

CONSTITUTIONAL

talk

Official Newsletter of the Constitutional Assembly

Special Newspaper Supplement

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A member of the public passionately making his contribution during one of the many Constitutional Public Meetings held by the Constitutional Assembly. Over 20 000 people have participated in these meetings.

Towards a new constitution

It has been a year since the formation of the Constitutional Assembly and, as the nation eagerly awaits the first draft of a document it is hoped will be supported by all South Africans, there is much progress to report.

The CA is made up of the 400 members of parliament and 90 senators who form South Africa's first democratic parliament. In between settling in, preparing and debating legislation, restructuring government departments, running the country and preparing for the pending local elections, these men and women also

In a hectic first year, the Constitutional Assembly has joined hands with the South African public and the country's finest technical minds to make real progress in the drafting of a credible and enduring new constitution.

have been entrusted with the important task of writing a new constitution.

In August last year, a directorate was formed to support the CA and facilitate progress. The CA members were divided into six 30-member Theme Committees, with several sub and ad-hoc committees, each entrusted with a specific area of the constitution. The Theme Committees

include the character of the state, structure of government, relationship between levels of government, fundamental rights, the judiciary and legal systems, and specialised structures of government.

Initially once a week, but now more frequently, elected representatives have been sitting as members of the CA and gathering evidence on these vital issues. They are assisted by teams

of technical experts who study international precedent and South Africa's unique circumstances.

Meanwhile, the CA administration launched an unprecedented public participation campaign to capture the views of the people and convey them to the Theme Committees.

A media campaign called for specific responses on issues ranging from individual freedoms, to the workings of the police and public service and even what the new anthem should be. Thousands of submissions have flooded in from individuals and organisations.

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You've made your *mark*



Now have *your* say

THE NEW CONSTITUTION

Shaping the future

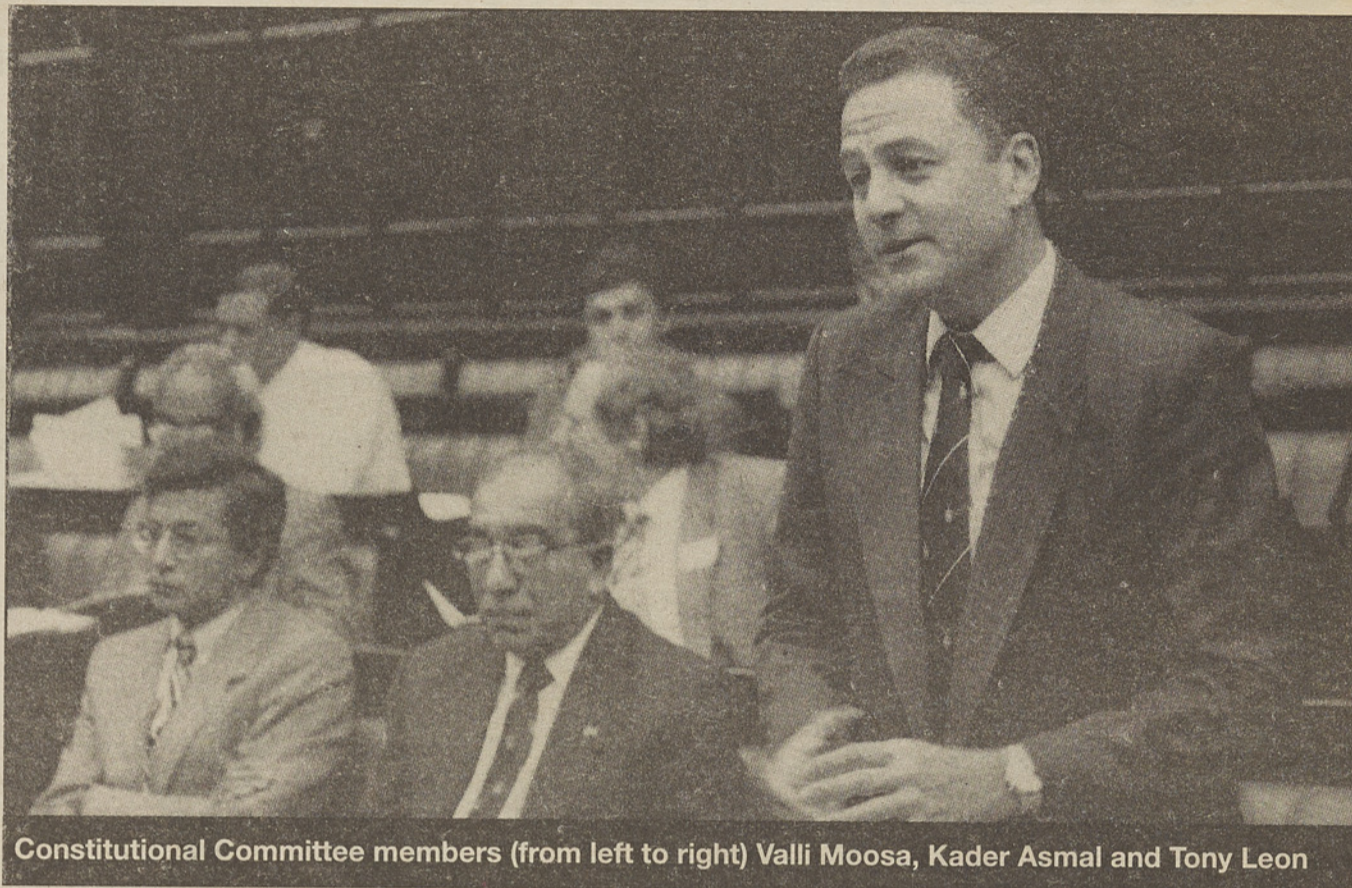
It is in the 46-person Constitutional Committee that the old boys and parliamentary newcomers get down to the nitty-gritty of drafting the document that will be the supreme law of the land. And, word by word, phrase by phrase, our new constitution is taking shape.

