is authorized a 15% deviation between line items, provided that USAID is notified in writing of such budget changes in the Grantee's following Disbursement Report. However, any deviation in excess of 15%, or any increase in the total Grant, must be approved in advance in writing by the Director, USAID/South Africa.

Set forth in Attachment II, Section VI., is a more detailed Illustrative Financial Plan.

Table 1

Financial Plan
South African Rand (SAR)

<u>Item</u>	<u>Total</u>
Compensation (salaries)	29,000
Travel and Per Diem	67,709
Program Costs	27,000
Administrative Support Cost	16,964
NICEL Sub-grant	283,327
Other Direct Costs	22,000
Audit	28,500
Evaluation	<u>10,000</u>
TOTAL	484,500

B. Level of Assistance

The total Rand amount in the Financial Plan (Table 1) above is the maximum Rand amount available under this Agreement. The conversion rate from U.S. Dollars will be the prevailing rate at the time of conversion as determined by the Controller, USAID/South Africa. To determine the U.S. Dollar amount of disbursements to the Grantee under the Agreement, an exchange rate of R2.85 to one (1) U.S. Dollar will be used. Notwithstanding the above, in no event will the total Rand amount provided to the Grantee under the Agreement exceed the obligated Dollar amount provided for in Section III. A. above.

Due to exchange rate fluctuations, the total amount of Rands available after converting the total obligated U.S. Dollar amount into Rands may exceed the Rand Budget. If the Grantee desires to use such excess Rands to finance additional eligible program expenses, it may submit to USAID a written proposal for use of such funds. If USAID is in agreement with the Grantee's proposal, the Agreement may be modified to provide for the authorized expenditures. USAID reserves the right to deobligate any Dollars in excess of those needed to fund the Rand Budget. However, should changes in the exchange rate result in fewer South African Rands being available than budgeted for, the Grantee will be responsible for financing the shortfall, since the U.S. Dollar amount prevails.

V. REPORTING

The Grantee will submit to USAID, in a timely manner, written, semi-annual progress reports to USAID on activities funded and general performance under the Agreement. The content of the semi-annual reports will be mutually agreed upon but should include a brief description of program accomplishments during the preceding six months and a discussion of any problems encountered and how they were resolved. The Grantee will also submit, in a timely manner, and in form and substance to be agreed upon by the Parties hereto, a written final report on all activities financed by the Agreement.

VI. ADMINISTRATIVE SUPPORT COSTS

Administrative support costs are provided for activities funded under this Grant as specified in the Financial Plan.

VII. TITLE TO PROPERTY

Title to all property purchased under this Agreement shall vest in the Grantee in accordance with the terms of Attachment 3, Additional Standard Provision 18, entitled "Title to and Use of Property."

VIII. AUTHORIZED GEOGRAPHIC CODE

The authorized geographic code for all procurement with A.I.D. funds under the Agreement is the United States, the Republic of South Africa and countries included in A.I.D. Geographic Code 935, meaning that all goods and services financed by this Agreement shall have, with respect to goods, their source and origin and, with respect to the suppliers of goods and services, their nationality in the United States, the Republic of South Africa or in other countries included in A.I.D. Geographic Code 935. To the maximum extent practicable, goods and services financed with funds provided under this Grant should be procured from the United States. Please refer to Attachment 5 for a list of countries included in Code 935.

IX. SPECIAL PROVISIONS

A. Procurement

1. Scope: This provision is applicable to the extent that local cost financing is otherwise authorized by the Agreement. It does not require procurement in South Africa where offshore procurement could otherwise occur.

2. Policy: In the procurement of goods and services in South Africa, the Grantee shall, to the maximum extent practicable, award contracts to individuals who or organizations which have been disadvantaged by apartheid and are responsive and appropriate providers of goods and services.

3. Definitions: Individuals and organizations disadvantaged by apartheid shall mean: (1) South African individuals of black, "colored" or Asian descent whose principal place of business is in the Republic of South Africa; and (2) private partnerships or commercial firms which are incorporated in or organized under the laws of the Republic of South Africa, whose principal place of business is in the Republic of South Africa, and which are more than 50 percent beneficially owned by South African persons of black, "colored" or Asian descent. The Republic of South Africa includes the so-called "independent" and "self-governing" homelands.

B. Competition

Except as otherwise provided in Sub-Section A. above, all procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, free and open competition.

C. Staff Recruitment

The Grantee agrees that all staff recruitment for positions funded by USAID will be carried out through an appropriate competitive process and that salary levels will be in accordance with community and professional standards.

D. Travel and Per Diem

The Grantee will provide for USAID approval a copy of its travel and per diem policy covering both domestic and international travel for its staff and for program participants. The travel and per diem rates established under such policy shall not exceed U.S. Government rates. In the event the Grantee does not establish a policy, U.S. Government regulations governing travel and per diem shall apply.

