

## Safeguarding South African schools: Civil society action against alcohol sales in educational settings

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This paper is dedicated to the memory of Terri-Liza Fortein.

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### Abstract

The Southern African Alcohol Policy Alliance (SAAPA) in South Africa vehemently opposed Clause 8 of the Basic Education Legislation Amendment Bill (BELA) allowing alcohol sales at schools. This stance was grounded in the 2016 National Liquor Policy, advocating for distance between schools and liquor outlets. SAAPA's multifaceted approach included engaging government, experts, media advocacy, social mobilisation, and active participation in the legislative process. Their efforts, culminating in over 5000 submissions and an oral presentation, led to the removal of Clause 8 in September 2023. This success underscores the pivotal role of civil society in shaping evidence-based policies for public health and child welfare.

### Introduction

The Southern African Alcohol Policy Alliance (SAAPA) in South Africa is an alliance of community based and non-governmental organisations working in the fields of children's rights, gender, road safety, violence prevention, and broader development issues in all nine provinces of South Africa. The Southern African Alcohol Policy Alliance also has a strategic partnerships with public health researchers and academics.

In December 2021, South Africa's Department of Basic Education released the Basic Education Legislation Amendment Bill (BELA; Government Gazette, 2021) which included Clause 8 proposing that schools should be allowed to sell liquor at fund raising events on and off school premises. This was in direct opposition to the 2016 National Liquor Policy (Government Gazette, 2016), which clearly states that liquor shops should be located at least 500 metres from schools. The proposal highlighted the lack of a cohesive strategy to address alcohol-related harm in South Africa. This was further evidenced by the lack of political will to enact legislation, particularly the Liquor Amendment Bill of 2016 (Government Gazette, 2016), aimed at reducing these harms. The World Health Organisation (WHO; World Health Organization, 2010) has consistently pointed out the need for political commitment to addressing alcohol harm as a prerequisite for change.

The timing of releasing this proposed policy into the public space for comment itself was politically problematic for two

reasons. Firstly, December is the summer holiday period where most businesses and civil society organisations are on vacation; and secondly, the public is only given 30 days to make comments. The timing of the public release therefore also points to the lack of political will to ensure that the South African public are provided adequate time to provide input into policies that affect them.

The 2021 policy move raised concerns among public health experts and civil society groups, who pointed to the risks of increased exposure of children to alcohol, and the potential impact on their learning and development. They argued that alcohol should be regulated in schools and that schools should rather focus on education and prevention around substance abuse.

In September 2023, the parliamentary education portfolio committee announced that Clause 8 of the BELA bill had been withdrawn in response to South Africans rejecting the proposal. The decision to withdraw the clause is a victory for civil society and participatory democracy. This article explains why.

### Background to BELA Bill Liquor Clauses

Education in South Africa is a provincial government mandate. This means that national government provides the policy guidelines, but provinces have autonomy in how they apply policy and regulate education. Eight of the nine provinces in the country have existing legislation that restricts the proximity of liquor outlets to schools as a means of protecting learners from alcohol-related harm. The

exception is the Western Cape Province (Western Cape Province, 2018) which passed a law in 2018 allowing schools to apply for liquor licenses for fundraising purposes.

Since 2016, South Africa has had a draft Liquor Amendment Bill that aims to implement the National Policy on Alcohol and Related Harms. When adopted, this bill would provide a legal framework to prevent the proposal by the Department of Basic Education to allow selling alcohol on and off school premises.

However, the Liquor Amendment Bill has been delayed largely due to industry interference. Specifically, the alcohol industry commissioned and funded two socio-economic impact assessments in 2017 (Genesis Analytics, 2017) and 2022 (Genesis Analytics, 2022). Despite the 2017 assessment highlighting positive public health outcomes if the Bill should be adopted, the recommendations of the 2017 assessment were ignored. In 2022 the industry once again called for, and funded, another socio-economic impact study arguing that COVID necessitated a revision of the Bill. These industry-funded socio-economic assessments appear to be used to stall the parliamentary process to adopt the Bill. The industry actions, and lack of government movement in processing the Bill, communicates that the industry have precedence over the public consultation process and public input.

