

2/4/12/14

**A10**

**CONSTITUTIONAL  
ASSEMBLY**

**THEME COMMITTEE 1**

**CHARACTER OF  
DEMOCRATIC STATE**

**8 FEBRUARY 1995**

**ROOM M515**

***DOCUMENTATION***



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# CONSTITUTIONAL ASSEMBLY

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## MEETING OF THEME COMMITTEE 1

### CHARACTER OF THE DEMOCRATIC STATE

Please note that a meeting of the above Committee will be held as indicated below:

**Date:** Wednesday, 8 February 1995

**Time:** 14h00

**Venue:** Room M515 (Marks Building)

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#### AGENDA

1. Opening
2. Public Participation Programme
3. Report from the sub-committee
4. General
7. Closure

**[NB:** ALL MEMBERS ARE REQUESTED TO BRING TO THE MEETING COPIES OF THE CONSTITUTION AND THE STANDING RULES OF THE CONSTITUTIONAL ASSEMBLY]

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H EBRAHIM  
EXECUTIVE DIRECTOR:  
CONSTITUTIONAL ASSEMBLY

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***PUBLIC  
PARTICIPATION  
PROGRAMME***



# CONSTITUTIONAL ASSEMBLY

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REF No: B.1.1

3 February 1995

## TO ALL CHAIRPERSONS OF THEME COMMITTEES

### RE: PUBLIC PARTICIPATION PROGRAMME

We attach under cover hereof a copy of the Participation Programme which is presently under discussion by the Constitutional Committee. We are waiting finalisation of this programme. However, we do not believe that there would be any significant adjustment to these.

So as to avoid entering into massive arrangements in preparation for these meetings at the last moment, we believe it is necessary to enquire from each of the Theme Committees with regard to the following:

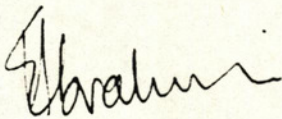
1. Your consideration of the Public Participation Programme;
2. As you will note from the programme, we have avoided direct reference to public participation activities peculiar to each of the Theme Committees and of the various agenda items which you may be dealing with. In this regard, it is necessary that your Theme Committee in finalising its work programme, also consider what public participation programmes you believe may be necessary and which may be peculiar and specific to your Theme Committee. Your advise in this regard, at the earliest possible opportunity, would assist in assuring that the proper arrangements be made and that these events are successfully organised.
3. We would also appreciate it if you would kindly consider the constitutional public meetings which we propose for the various dates in the different provinces. In this regard, you will also note that we have provided three different options in respect of which members could participate in these public events. It is necessary that you let us have your advise with regard to these matters at the earliest possible opportunity so that we could make the necessary arrangements. We would also appreciate it if your Theme Committee considered the composition of your delegations in respect of each of the Theme Committees. To this extent, we believe that members



may justly complain should we request their participation in these events on short notice. We therefore believe that it may be prudent to address this matter at the earliest possible opportunity.

Should you have any queries with regard to the above matters or the programme itself, please do not hesitate to call on us as we will gladly oblige. In the meantime we look forward to receiving your recommendations as a matter of urgency.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H Ebrahim', written in a cursive style.

**H EBRAHIM  
EXECUTIVE DIRECTOR**



# **DRAFT PUBLIC PARTICIPATION PROGRAMME**

## **COMMUNITY LIAISON**

### **MISSION STATEMENT :**

**“To facilitate an interface or dialogue between the South African people and their elected representatives by consulting the population at various levels and at various stages of the process of constitution making.”**

*(CA Resolution of 31 October 1994)*

### **INTRODUCTION**

On 31 October 1994 the Constitutional Assembly adopted a document entitled “**Public Participation - A Strategic Overview**” which set out the broad framework within which the community liaison programme will take place.

#### **1. GUIDING PRINCIPLES**

- Transparency
- Credibility
- Legitimacy
- Consultation
- Inclusivity

#### **2. OBJECTIVES OF PUBLIC PARTICIPATION PROGRAMME (PPP) :**

*(Extracted from Constitutional Assembly Resolutions, 5 September 1994)*

- ensure that the draft constitution enjoys the support and allegiance of all South Africans
- new constitution should represent the aspirations of all our people
- process should serve to unite the country’s people and produce a constitution which will become the cornerstone of the future South Africa. It should be people driven and transparent
- new constitution must be the product of an integration of ideas of all role players. In this regard, there should be maximum public participation
- there should be an effective strategy for media and community liaison
- media and public participation strategies should aim at facilitating the required “dialogue” and channels of communication between the broader public and their elected representatives
- programmes of the Constitutional Assembly should be “non-party political”. Strict monitoring should ensure that the programmes promote the Constitutional Assembly and the interests of the country as a whole