E. Political Affiliation

The Grantee agrees that programs funded under this Agreement will be made available to individuals and groups regardless of their political beliefs or

affiliations. The Grantee shall not discriminate in its hiring practices or in the provision of its services against individuals or organizations who associate themselves with any particular political philosophy. The Grantee shall periodically review the level of actual provision of its services to assure that persons or organizations sympathetic to certain political groupings or philosophies are not intentionally excluded from activities financed by USAID.

F. Agreement with the Sub-Grantee (NICEL)

The Grantee shall be responsible for negotiating and executing a sub-grant agreement with NICEL and for all payments thereunder. NICEL will provide the Grantee with technical input and assistance in writing, editing and possibly evaluating the "Youth for Democracy" training manual.

X. STANDARD PROVISIONS

The Standard Provisions applicable to this Agreement are contained in Attachment 3, entitled "Standard Provisions."

1. INTRODUCTION

Leading members of the Nationalist Party including President FW de Klerk have repeatedly publicly stated that the political change which gained momentum in 1990 is irreversible. Course for the institution of an interim government towards the establishment of a legitimate governing structure in South Africa seem to be receiving favour within the ranks of the ruling party. The media and other sources are frequently discussing the imminence of the dissolution of the present Parliament and the formulation of a governing structure which will be chosen by all South Africans. In all reported discussions between the present government and representative structures of all South Africans there are clear indications that a new democratic government is a solution to the problems prevalent in the country. All political parties, especially those who represent the disenfranchised, are accordingly concerned that the period of democratisation presupposes that the millions of disenfranchised South Africans are able to partake with full understanding in the democratic processes, including elections.

It is quite evident therefore, that immediate and widespread efforts should be mounted to educate the masses on voting and the actual meaning of participating in a democracy. Whilst many organisations, persons and political parties are responding to a certain degree, to the need for preparing the majority of South Africans for participating effectively in an election, very little is being done to make voters aware of what democratic structures are, how they function, and what a democratic structure will mean for the government of their own country. It is accepted that there may not be enough time to prepare the people of South Africa fully for their political destiny, but it is essential that an effort is made to do so.

Given the different agendas that the political parties are pushing, there is a perceived danger that democracy itself might be done a great disservice by those who are either misrepresenting it or dismissing it entirely for the benefit of achieving their own goals. With the demise of apartheid, there is a great need for all South Africans to be introduced to the concept of democracy and its functions through a comprehensive and readable manual, and a widespread education programme.

2. THE PROBLEM

The architects of the apartheid regime never envisioned a period where apartheid as a political ideology could be dismantled and replaced by a new ideology. The liberation movements, throughout their years of strife and struggle towards the removal of apartheid, have not prepared the disenfranchised majority for the institution of a new government and an ideology. Throughout the period of transition, which has been marred by violence, distrust and grave uncertainties, no significant efforts have been mounted to prepare the people for the institution of democracy. Given more than 40 years of institutionalised repression, South Africans have only been exposed to a form of government which can be described as "oligarchic" and they cannot therefore be expected to understand how democracy functions. Apartheid also made those who could vote complacent on matters pertaining to the government of the country. It appears that the Nationalist Party has been able to stay in power over the years, because the majority of white voters were principally interested in the party protecting and securing their interests. The cost and manner of governing the country in order to protect such interests never concerned them significantly.

As a result they too were victims of the apartheid regime in that they were never given an opportunity to explore other political ideologies that would include the majority of South Africans and lend a much needed legitimacy in the governing structures.

The partitioning of South Africa into different self-governing and independent homelands created a democratic facade' in that the government held out that it had, to a greater degree democratised the governing structures in the land. Those who were shunted to the homelands were given a false hope that they had acquired an opportunity to choose their own representatives and to partake in their own government. The homelands, however, never practiced democracy, in the true sense of the word. All of them have been ruled by single parties who have often been replaced through coups. There is not one homeland where the ruling party has lost power at the polls. The homelands never undertook to educate their own subjects on democracy and its functions.

It is evident now that many political players, including the leaders, are hurrying to address the absence of knowledge and exposure to democracy and its functions by mounting voter education projects. Indeed such projects, as interim measures, are very useful and necessary. But given the extent of political education South Africans require, merely plunging people into voter education is tantamount to putting the cart before the horse. South African subjects ought to understand the intrinsic nature and form of government that is being put in place. Bad government in South Africa has created a climate whereby all citizens, educated or not, are hoping to have confidence in the form of government that they will be subjected to. Thus only taking their cues and leadership from popular parties will not be sufficient especially in instances where the population will participate in a referendum relating to a particular democratic principle which will be crucial in the government of the country. Thus there is a need, in addition to voter education to introduce South Africans to democratic structures and how they function. By so doing it will be possible to create a conducive climate for a social contract between the government and those to be governed.