The driving winter rain drums against the windows of the historic Old Assembly Chamber in the parliamentary complex, but the men and women inside pay no heed. Instead they bend their eyes and minds to the draft clauses before them and debate the content, spirit and likely consequences of practically every word.

Chairing the proceedings is not one but two people, squeezed together in the chairperson's bench. Cyril Ramaphosa and Leon Wessels, chairperson and deputy of the Constitutional Assembly, are a combination unthinkable just a few years ago. But now these veterans of many, many hours of negotiations are procedural allies as well as political adversaries.

Each of the seven political parties has representation on the Constitutional Committee in proportion to their support in parliament. Yet the smaller parties contribute their fair share to the debate, spelling out their positions, suggesting alternative drafts and finding themselves in harmony with parties at opposing ends of the political spectrum at times. Only the Inkatha Freedom Party is absent; the party has withdrawn from the CA structures over the question of international mediation. Their withdrawal took away 11 percent of the CA might.

For the others, the agendas are clear and, while there is much consensus, some issues will always stir heated debate at each step of the process.



Constitutional Committee members (from left to right) Valli Moosa, Kader Asmal and Tony Leon

The fundamental right to security of a person and freedom from arbitrary arrest and torture is challenged by the tiny two-member African Christian Democratic Party. The gentlemen want the protection to apply from the date of conception, effectively banning abortion. The technical experts remind the gathering that the premise they are working under is the "universally accepted human rights" found in international law. Nowhere else does this type of protection apply to the unborn. But the ACDP position is duly noted.

The African National Congress objects to draft text on the public administration, already the subject of many hours of debate at the Theme Committee stage and further consideration by a special sub-committee.

Without a constitutional commitment to affirmative action, argue the ANC delegation, the status quo will remain. The draft commitment to "competence, objectivity and fairness" would exclude those dis-

advantaged in the past.

The Democratic Party wanted the right to dignity and a good name to be extended to juristic persons, that is companies and other organisations of civil society. There was no real opposition to some limited form of rights for them.

There are a few ironic smiles when the National Party calls for constitutional guarantees for academic freedom.

Ramaphosa, alternating with Wessels, guides the debate, gently chiding the members when they react with exasperation to familiar rhetoric.

"This is a democratic process. Everyone shall be heard," he says.