### 3. *COMMUNICATION OBJECTIVES*

- Develop, raise and popularise the CA profile
- Solicit views and submissions
- Brief public - on the constitution making process
  - procedure for submissions to CA
- Consult all sectors and role players
- Increase public interest and awareness through constitutional education
- General involvement and engagement of public at large

### 4. *PROGRAMMES*

- Special Events
  - Launch Briefings
  - Other Special Events
- Theme Committee Requests
  - Hearings
  - Seminars
- Constitutional Public Meetings (CPMs)
- Constitutional Education Programme (CEP)

### 5. *TIME FRAMES*

It is envisaged that the CLP will be run in two phases;

- First Phase : Develop draft constitution - February 1995 to end of July 1995
- Second Phase : Popularising the draft constitution - August 1995 to May 1996

This document deals with detailed planning for February 1995.

#### *LIST OF ABBREVIATIONS*

PPP : Public Participation Programme	PMT : Project Management Team
CL : Community Liaison	SACS : South African Communication Service
CLP : Community Liaison Programme	TC : Theme Committee
CPM : Constitutional Public Meetings	NGO : Non Governmental Organisation
CEP : Constitutional Education Programme	CBO : Community Based Organisation



## COMMUNITY LIAISON PROGRAMME : FEBRUARY 1995

### 6. SPECIAL EVENTS

#### 6.A. LAUNCH BRIEFINGS

##### 6.A.1. Introduction

It is proposed that the CA Chairpersons - Messrs Cyril Ramaphosa and Leon Wessels - should visit three provinces - namely the Western Cape, Northern Cape and Gauteng, in order to launch the CLP. Briefings in the other provinces are envisaged in the months to come. Briefings will also be used in the second phase of the constitution making process.

##### 6.A.2. Objective

To develop, raise and popularise the CA profile.

##### 6.A.3. Process

Three briefings are envisaged to launch the Community Liaison Programme (CLP). The briefings used to nationally launch the CLP should be of high profile to attract maximum media coverage.

##### 6.A.4. Proposed Briefings

###### *First briefing*

Date	:	First week in February
Area	:	Western Cape (Boland)
Target group	:	Farmworkers and management

###### *Second briefing*

Date	:	Second week in February
Area	:	Northern Cape (Kuboes)
Target group	:	Rural community

###### *Third briefing*

Date	:	Third week in February
Area	:	Gauteng
Target group	:	Urban community



**Structure**

CA participants	:	Mr Cyril Ramaphosa (Chairperson CA) Mr Leon Wessels (Deputy Chairperson CA) Representatives from all political parties in the CA
Chair	:	It is proposed that the Provincial Premier or a Provincial MEC should chair the meeting.
Content of meeting	:	Duration: 1 hour: Brief: 30 minutes Questions: 30 minutes

**Programme:**

The programme will consist of a briefing on the Constitutional Process by the CA Chairs. It is expected, through these briefings, that:

- public participation will be encouraged;
- public awareness will be increased;
- the role of the CA in directing public participation is highlighted.

It is inevitable that questions from the audience will arise. Opportunity - though limited - should be given for questions to be posed to the Chairs.

**Media:**

Since these briefings serve as the launch of the CLP, time should be allowed for media interviews, if requested. Close co-operation with the Media Department is of utmost importance.

**6.A.5. Resources**

Given the time constraints, resources such as exhibitions, pamphlets, T-shirts cannot be fully utilised for the first three proposed briefings. The Media Department is requested to arrange posters and pamphlets.

**6.A.6. Evaluation / monitoring**

To determine the success of the first three briefings, and to set guidelines for future briefings, evaluation is important and will be dealt with as follows:

- Tape recording of the briefing;
- Monitoring the media response;
- Report back from the Chairs;
- Members of the CL team will attend the briefings to evaluate and monitor evaluation thereof.



## 6.B OTHER SPECIAL EVENTS

Further special events proposed include:

- A simulated Constitutional Assembly process for high school pupils;
- Human rights debates for high school pupils;
- Mock Constitutional Court cases for high school pupils and university law students.

### 7. *THEME COMMITTEE REQUESTS*

#### 7.A *HEARINGS*

##### 7.A.1. Introduction

Theme Committees will require specialist submissions on issues from target groups. Thus target groups will be invited to hearings to give views on required issues. The need for these hearings is subject to input from the TCs.

##### 7.A.2. Objective

To solicit views and submissions.

##### 7.A.3. Process

Community Liaison (CL) proposes single hearings where there is an overlap between different Theme Committees (TCs).

#### *Schedule of Hearings*

<b>Date</b>	<b>Target Groups</b>
February	Business
March	Women
April	Traditional Leaders
May	Labour
June	Religious Groups



All Theme Committees are free to indicate to CL which hearings they would like to attend.

#### *Theme Committee requests*

CL will draft a standard request form to be used by Theme Committees.