The degree of polarization brought about by the implementation of apartheid, will not be wished away by people electing a government. The new government will also have to broker peace and repair human relations. A programme of thorough information and education on democracy will assist this process.

The support of various political parties by different people is often driven by reactions to apartheid and forces opposed to apartheid. Many supporters of political parties cannot differentiate between an organisation as a liberation movement and as a political party. Such failure to differentiate is occasioned by sheer ignorance of what democracy is and how it functions. In many other African states supporters of liberation movements have soon become disillusioned by their heroes once they become leaders of a new government. A major reason is a lack of understanding of how a country is governed and administered. After liberation, people's expectations are usually very high and there is no knowledge of the proposed government structures which could moderate such expectations.

Voter education alone is not enough to prepare the population for a democratic government and to imbue subjects with a feeling of having a stake in the government of their country. Given the extent of political damage that apartheid has wreaked in South Africa, the threads of democracy cannot be solely woven by a new committed government. The economic

climate and the degree of polarisation will not make it easy for a new government to deliver to people confidence in democracy. For democracy to thrive, the new government will need support and patience from the people. Such support and patience can only be derived from a basic understanding of what democracy is and how it functions.

Many democracy education programmes are not wide enough to reach far-flung rural communities, the youth in the schools and the illiterate masses. Therefore, a substantial proportion of South Africa's population will not benefit from programmes presently funded in order to prepare South Africans for a democratic order. Funders are concerned about the large number of non-government organisations (NGO's) that are approaching them for voter education programmes. Such NGOs are also undertaking to produce their own materials for use in training programmes. There is therefore a duplication in respect of the production of training materials. A need exists for the production of a comprehensive training manual on democracy that could be utilised by all NGOs in their training programmes. The manual could also have a list of organisations that are active in democracy training so as to promote networking and the sharing of resources.

3. BACKGROUND

- 3.1 The desire to have a comprehensive manual on democracy and voter education emanates from discussions held during a meeting of Street Law co-ordinators in South Africa in October 1992. The co-ordinators adopted "Education for Democracy" as a theme for 1993 with the idea that the National Street Law office should work towards the procurement of relevant material to facilitate nationwide training in democracy. The National Director of the Street Law project travelled to the USA in November 1992 and held discussions with the Co-Director of NICEL (National Institution for Citizens Education in Law) in Washington DC. Prof Ed O'Brien. Prof O'Brien was of the opinion that the production of such a manual should not only be country specific but that it should also relate to democracy as proposed in other states, especially in Africa. He further confirmed that his office is working towards expanding the Street Law project in Africa as a whole. If such can be achieved, the training manual on democracy would also form part of the Street Law project proposed for the rest of Africa. He welcomed the idea and undertook to facilitate the production of such a manual through active participation in the writing and the production of the book.

Prof Ed O'Brien has extensive experience in working in South Africa as well as other developing countries such as Lesotho, Namibia, Chile, Ecuador, Bolivia and Hungary. He was instrumental in introducing Street Law in South Africa. He worked with Prof DJ McQuoid-Mason under the auspices of Lawyers for Human Rights, in the constitution of the human rights training programme. He is the co-author of the Human Rights For All manual.

- 3.2 The National Street Law project has established 12 satellite offices in South Africa. The offices are working with school children, youth clubs, church groups, prisoners and other NGOs in educating the South African public on the justice system and how the law ought to function. In 1992 the Department of Education and Training

allowed Street Law to be implemented in its schools initially in the Natal Province. It is expected that in 1993 the Department will be amenable, given the successes in Natal in 1992, to have the project implemented nationally in all its schools. The Street Law project therefore has a wide constituency in South Africa and also works through formal education structures. The youth are the primary target of the Street Law project.

- 3.3 Lawyers for Human Rights (LHR) Training division have expressed a keen interest in including democracy and voter education in their education programme. The National Street Law Programme and LHR have co-operated in the production of the human rights training manual and in the actual human rights education process. Both organisations recognise the natural relationship that exist between public legal education and human rights education.

For their human rights education project, LHR have established a number of satellite offices throughout South Africa including rural areas. LHR also works with the youth through schools, community organisations and youth forums.

The participation of LHR in the production of the proposed manual will ensure that education on democracy and voter education will be undertaken by two SA based national institutions. Through LHR and Street Law democracy education will reach a wide range of young South Africans.