It is not all deadly serious. A member raises laughter when he quotes the old saying that there is no such thing as freedom "until the children are married and the dog has died". There is also light relief in the teasing exchanges between political foes who know each other and their idiosyncrasies well.

But for the rest it is hard work. The

technical experts, constitutional lawyers and academics, explain phrases that are not clear, quoting from constitutions in newly reconstructed Eastern European countries, Latin America and Africa as well as the better-known ones like the Canadian and the American.

The long day is punctuated by breaks for tea and plates of rather ordinary biscuits. At mid-day committee members brave the freezing wind and driving rain to get something to eat.

As the afternoon darkens into evening and the wrought-iron chandeliers blaze ever more brightly, patience wears thin and other commitments - families and parliamentary obligations - beckon. A few clauses have been accepted, many have been sent back to the technical advisors for redrafting.

For the weary members, it may have been just another day at the office but it is one full of historic significance. It is another step on a truly exceptional journey.



The Constitutional Assembly (CA) publishes **CONSTITUTIONAL *talk*** every three weeks. In this publication, the CA reports about developments in the constitution-making process. The newsletter is distributed for free to interested readers across the world. You too can receive a copy.

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Now have your *say*

THE NEW CONSTITUTION

Educational programme empowers the people

A major Constitutional Assembly exercise has started with a Community Education Programme that aims to reach 'the people who reach the people'. Since May, over 100 workshops have been held throughout the country, reaching nearly 10 000 people.

Striving for real transparency and true consultation, the Constitutional Assembly has added a comprehensive Community Education Programme (CEP) to its public participation effort. And, says CA executive director Hassen Ebrahim, the effect will be to empower people through their constitutional involvement.

Two provincial trainers have been appointed in each of the provinces. Based in the regional offices of the South African Communication Service, they have been holding briefings and workshops for organisations in civil society. These events have, in the main, been preparatory work for the Constitutional Public Meetings. But, by training the trainers, the organisations that deal with the communities on a daily basis, the CA is attempting to spread the constitutional message even more widely.

The workshops are an effective means of communication and education, particularly in rural and historically disadvantaged communities where the CA is making a special effort to involve people. So far, the CA estimates, almost 10 000 people, representing 150 organisations, have been reached this way.

"We look at the relevance and role of a constitution in a society, how it can affect the lives of people, and why it is so important to make an input," says Ebrahim.

"These are not high-profile, public events but they are getting to the grassroots."

With this educational programme, the Constitutional Public Meetings and an ongoing media campaign, the CA has taken the concepts of transparency and consultation to new heights.

"The key has been not just relating to civil society but empowering people in the process."

During the next phase of public participation, when the draft constitutional text will be taken back to the people for information and comment, the CEP will play a major role. It will be supported by radio and school programmes to help educate the broader public about the constitution and how it will work in practice.

Free - A graphic guide to the constitution - making process

A handy new booklet guide to the constitution-writing process and how you can get involved has been published by the Constitutional Assembly.

For many people, the notion of a constitution and how it relates to everyday life is a closed book. But now it all becomes much more accessible with this graphic guide.

Written in clear, simple language, *You and Building the New Constitution*, takes the reader from the April 1994 national elections, through the structures of the Constitutional Assembly, to the public submissions process and why it is important to get involved. The Constitutional Principles, which are guiding the drafting of the final document, are fully explained.



Also included in the booklet are the names and contact details of the CA regional co-ordinators based in all nine provinces. Look out for it in your local newspaper or get your copy from Greg Moran, Constitutional Assembly, P O Box 15, Cape Town, 8000, or telephone (021) 24-5031 or fax (021) 24-1160.

Towards a new constitution

from page 1

To date, the total, including signatures on petitions, has reached the 1,8 million mark and looks set to top two million soon.

Television, radio and print media articles have spread the word and, by April this year, 65 percent of adult South Africans surveyed knew about the CA and its activities.

An ambitious weekend programme of Constitutional Public Meetings has been held to take Theme Committee members to the public in urban and rural areas in all nine provinces. Enthusiastic crowds have turned up to give their views on what should or should not be in the constitution.