In addition, the push for increased availability of alcohol from petrol stations, alongside the BELA Bill proposal, seems to be part of a broader trend of industry using the existing regulatory space to expand availability and accessibility as much as possible. Thus Government does not seem to have any coherent or coordinated strategy to halt these endeavours. This trend raises huge concerns about the health and safety of South Africans, and whether Government is adequately managing industry interference, and is politically committed to act on its mandate to protect the public interest.

If the Liquor Amendment Bill is passed, petrol stations will not be allowed to sell alcohol. Therefore, as long as the Bill is stalled, retailers exploit the situation by increasingly applying for liquor licenses to sell alcohol from petrol stations. Once a license is awarded, it is very difficult for it to be withdrawn. Similarly, schools were applying for licenses and selling alcohol while the BELA Bill was making its way to be signed into Law.

### **Schools as Safe Havens**

As per the South African Constitution, the best interests of children must be a primary consideration in all matters relating to their care and well-being. This includes any decisions about the sale and use of alcohol on school premises. In the case of the *State v Lawrence*, the Constitutional Court (ZACC, 1997, 11) recognised that regulating the availability of alcohol is an effective way to address the harmful effects of alcohol consumption. The Court noted that there is a rational basis for taking steps to limit the availability of alcohol.

The "alcohol and drug free zones" requirement for South African schools is outlined in the National Strategy for the

Prevention and Management of Alcohol and Drug Use Amongst Learners in Schools (Department of Basic Education, 2014). This strategy emphasises the importance of schools as safe and supportive environments for children, free from the dangers of alcohol and drugs. It highlights the role of schools in promoting healthy lifestyles and teaching children about the risks of substance abuse. The strategy also outlines specific measures that schools can take to ensure that they are safe and drug-free.

### **Civil Society Action to Oppose BELA**

The South African arm of the Southern African Alcohol Policy Alliance (SAAPA SA) immediately opposed the abovementioned Clause in the strongest possible terms.

Clause 8 of the BELA Bill is yet another example of how government's alcohol harm reduction endeavours were uncoordinated and poorly communicated internally within government, and not embraced collectively by all ministries.

South Africa is a participatory democracy with one of the most progressive constitutions in the world, which allows for the will of the people to be considered in the legislative process. As a civil society collective of over 100 organisations, SAAPA SA fully exploited this and drove a public participation process to oppose the alcohol clause in the BELA Bill in becoming law.

### **Actions of SAAPA South Africa**

The campaign to prevent Clause 8 of the BELA Bill from being signed into law is part of SAAPA SA's ongoing lobby for evidence-based alcohol policies to create an alcohol-safer South Africa. SAAPA SA utilised several tools in its advocacy activities.

#### **Government Engagement**

Several officials within national and provincial education departments to ascertain the reasons for the proposal were contacted by SAAPA SA. Inadequate rationale was provided. A written communication from SAAPA SA was submitted to the national Department of Education, objecting to the clause, and requesting an extension of the date of submission to provide more time for communities, public health experts, and civil society to engage and make representation.

#### **Engagement of Experts**

Two key national educational experts and advisors to government were consulted by SAAPA SA to solicit their support for opposing the proposal. Surprisingly, they were of the opinion that the proposal was unproblematic and would not affect children adversely. This highlighted the lack of understanding outside the public health community of the impact of alcohol exposure through availability, accessibility, and marketing on alcohol consumption behaviour.

#### **Stakeholder Consultation**

Alliance members and public health experts from SAAPA SA were alerted. This was followed up by a Webinar consultation meeting with Alliance members to jointly

discuss and agree on a policy position and points of action. This allowed the organisation to develop a campaign informed by its members opinions and suggestions which garnered collective support. A committee was formed to write the submission. Even within the Alliance there were divergent views, and several follow-up meetings were held to finalise a submission position. Only after this process was SAAPA SA able to engage publicly.

### **Media Advocacy**

In June 2022, during Child Protection Week, SAAPA SA released its maiden press statement demanding that Clause 8 of the BELA bill should be scrapped. A comprehensive new media and traditional media campaign was launched, and the views expressed by SAAPA SA garnered widespread coverage from broadcast and print media.

One of the most prestigious media platforms in the country, the *Mail & Guardian*, partnered with SAAPA SA to host an online webinar to discuss whether alcohol had a place in schools. This helped the organisation to reach many South Africans who ordinarily wouldn't take an interest in alcohol harm matters. This incentive was accompanied by a print media feature.