- 3.4 More than half the population of South Africa is young. It is also expected that the age of voting will be fixed at 18 years. A majority of recipients of the Street Law project will be eligible for voting in the short-term. The vote of the youth in a new South Africa will have a significant role in the election of a new government. The youth have also been in the fore front of the political struggle in the country. Therefore the incorporation of the youth in the programme of education for democracy is vital for a peaceful transition in South Africa.
- 3.5 The Street Law programme has produced six volumes in the series of manuals that are used in training people on the law. The manuals, in the South African context, are very special in terms of their format and content which focusses on student-centred teaching methods. Over the years it has become clear that the manuals are not only suitable for high school pupils but also for adult groups who are entering the learning process or are completely new to it. Statistics have shown that there are larger numbers of South African who are semi-literate or even completely illiterate. The Street Law manuals have proved useful in educating such people.
- 3.6 It is envisaged that the proposed manual on Education for Democracy will be produced in the same format as Street Law and Human Rights for All manuals. This means that they will be produced in simple English, in a user friendly fashion and will include many student-centred or group activity education methods. Additional materials that can be identified from other organisations will be used as an ancilliary part of the proposed manual. The materials can also assist in amplifying specific areas that will be contained in the manual.

- 3.7 The National Street Law programme has, over the years, been working very closely with different officials of the respective education departments. A majority of these officials have expressed great interest in the content of the Street Law manuals, the format of the materials presented, and the teaching methods used in imparting such information. The level of acceptance of the Street Law project by different education authorities, and the recipients of such information, is encouraging and it is hoped that Street Law will become a high school elective under the auspices of the new government or a new united education department. The production of the Street Law manuals from the onset was sensitive to an eventuality whereby Street Law and Human Rights for All could be taught at high schools as an examinable course. Should Street Law and human rights be accepted at high school level at least, the training manual on Education for Democracy could be used in schools as part of the series of the Street Law and human rights manuals.
- 3.8 The Street Law manuals are being translated into Afrikaans and the National Street Law office has recently completed the translation of Volume 1 of the Street Law manuals into Zulu. The translation into a vernacular language was undertaken with the idea that knowledge of the law should be accessible to communities in their own home languages. Should the voter and democracy training manual be feasible, it will also be translated into all South Africa's vernacular languages. By so doing it is hoped that the citizens of South Africa will be well informed on conflicting political ideologies and the principles of democracy governing their country.

4. PROGRAMME DESCRIPTION

4.1 Identification of organisations already active in the field and the gathering of all training materials they have produced on democracy and voter education

The imminence of the institution of a new democratic government has created an impetus to prepare the population for a general election. As a result some political parties and other organisations have created voter education programmes in order to prepare their constituencies for the forthcoming election. Probably such programmes are based on training materials and implemented through some form of training programmes. There could be as many voter education programmes as there are political parties and their affiliates. There could also be numerous training programmes, NGO's and related bodies. In the light of this it is necessary to identify how many similar programmes are being developed. Such research would be useful in terms of establishing the trend of voter education programmes presently being implemented and their role in the future.

The Centre for Development Studies at the University of the Western Cape will be amongst the organisations to be consulted. The National Forum on Voter Education will hopefully be of assistance in providing information on already active voter education programmes.

4.2 Aims and objectives

- 4.2.1 Making available information on democracy and voter education to the entire South African citizenry.
- 4.2.2 Making available a comprehensive training manual on democracy and voter education to other organisations, political parties and interest groups for use in their training programmes.
- 4.2.3 Promoting effective participation in the democratic processes by all South Africans.
- 4.2.4 Preparing South African for the introduction of a democratic government and how it should function.
- 4.2.5 Moderating socio-economic and political expectations of the masses through sharing information on how government should function. By so doing exposing the masses to the constraints on the democratic process that will be experienced by the new government.
- 4.2.6 To produce a manual for use in schools as a text book for an examinable high school course.
- 4.2.7 To provide people, through objective information on democracy, with the ability to make informed choices on their party affiliations and to be tolerant of other political views.

4.3 Proposed phases and strategy for the production of the proposed manual

The production of the proposed manual will be divided into 8 phases.

- 4.3.1 As mentioned in this proposal, it will be imperative for work on the manual to be prefaced by contacting organisations, political parties or other institutions that are presently active in democracy and voter education. This will be done with the main aim of establishing the materials upon which their programmes are based.

It is proposed that letters introducing the proposed training manual to active organisations will be drafted and circulated amongst such groups calling upon them to assist by making available the materials they use for training on democracy and voter education. Reliance will be made upon the respective Lawyers for Human Rights trainers and Street Law co-ordinators who are based in twelve different universities in the country for the purposes of having personal contact with such organisations. The entire infrastructures of Lawyers for Human Rights and the National Street Law project will be used for the purposes of this phase. Upon receipt of the materials senior law students will be

commissioned to comment on the contents of such training materials. The Lawyers for Human Rights trainers and Street Law co-ordinators themselves in the different regions will be requested to undertake such research or to delegate it to law students involved in their programmes. This process is also of absolute importance with regard to the interest expressed by Lawyers for Human Rights and the theme adopted by the National Street Law programme on "Education for Democracy". The Lawyers for Human Rights trainers and Street Law co-ordinators will use the materials to include democracy education in their programmes.