CL requires reasonable notice from TCs, taking into account:

- capacity of CL;
- availability of sectors who will need time to consult with their constituencies.

#### **7.A.4. Resources**

Background information packages eg press cuttings.

#### **7.A.5. Evaluation/Monitoring**

Managing Secretaries will evaluate the hearings and submit a report to CL.

### **7.B SEMINARS**

It is proposed to hold seminars in order to brief Theme Committees on constitutional issues following the work programme. It is proposed that universities, technikons and other institutions be approached to convene specialist seminars on issues discussed by the TCs. The seminar programme will respond to the needs of the TCs and will be guided by the Law Advisers. Because of the ad hoc nature of this section of the programme all TC requests would need to be properly co-ordinated in conjunction with the Management Committee.

## **8. CONSTITUTIONAL PUBLIC MEETINGS (CPMs)**

### **8.1. Introduction**

To involve and engage the public at large, Constitutional Public Meetings (CPMs) will be held throughout the country. The public will have direct access to their elected representatives and will be invited to give individual submissions.

### **8.2. Objective**

To involve and engage the public at large.

### **8.3. Process**

February will be used as the pilot phase of the Community Liaison Programme. It is proposed that teams from the same TC will attend particular CPMs, and that a team should comprise up to ten people, with at least one person from each party.



*Proposed CPMs**Free State*

Target date : February 18  
 Venue : Mangaung

*Eastern Cape*

Target date : February 18  
 Venue : Grahamstown

*Eastern Transvaal*

Target date : February 18  
 Venue : Drum Rock

*Western Cape*

Target date : February 18  
 Venue : Worcester

*Northern Cape*

Target date : February 25  
 Venue : Kimberley

*KwaZulu - Natal*

Target date : February 25  
 Venue : Kwa-Mashu

*North West*

Target date : February 25  
 Venue : Klerksdorp

*Gauteng*

Target date : February 25  
 Venue : Duduza

*Northern Transvaal*

Target date : February 25  
 Venue : Namakgale



**Note:** The issues to be addressed in particular CPMs will be determined on the basis of the work programme and will be guided by the Law Advisers.

#### 8.4. Theme Committee Commitments

*Three options as to how TC members will attend future CPMs are proposed (for logistical reasons, operational from March 1995). TC members are requested to decide on the most feasible option available, taking into account the objectives of the PPP as outlined by the Resolutions of the CA..*

##### *Option 1*

Working days	:	Saturdays & Sundays
Who	:	The 6 TCs divided into 2 groups = 12 groups
		Group 1: Saturday & Sunday mornings : 2 meetings per group per weekend
		Group 2: Saturday & Sunday afternoons : 2 meetings per group per weekend
CPMs	:	24
<b>Total CPMs</b>	:	24 x 18 (available weekends till 30 June 1995) = 432

##### *Option 2*

Working days	:	Saturdays only : mornings & afternoons
Who	:	The 6 TCs
CPMs	:	12 : 6 TC groups x 2 meetings per day
<b>Total CPMs</b>	:	12 x 18 (weekends available till end of June 1995) = 216

##### *Option 3*

Working days	:	Every second Saturday
Who	:	The 6 TCs, alternating
CPMs	:	6 (6 meetings per weekend)
<b>Total CPMs</b>	:	6 x 18 weekends = 108 CPMs during PPP



### 8.5. Proposed structure of the CPMs

Duration	:	3 hours	
Welcome	:	Host	: 10min
Introduction	:	Facilitator	: 10min
Input	:		: 45min
-		Constitution Making Process	
-		Specific TC issues	
-		Issues discussed by other TCs	
Questions and Discussion	:		: 105min
Closure	:		: 10min

TC members will be provided with a brief, compiled by CL and Law Advisers, before each CPM, giving details of current issues in each TC. These issues will be drawn from the Work Programme.

*Please note: Due to translation and other factors, time allocated could be extended.*

#### *Appointment of Chairperson*

It is proposed that :

- criteria for the selection of the chairperson be established by CL.
- chairperson should be neutral and identified from the community.
- the national Community Liaison Team should have veto power on the appointment of the chairperson.

#### *Facilitator:*

It is proposed that the facilitator should introduce the constitution making process and facilitate the making of submissions.

### 8.6 Proposed role of the Secretariat

It is proposed that the Managing/Minute Secretaries be involved in two levels of the Constitutional Public Meeting :

- during the CPM
  - take minutes of meeting and receive written submission
  - record meetings
  - collect evaluation forms from facilitator to return to CL
- after the CPM
  - take evaluation forms to Deputy Assistant Director : Community Liaison



## **8.7 Evaluation of CPMs**

The following people are suggested to be evaluators: CA members, facilitators, provincial coordinators (CEP), national community liaison officers, random audiences and community leaders. Areas of evaluation will include process, content and promotional material.