National sector hearings have been held to give Theme Committee members a chance to receive input from business and labour leaders, activists for women's and children's rights, traditional leaders and the youth and religious communities.

Internal briefings have been held with international experts in various fields who have come to give the Theme Committees the benefit of their experience and advice.

Now, as the end of the first phase draws closer, proposed draft constitutional text is emerging from the Theme Committees and other committees for debate by the 46-member Constitutional Committee.

This committee comprises members of the seven political parties represented in parliament on a proportional basis as follows: African National Congress (26), National Party (9), Inkatha Freedom Party (4), Freedom Front (2), Democratic Party (1), African Christian Democratic Party (1) and the Pan Africanist Congress (1).

At the moment, all CA committees are operating without the presence of the IFP, which has withdrawn from the CA until its demands for interna-

tional mediation on some constitutional aspects are met. Meanwhile, IFP party submissions continue to be debated and considered in the committees.

Headed by CA Chairperson Cyril Ramaphosa and Deputy Chairperson Leon Wessels, the Constitutional Committee will have to do the hard bargaining before the final text is eventually adopted or rejected by a two-thirds majority of the entire 490-member Constitutional Assembly.

Any contentious issues will be referred to an Independent Panel of Constitutional Experts for conflict-resolution. The target date for the final adoption of the constitution is May next year.

In the CA's annual report, Ramaphosa says he remains confident that the process of drafting a new constitution is "very much on track" and will be completed on time.

"The success the CA is achieving can

only be fully understood if measured against the hectic first 12 months of democracy in our country. In spite of this the CA, as reflected in the CASE survey, is succeeding in instilling a sense of constitutionalism in the minds of South Africans. This is an integral part of the ongoing struggle for democracy."

Constitutional talk is the official newsletter of the Constitutional Assembly.

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You've made your mark



Now have your say

THE NEW CONSTITUTION



This is democracy!

As the first phase of the constitution-writing process comes to an end and the CA members head for a recess, Constitutional Talk asked political parties that are members of the CA for their opinions on the progress made thus far.

Here are their views:



THE AFRICAN CHRISTIAN DEMOCRATIC PARTY

"It's very hectic."

"For the ACDP, the constitution-making process is a great challenge and very hectic. Although the Theme Committees have almost managed to keep to the deadlines for submissions, much still needs to be done by the Constitutional Committee in terms of real negotiations and major discussions.

"It is important for the majority of South Africans to be convinced that the whole process is transparent and inclusive.

"This can only be achieved if their inputs and submissions are acknowledged and incorporated into the major decisions. This will enable them to accept the final constitution as their product."



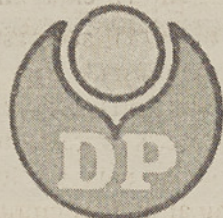
THE AFRICAN NATIONAL CONGRESS

"This is democracy."

"The ANC is satisfied with the progress made by the CA to date. In addition, the enthusiastic participation of the public in the process of constitution-making has demonstrated that many South Africans want to be involved directly in the process of determining the future of South Africa. This, we believe, is what democracy is all about.

"Much ground has also been covered through a process of debate between political parties in the Theme Committees and solid foundations have been laid for the work which lies ahead. We congratulate all members of the CA for their hard work and all those who have contributed to the process thus far.

"Once again, we reaffirm our commitment to ensuring that our country's new constitution reflects the will and aspirations of all South Africa's people."



THE DEMOCRATIC PARTY

"The real work lies ahead."

"During the past year, the CA has concentrated its efforts on obtaining inputs on the new constitution from as wide a cross section of our people as possible. This has included political parties, provincial and local authorities, non-governmental organisations, interest groups, communities and thousands upon thousands of individual South Africans. "While this work has been important in bringing the wider South African community into the constitution-making process, it has only touched the fringes of the process - the real work of drawing up the new constitution still lies ahead.

"This work is not simply a mechanical task of legal drafting. It involves bringing the varied inputs that have been sifted and processed by the six Theme Committees into a coherent and balanced whole. It will involve tough negotiations and tough decisions on the contentious issues that have already been identified. It involves producing a document that is not only acceptable to the CA, but one which our people as a whole accept and respect as the basis on which our diverse cultures can live in unity and peace and can enjoy rising living standards in a country which respects the fundamental rights and freedoms of each citizen.