- 4.3.2 It will also be necessary for a team of expert consultants on democracy and related disciplines to be established for the purposes of brainstorming the content of the proposed manual. It is expected that the consultants will include constitutional law academics, human rights lawyers, public interest lawyers and political scientists. These experts will also be useful in identifying materials that could be used or relied upon when writing and producing the proposed manual. They can also be used on a continual basis as a sounding board as to the correctness of the principles and issues on democracy and voting contained in the manual.

It is advisable that one of the proposed American authors, possibly Prof Ed O'Brien should be invited to the March meeting of the panel of experts. His presence will provide an opportunity for the American input to be based upon South African or African ideals, sentiments and issues as they shall be tabled and discussed at the meeting. It is important that he acquaints himself with the materials already available in South Africa. NICEL, LHR and National Street Law could also confirm and concretize the phases towards the production of the manual and set up effective communication lines between the organisations.

- 4.3.3 The most important phase of the manual would be the gathering of information through research and the identification of specific areas upon which the manual will be based. Such materials, once gathered, will be collated and further research undertaken during the writing of the relevant chapters. It is envisaged that the manual will be written by a maximum of five authors. This will be done on two continents.

The proposed authors are:

- a) Prof Ed O'Brien who is a Co-Director of NICEL in USA.
- b) Prof DJ McQuoid-Mason of the University of Natal, Durban who is the author of all Street Law manuals and the co-author of the Human Rights for All manual.

- c) Mary C rd Larking who is an Associate Director of NICEL and has an extensive experience in developing, writing and editing legal training curricula materials. She holds a Masters in Law Focused Education from Washington University.
- d) Advocate Cecille Van Riet who is the Director of the Lawyer_ for Human Rights Training Division and is a former Street Law Co-ordinator and public legal education trainer.
- e) Mr Mandla Mchunu who is the National Director of Street Law, Director of the Centre for Socio-Legal Studies and the pioneer public legal education trainer in high schools in South Africa.

4.3.4 Once sufficient material has been gathered as envisaged in point 4.3.3 above, the first draft materials will be presented at a seminar of all Lawyers for Human Rights trainers and Street Law co-ordinators, and other trainers in the field, in order to test the suitability of the examples, problems and student-centred activities contained in the draft. This seminar should ideally be attended by all the authors of the manual so that agreement on necessary changes to the text could be reached immediately at the end of the seminar. It is proposed that the seminar should be held in South Africa. The American authors should therefore travel to South Africa for the seminar.

4.3.5 Once the materials have been subjected to criticism and revised through the seminar as proposed in 4.3.4 above, the Lawyers for Human Rights trainers, Street Law co-ordinators and other trainers in the field will be handed the materials for field testing in their democracy education programmes. At this stage it is expected that the draft materials will at least supplement the materials that have already been in use at that stage.

4.3.6 Having revised the content or the materials of the proposed manual, subsequent to the seminar as proposed in 4.3.4 above, the authors of the manual will work together for about a month in order to consolidate and finalize the material.

It is envisaged therefore that the South African authors will meet their counter parts in the United States, preferably in Washington DC where Prof Ed O'Brien is based.

4.3.7 Once the materials have been finally written, they should then be forwarded to the editor, who will work not only on the language and format, but also the level of understanding of the manual and the effectiveness of the training exercises contained in the manual.

4.3.8 Once the manual has been finally edited and corrected it will then be

forwarded to the publishers for final production. It should be noted that in line with all other Street Law manuals a teacher's manual will be produced to accompany the proposed manual.

Prof Ed O'Brien and Mary Curd Larkin through NICEL will create an Advisory Board of US scholars in democracy, political science and constitutional law. The Advisory Board shall serve the same function of the South African panel of experts. It is envisaged that the Advisory Board will also meet with all the authors in the USA for final comment and advice before the manual is handed over to the editor/s.

There will be constant communication between NICEL, LHR and National Street Law on the progress through the phases. The National Street Law Office will co-ordinate the activities towards the production of the proposed manual.

4.4 Period of production of the manual

There is absolutely no certainty as to when the next election could be held in South Africa. The press and other sources are predicting that 1993 could be the year when the first free elections could be held in South Africa. However given the instability in the country occasioned by violence and the economic recession, it is not clear as to when exactly the elections will be held. There is presently still much in-fighting between the political players as to the representiveness of some delegations and whether they should be included in the multi-party negotiations. These factors, amongst others, do not make it easy for anyone to predict with certainty that 1993 is the year in which elections will be held.

Regardless of when the election is held, it is important that education on democracy and voter education should commence as soon as possible, and should necessarily precede, well before time, the holding of the election. The National Street Law project, as mentioned above will begin in February 1993 the process of identifying and procuring materials presently in use in the country on democracy and voter education for its 1993 programme.