## **9. CONSTITUTIONAL EDUCATION PROGRAMME (CEP)**

### **9.1. Introduction**

The Constitutional Assembly Work Programme for 1995 articulated the objectives of the Constitutional Education Programme as follows:

"The Constitutional Assembly, in association with a wide variety of NGOs, CBOs and other sectors of South African society, will conduct a wide ranging programme of constitutional education that will be accessible to South Africans at all levels. The programme will include South Africans in the constitution-making process by providing training on the key issues of constitutionality and briefing them on developments within the Constitutional Assembly. The assistance of NGOs and CBOs will allow this programme to reach disadvantaged communities, inaccessible or 'invisible' sectors and rural communities."

On 2 December 1994 the Constitutional Committee approved the programme and requested further information. Such information is detailed below.

### **9.2. Objectives**

The Constitutional Education Programme has the following objectives:

- \* helping to ensure maximum community participation in the constitution-making process, primarily through community workshops;
- \* ensuring that the Constitutional Education Programme is in step with the different phases of the constitution-making process. In the first phase this will require a Constitutional Education Programme grounded in the workplan of the Theme Committees.

### **9.3. Process**

The primary mechanism of delivery for this programme is the use of community workshop, so as to educate communities on the constitution-making process and to empower them to make submissions. Community workshops will be run, where possible, prior to Constitutional Public Meetings as well as independently of these meetings. This programme would continue into the second phase of the constitution-making process (the consideration of the draft constitution) and will lay the foundation for a wide-reaching public education programme which could be utilised in the development of a human rights culture.



**Short-term implementation:**

A short-term programme has been developed for February:

- Convening a national consultative meeting to be held in Cape Town, provisionally scheduled for 9/10 February, to provide NGOs and CBOs with a briefing and to assess existing resources;
- Running two pilot workshops in conjunction with NGOs, on Sunday 19 February and Sunday 26 February, at venues still to be finalised.

**9.4. Training and Resource Development****Training:**

This will encompass the training and briefing of co-ordinators and workshop facilitators from the CA, SACS and NGOs.

**Resources:**

A wide range of resources are envisaged, in order to ensure that the constitution-making process is accessible to as many sectors and constituencies as possible. The use of simple language, translation, drama and visual materials will be essential components of these resources. A workshop kit will be developed in conjunction with the NGO sector, including resources such as:

- \* an educational booklet on how to participate in the constitutional process;
- \* a looseleaf constitutional education manual (allowing for updates);
- \* outlines for community workshops;
- \* educational/information posters, including CA promotional material for use in local community venues such as advice offices and municipal offices.

**9.5. Evaluation and Reporting Mechanisms**

Mechanisms will be developed to assess the overall implementation and impact of the programme, including feedback from workshops and the effectiveness of resources.

Regular reports will be made to the Management Committee and close liaison maintained with the Theme Committees.

**10. CONCLUSION**

It is proposed that detailed project planning be submitted to the Directorate: CA Administration and the Management Committee on a monthly basis. Planning should reach the Management Committee not later than the second meeting of the preceding month.



***PRELIMINARY REPORT***



**PRELIMINARY FRAMEWORK FROM THE SUB-COMMITTEE TO THEME  
COMMITTEE 1**

**I) INTRODUCTION:**

Without being able to do so exhaustively in the time at our disposal, and in order to facilitate the deliberations scheduled for 8 February 1995, we have identified a number of contentious and non-contentious issues arising from the submissions made by political parties. In doing so, we have restricted ourselves to the matters dealt with in Block 1 i.e. Democracy and the Character of the State.

**II) NON-CONTENTIOUS POINTS:**

- A) The Constitution shall be the supreme law of the land, the standard against which all legislative, executive and judicial action shall be measured.
- B) There shall be a multi-party political system, premised on regular elections, universal adult suffrage and a common voters' roll.
- C) Fundamental rights of the individual shall be protected in an entrenched Bill of Rights, justiciable by an independent judiciary and giving effect to the principle of non-discrimination.
- D) The normative values underlying the Constitution shall be accountability, democracy, equality, freedom and transparency.
- E) There shall be a common South African citizenship.
- F) Elections shall proceed on the basis of proportional representation.
- G) South Africa shall be a sovereign, independent and undivided state.
- H) There shall be three levels of government i.e. National, Provincial and Local.
- I) There shall be a separation between State and Religion.
- J) There shall be separation of legislative, executive and judicial powers in the State.



**III) CONTENTIOUS POINTS:**

- A) The nature (legislative, executive, administrative and judicial) and extent of the powers of the various levels of government.
- B) Whether Parliament shall be bi- or unicameral in structure.
- C) Parliament's supremacy as a law-maker, in the context of provincial legislative autonomy.
- D) Representation and rights of cultural and linguistic minorities, including group self-determination.
- E) The constitutional entrenchment of minority party participation in government.