### **Social Mobilisation**

An online petition encouraging people to sign if they agreed with the stance that alcohol didn't belong in schools was launched by SAAPA SA. Hard copies were printed and distributed to Alliance members to canvas for support in areas where there was no access to internet. Alliance members in the Free State and Mpumulanga visited schools and mobilised school communities to engage with the issue and collect manual signatures.

The petition was hosted on the Amandla.Mobi platform (Awethu.Amandla.Mobi, 2022), and in addition was featured on [www.saapa.africa](http://www.saapa.africa) with a click through option to the petition platform.

An organisation who works with grandmothers, called goGOGOgo partnered with SAAPA SA, and hosted conversations in Gauteng, Eastern Cape and Gauteng to discuss the issue and encouraged them to make submissions.

In the Western Cape province, SAAPA SA hosted a workshop with the People's Health Movement and the Klipfontein District Community health committees and supported them to make submissions.

Applications for liquor licenses country wide were monitored by SAAPA SA to identify any application from schools. This information was shared with local communities who were encouraged to submit an objection. Formal objections with the relevant provincial liquor authorities were registered by SAAPA SA.

A live demonstration in a community in the Gauteng province where a school had applied for a liquor license was organised, in which SAAPA SA partnered with one of its members. This was supported by outreach in other communities at shopping malls to collect manual signatures. Two community dialogues were also held, one of which was

attended by representatives of the Gauteng Liquor Board. The school subsequently withdrew its application.

The most recent objection made to oppose an application for a liquor licence from a school was made by Hoerskool Strand based in Strand in the Western Cape where it is currently legal for schools to apply for liquor licenses. Direct engagement with stakeholders from the school did not result in a withdrawal of the application. With the full support of the Strand Action Group and the Heidelberg branch of South African Child Welfare, SAAPA SA submitted an objection to this application to the Western Cape Liquor Board. The licence is still under review.

### **Engagement with Government Processes**

A written submission (PMG, 2022) was made by SAAPA SA to government in response to their call for public submissions. The organisation also developed and distributed submission templates for individuals and organisations to make their own submissions.

The dates of the government-run public participation process was advertised by SAAPA SA and members were encouraged to attend the hearings. Copies of the SAAPA SA submission were provided to members to use in these hearings.

The Portfolio Committee on Basic Education received more than 5000 submissions. Subsequent to a request to make an oral presentation, SAAPA SA was invited to make an oral representation at Parliament on why the Clause should be scrapped. As part of this presentation, SAAPA SA organised a parent and a child to make a one-minute video clip that was shared with the committee during the oral presentation.

## **The Power of Civil Society Action**

On September 26, 2023, the Portfolio Committee on Basic Education in South Africa adopted the BELA Bill without Clause 8, which would have allowed alcohol to be sold in schools. This decision was a victory for organisations such as SAAPA SA and its alliance partners, and others which had campaigned against the clause. But the biggest winners were well and truly the precious South African children who will be protected from harm. The will of the people prevailed.

The removal of Clause 8 from the BELA Bill demonstrates how the power of civil society, using persistent and coordinated action, can play a critical role in policy development processes. A vigilant and active civil society sector is essential for holding government to account, and for lobbying for the development and adoption of policies in line with international best practice in the interests of public health.

Government must reflect and do more to ensure all officials in all departments at all levels conduct their work to ensure better overall public health and reduced alcohol harm in line with the National Liquor Policy, and ensure real repercussions if they fail to do so, as was the case when they included Clause 8 in the BELA Bill.

### **Lessons Learnt**

- Monitoring of government communications channels is critical for identifying areas of advocacy action.
- Identifying supporting and opposing forces is critical. Do not make assumptions about who will support a policy position.
- Policy change is a long game. Plan for it.
- The public health community has a responsibility to engage other sectors to understand the public health lens. This work needs to be ongoing in preparation for policy discussions. Working with other sectors in the moment of policy decisions limits onboarding their support.
- Continuously connect different policy processes towards one goal, such as #AlcoholSaferSA, used by SAAPA SA.
- Mobilising support through consultation prior to acting allows for the action to be owned by a broader collective.
- Collective and coordinated action is essential for success.
- Creativity and resourcefulness is a necessity within a constraint funding environment. Every small action counts.
- Consistent key messages make it easy for all target audiences to understand your organisation's position and gain insight into your work.
- A clear call to action is critical. When people feel like they can do something to help, they're more likely to get involved.
- Continued monitoring of the policy process is critical. Develop relationships with administrative officials. This will assist with identifying strategic points for action.
- An ongoing communication medium is important. WhatsApp chat was used by SAAPA SA to provide information to all its partners.
- Make it easy for citizens and partners to participate in the action. Provide updated information. Make templates with instructions available on how to submit their objections to parliament directly. This gave people a sense of empowerment and made them feel like they were a part of the process.
- The media is a very important stakeholder to hold government to account. Develop relationships with a few journalists to become a credible and reliable source of information. Always be available. Make their job easy. Connect them with experts and communities. Comment at every opportunity through press releases. Call them up to say that you have something to say.