Proposed time table for production of manual

1. Phase 2 of para. 4.3.2 above of the project will be completed by March 1993.
2. From the meeting in March, Phase 3 of para. 4.3.3 above will commence immediately thereafter and continue until the end of May 1993.
3. The seminar, which constitutes Phase 4 of para. 4.3.4 above of the proposed project, will be held in July 1993.
4. Phase 4 will be followed immediately by Phase 5 of para. 4.3.5 above ie the co-

ordinators and other trainers in the field taking the draft for field testing.

5. Phase 6 of para. 4.3.6 above will be achieved during September and October 1993.
6. Phase 7 of para. 4.3.7 above will commence in November 1993.
7. Phase 8 of para. 4.3.8 above, that is the production of the completed manual with its accompanying teacher's manual, will be completed by February 1994.

4.5 Proposed content of the manual

Broadly speaking, the proposed manual should cover the following topics:

- The intrinsic nature of democracy
- The history of democracy
- Forms of democracy
- Political parties and their functions
- Constitution-making and constitutionalism
- Separation of powers
- The political process of policy-making
- The administration of the country
- Parliament and how it functions
- Accountability
- Voting and the role of the citizens in the government of the country
- Political tolerance

The suggested topics could be amended by the panel of consultants and the USA Advisory Board.

5. ACCOUNTABILITY

Since the prime mover of the proposed project is the National Street Law office which is presently based at the University of the Natal in the Centre for Socio-Legal Studies, the National Street Law office will be held accountable for finances and the production of the manual.

All finances of the Street Law project are handled through the University of Natal Finance Department. The employees of the National Street Law programme are accountable to the members of the Street Law Trust. The members of the Trust are Ms Linda Zama, The Honourable Mr Justice Trengrove, Dr O Dlomo, Prof Kader Asmal and Mr Justice Moloto. All policy matters are determined by the Board of Trustees of the National Street Law programme.

It is proposed that NICEL and LHR should participate and receive funding through the National Street Law Office. NICEL will be a sub-contractor assisting in writing, editing and possible evaluation of the manual.

6. SUSTAINABILITY

This motivation constitutes a one-off request for an amount that will be used towards the production of a training manual. Organisations desirous of acquiring copies of the manual can approach the publisher for copies. Presently Juta & Co in Cape Town publish the Street Law manuals and Human Rights for All is published by David Phillips (Pty) Ltd. They will be approached to publish the manual. All orders and requests for further manuals would then be made directly to the publishers. Upon completion of the manual, LHR and National Street Law will mount continual training sessions on the content of the manual. The proposed manual will constitute an intergral part of both LHR and National Street Law training programmes

7. CONCLUSION

This proposal was put together with the idea that the democratization of a country which has been autocratically governed for a long period of time, cannot simply be achieved by making people able to go to the polls to elect a government. It is important to ensure that all South Africans partake actively and effectively in the government and administration of their country. It is envisaged that the production of the manual will bring home the complexities of democracy and enhance the chances of promoting political tolerance. The manual can also assist by building a degree of patience that is necessary in order that the new government can reconstruct the country effectively.

The implementation of a new democratic ideology is a mammoth task for a country that has been denied democracy for so long. It is hoped that if the proposed manual forms part of a high school curriculum, South Africa will be well on its way to implementing a thriving democracy that would serve as a model for the rest of the developing world.

ILLUSTRATIVE FINANCIAL PLAN
(SAR)

<u>Item</u>	<u>1993/4</u>
<u>Salaries</u>	
National Street Law Consultant (1)	10,000
Consultants (4)	4,000
Researchers	<u>15,000</u>
Subtotal	29,000
<u>Travel and Per Diem</u>	
Travel	20,709
Per Diem	<u>47,000</u>
Subtotal	67,709
<u>Program Costs</u>	
Transport for trainers and authors to the July Seminar	12,000
Accommodation	10,000
Material and sundries	<u>5,000</u>
Subtotal	27,000
<u>Administrative Support</u>	
Postage	3,000
Telephone	5,000
Photocopy	2,000
Books/materials	4,464
Stationery/supplies	2,500
Evaluation	10,000
Audit	<u>28,500</u>
Subtotal	55,464.
<u>Other Direct Costs</u>	
Production (typesetting & illustrations)	3,000
Printing (1,000 copies)	15,000
Publicity and promotion	3,000
Distribution	<u>1,000</u>
Subtotal	22,000
<u>NICEL SUB-GRANT</u>	<u>283,327</u>
TOTAL	484,500

BEST AVAILABLE DOCUMENT

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NICEL SUB-GRANT
(SAR)

<u>ITEM</u>	<u>1993/4</u>
Co-Director	74,365.05
Associate Director	43,690.50
Research Assistant	13,466.25
Secretarial support	18,271.35
Consultants (4)	<u>5,700.00</u>
Subtotal	155,493.15
Travel	28,500.00
<u>Administrative Support</u>	1,425.00
Postage	4,275.00
Telephone	6,412.50
Photocopying	4,275.00
Books/materials	1,425.00
Supplies	570.00
General and Administration	<u>80,951.40</u>
Subtotal	99,333.90
TOTAL	<u>283,327.05</u>

BEST AVAILABLE DOCUMENT

ACTION MEMORANDUM FOR THE DIRECTOR, USAID/SOUTH AFRICA

DATE: June 23, 1993

FROM: Dennis Wendel, GDO/CDO *DW*

SUBJECT: South Africa Community Outreach and Leadership
Development (COLD) Project (674-0301); Agreement No.
674-0301-G-SS-3048-00 with the Center for
Socio-Legal Studies (CSLS)

I. PROBLEM

Your approval is required to obligate U.S. \$170,000 of FY1993 funds under the COLD Project (674-0301) through a Grant Agreement with the Center for Socio-Legal Studies (CSLS), as described herein.

II. AUTHORITY

Pursuant to Redelegation of Authority No. 452, the Director, USAID/SA, has authority to authorize and execute grants, and amendments thereto, with indigenous non-governmental organizations (NGOs) in an amount not to exceed \$5.0 million per grant.

III. DISCUSSION

The CSLS is an independent, non-profit, privately funded human rights organization affiliated with the University of Natal and based in Durban. USAID first entered into a formal relationship with CSLS in July 1992 with a COLD grant Agreement to provide funding for the CSLS National Street Law Program for three years. The Street Law concept originated in the U.S. in 1972 through professor Edward O'Brien, the Co-Director of the National Institute for Citizen Education in Law (NICEL).

In 1986, the Association of Law Societies (ALS) funded a pilot six-month project at the University of Natal which was directed by Mr. Mandla Mchunu. It was launched in five schools -- two African, two white and one Indian. It was so successful that ALS agreed to fund a full-time program at the University of Natal with Mr. Mchunu as a full-time director.

The Street Law Program is designed to de-mystify the law for ordinary people, particularly school children and out-of-school youths, so that they can better understand how the law affects them, how the law can protect their rights, and to encourage them to think about the kind of legal system they would like to see in the "new" South Africa. The Street Law programs operate through schools (African, White, Colored and Indian), most universities and law schools, teacher training colleges, human rights community-based organizations such as Black Sash, the Valley Trust Offenders (NICRO), the Community Law Centers at Durban and the University of the Western Cape

(UWC), youth groups, unions and University-based Street Law coordinators. Law students who take Street Law as an LL.B. elective course, in turn, provide technical backup to the Street Law teachers. Black law students provide training mostly in black schools to overcome language difficulties. (In contrast to the CSLS and ALS general pattern, the University of Pretoria Law School, which is mostly white, sends its law students into black townships to provide Street Law training. This has the added benefit of exposing white students to black township life and problems and produces an effective process.)

At present, the Street Law Program has been mostly focused in Natal, the Transvaal, the Cape and the Orange Free State. It is estimated that by the end of 1992, 1.5 million school pupils in over 1,000 schools had been exposed to the Street Law Program. The exposure of youth to their legal rights and responsibilities, to democratic processes, to the value of tolerance and to ways of resolving disputes peacefully is crucial to the democratization process. The Street Law program contributes to ending the endemic violence and counter-violence in the nation and helps promote political tolerance.

The teaching materials used in the Street Law Program include a series of six (6) training manuals designed to make legal concepts more understandable. This is done through the use of concise writing, cartoons and student-centered problems. Each volume is supported by a teaching manual to assist the teacher or instructor. The six (6) volumes are:

1. Introduction to South African Law and the Legal System;
2. Criminal Law and Juvenile Justice;
3. Consumer Law;
4. Welfare and Housing Law;
5. Family Law; and
6. Employment Law

Under this Agreement, a seventh training manual, "Youth Education for Democracy," will be developed for the National Street Law Program. "Youth Education for Democracy" will discuss topics such as democracy, constitution making, government administration, accountability, voting and elections. While these topics are particularly relevant given the upcoming election, they will continue to be vital areas for training long after this first democratic election has been held.

It should also be mentioned that the Street Law Program and organizations engaged in "rights education" training are working very closely together to ensure that the efforts of all organizations are supportive and not overlapping.

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IV. ISSUES

Through the development of this Agreement, the following issues have been identified and addressed as presented below:

A. Action Plan and Strategic Objective(s) - This proposed Agreement was discussed and approved during the FY93 COLD Action Plan review on March 30, 1993.

B. Grantee's Illustrative Budget and Cost Negotiation - The proposed grantee has submitted a detailed budget which was carefully reviewed by CDD. Verbal negotiations with the proposed grantee were then conducted to establish its priorities for funding. The proposed Agreement will fund salaries, operating costs and production expenses which are similar to those of other organizations conducting comparable activities elsewhere in the country. There is no participant training funded under this Agreement. CDD has determined that the proposed budget is fair and reasonable.