Through this successful endeavour we gathered these lessons that we hope will be of great benefit to others pursuing civil society action. More importantly, we wish that the policy success we have outlined inspires others to action

as it underscores the pivotal role of civil society in shaping evidence-based policies for public health and child welfare

## Obituary

### **Terri-Liza Fortein (1984 -2024): Advocacy, Communications and Media Specialist**

South Africa has lost a force to be reckoned with in its alcohol harm advocacy space with the untimely death of advocacy, communications, and media specialist Terri-Liza Fortein.

Fortein was born in Cape Town, in the coloured township of Elsies River on February 23, 1984, and died on February 4, 2024.

Formally trained as a journalist, Fortein specialised in communications and spent most of her career in the advocacy and communications space. In the last years of her life, she lent expertise on campaigns to strengthen legislation limiting liquor harm in South Africa.

Fortein studied and trained as a journalist in the Western Cape, completing her National Diploma at the former Peninsula Technikon, now known as the Cape Peninsula University of Technology. She spent her formative years as a print journalist at the *Cape Argus* newspaper – a daily broadsheet covering the metropolitan area. Later she moved to *The Saturday Star* – a weekly title in the country's economic hub under the same media group. She also had a short stint as a business journalist working on the Afrikaans business newspaper *Netwerk*.

After leaving journalism, she spent a decade working at the Gauteng Premier's Office under former Premier David Makhura, where she led a team producing *Gauteng News*, a publication aimed at informing the public about news and issues that emanated from the province's highest political office. She worked effortlessly as a communicator and was an important cog in the communications directorate, where she was also loved.

On a professional level Fortein was vivacious, flamboyant, and irreverent. She was able to charm journalists, academics, advocates, and policymakers alike, and she managed to make an impression on everyone she met. Her caring, affectionate and kind nature filtered through into her work and was one of her strongest traits as a media specialist.

In the last decade there has been a significant focus on using evidence-based advocacy within communication. And this was one of Fortein's strong suites in the civil society sector.

Her work as a media specialist for the South African branch of SAAPA – a public health NGO working to reduce alcohol harm in the country – became a passion project for her.

It was arguably Fortein's humble beginnings in a community plagued with socioeconomic challenges that drove her strong sense of social justice and her passion for helping the downtrodden.

Her most notable work has been advocating for justice for the families of 21 young people who died at the Enyobeni tavern in the Eastern Cape. She was at the forefront of the communications campaign and worked tirelessly on bringing a human face to it. On occasion she travelled from the Western Cape to the Eastern Cape to attend court cases and arrange press conferences for these families.

Her work also included calls for preventing beer to be sold on supermarket shelves, where she penned communication that noted its negative monetary and social impact. “South Africa already has too many challenges related to alcohol harm we do not need beer on our food shop shelves, it is not convenient, it is harmful,” she wrote in a recent statement.

She was also passionate about strengthening legislation and enforcement to keep children safe from alcohol harm. She worked closely with colleagues in the civil society sector navigating alcohol harm to get government to remove the alcohol clauses in the Basic Education Legislation Amendment Bill known as the BELA BILL. She was elated when the bill was adopted by the Portfolio Committee on Basic Education and eager to lobby for it to be pushed through the National Assembly and the National Council of Provinces to move with speed for the president to sign it into law.

SAAPA SA secretary general Aadielah Maker-Diedericks called Fortein an activist communicator, bringing fire to alcohol policy advocacy.

She is survived by her parents Brian and Charmaine Fortein and her children Tshiamo and Moeletsi Mothiba.

#### **Candice Bailey – childhood friend and colleague.**

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## **Additional Resources**

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