C. Noncompetitive Justification - Although competition is to be encouraged in the award of grants and cooperative agreements to NGOs (Handbook 13, Chapter 2B), Chapter 2B3a permits exceptions to competition where the proposal "is not solicited by A.I.D." and where the proposal is "unique, innovative, or proprietary and acceptance would be fair, reasonable, and would represent appropriate use of A.I.D. funds to support or stimulate a public purpose."

The proposed grantee has submitted an unsolicited proposal, and it is the determination of CDD that the activity is "innovative" and "unique" in that no other organization is providing voter education as part of a Street Law training program in South Africa. Because this activity is consistent with USAID program objectives and is so innovative, acceptance of the proposal would be fair and reasonable and would represent an appropriate use of USAID funds.

D. Technical and Management Capability - It is CDD's determination that the subject organization possesses suitable policies and practices to ensure adequate management of USAID funds supplied under this Agreement. This determination is based on the quality of the proposed grantee's proposal, its previous work in providing Street Law training to a wide range of organizations and its excellent reputation for professional and effective management.

E. Financial Management Capability - A financial review of CSLS was completed on July 9, 1992. On the basis of this review, it was determined by the Controller that the Recipient possessed adequate accounting systems, books and records for the administration of USAID funds, and in July 1992 USAID entered into an Agreement with CSLS. Financial management under this Agreement has been good. There is no reason to

expect that CSLS will not perform as well under a new Agreement. This Agreement will also be audited on an annual basis under the recipient audit program.

F. PVO Registration Determination - The proposed grantee does not qualify as a Private Voluntary Organization, as defined in A.I.D. Handbook 3, Appendix 4C and 88 State 356010 because it does not solicit or receive contributions from the general public and does not possess tax exempt status.

G. Retroactive Payment - CDD recommends that the Agreement cover retroactive payment for costs incurred as of May 1, 1993, for the following reasons:

Firstly, although this proposed Agreement was approved at the COLD Action Plan review of March 30, 1993, the process of signing it was delayed by the technical difficulties that were involved in negotiating the Agreement, more specifically attempts to resolve budget problems related to the involvement of a foreign sub-grantee (NICEL).

Secondly, the director of the program, Mr. Mandla Mchunu, had to undertake a trip to the U.S. (Washington), on May 28, 1993, so as to further deliberate on the program with participants from NICEL. Retroactive payment would thus cover the travel and per diem costs for Mr. Mchunu's trip.

H. Standard Issues

1. Section 611(a) Requirements - Consistent with section 611(a) of the FAA, adequate technical and financial planning underlie the proposed Agreement and reasonably firm cost estimates have been established. Such planning is evidenced by the Agreement program itself, as described in Attachment 2 of the proposed Agreement, which contains a detailed methodology for implementing Agreement activities and attaining specified Agreement outputs.

The Illustrative Financial Plan is based on reasonably firm cost estimates for program activities.

2. Payment Verification Requirements - Payment verification requirements for the Recipient are satisfied by: (a) the specification of financial management and reporting procedures in the attached Agreement; (b) the certification by the USAID Controller of the recipient organization's ability to handle initial Agreement disbursements; and (c) provision in the proposed Agreement for annual audits of use of Agreement funds.

3. Recurrent Costs - Donor financing of recurrent costs, such as salaries, allows the Recipient to provide an essential service that is unmet by the public sector and, due to the limited income of the beneficiaries, cannot be met through normal market channels. Recurrent cost assistance in such cases is justified under category 2 of USAID's Recurrent Cost Policy. The "design considerations" outlined in this policy document have been taken into consideration in the design and negotiation of this Agreement.

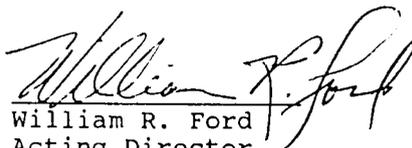
4. Selection of a Grant as the Assistance Instrument - It is the determination of CDD that, in accordance with Handbook 13, Chapter 6, a grant is the appropriate assistance mode to be utilized, as A.I.D. is not procuring goods or services and does not require a substantial degree of operational control or involvement in project implementation. The attached document is, in form and substance, a grant as defined by A.I.D.

5. Travel Policies - The Recipient will provide for USAID approval its travel and per diem policy for travel not to exceed U.S. Government rates. In the case that the Recipient does not establish a travel and per diem policy, the prevailing U.S. Government rates shall apply.

V. RECOMMENDATION

It is recommended that, pursuant to authority under Redlegation of Authority No. 452, you: (1) approve noncompetitive selection in accordance with the justification provided above; (2) authorize the proposed Agreement to the Center for Socio-Legal Studies by signing below; and (3) execute said Agreement, as attached, by signing on the appropriate page and line as indicated.

Approved: _____


William R. Ford
Acting Director
USAID/SA

Disapproved: _____

Date: _____