"The greatest challenge for the constitution-writing process is for each party to realise that the constitution is not a substitute for detailed government policy and action on a range of important issues. The constitution is the framework under which all South Africans can live in a climate of liberty and empowerment."

At the time of going to press no comments had been received from the Freedom Front and the IFP.



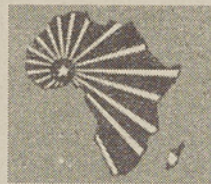
THE NATIONAL PARTY

"The table has been laid."

"If one looks at the process as a whole, it can be described as a success. All the structures - from the Theme Committees through the Constitutional Committee right up to the Constitutional Assembly - have functioned well. The Administration and Management Committee deserve special mention for the way they have steered the process and for the fact that it could be done well within the constraints of the budget.

"Most of the contentious and non-contentious issues have been identified and defined within the time-scales set by the work programme. The table has been laid for the next stage of serious negotiations.

"The fact that the public at large could be involved to the extent that it has been is an achievement without a parallel anywhere in the world. "The only negative aspect is the withdrawal of one of the parties from the process. To deal with this matter will require exceptional wisdom on the part of all the role players. One can only hope that a serious commitment to creating a prosperous and peaceful future for our country will eventually also contribute to resolving this problem."



THE PAN - AFRICANIST CONGRESS

"We have reached an exciting stage."

"The constitution-making process has progressed fairly well. We have now reached the exciting stage of dealing with draft clauses and negotiations. The process has been enriched by the public inputs and the interest shown by ordinary people in constitution making. The PAC hopes that their enthusiasm and interest will be rewarded by a final document which will reflect their interests and aspirations."

Taking stock

After six months of deliberations on substantive issues, all the Constitutional Assembly's (CA) Theme Committees have made substantial progress.

Almost all of them are gearing to wrap up their work during July 31 and September 15, 1995.

Theme Committee 1 - dealing with the subject of Democracy and Character of State - has finalised the bulk of its work on the subjects of equality, single sovereign state, supremacy of the constitution, representative government and the economy.

The subjects of citizenship and suffrage, foreign relations and international law, language, name of the country, symbols and national territory and seats of government will be discussed and reports will be produced in the week of August 4-11.

The preamble of the new constitution will be discussed in the week of August 25.

Theme Committee 2 - dealing with the subject of separation of powers between the various structures of government - has completed reports on the questions of functioning of national and provincial structures. Draft formulations on these subjects are now being prepared by the committee's Technical Advisors.

Reports on traditional Authorities, self-determination and electoral systems will be finalised during the next session.

Theme Committee 3 - dealing with the nature and status of the provincial and local systems of government - has completed reports on the subjects of legislative and executive competencies and it will table its first report to the Constitutional Committee (CC) on August 4.

Theme Committee 4 - dealing with the subject of human rights - has finalised and submitted almost all of its reports and plans to submit a crystallised Bill of Rights to the CC on August 25.

Theme Committee 5 - Structure of the Court System - has finalised most of its reports on the relationship between the various levels of the court, composition and appointment of judicial officers and access to the courts. When it resumes work on July 31, it will finalise reports on the questions of traditional authorities and customary law, correctional services, legal education and profession and attorneys general.

Theme Committee 6 - Specialised Structures of Government - has finalised reports and draft formulations on the issues of public administration, the Auditor-General, the Public Protector and the security services.

After all the Theme Committees have finalised their reports and draft formulations, the CC will debate them after which a draft constitution will be published for public comment in about October, this year.



You've made your *mark*



Now have your *say*

THE NEW CONSTITUTION

Living in exciting times

The challenge of a new era of constitutionality is for every man, woman and child to know their rights and how the constitution can protect them. So says Leon Wessels, deputy chairperson of the CA, who is having the time of his life.

For this National Party politician, the constitution-making exercise has opened up a new world, and he likes what he sees.

"It is a wonderful process to be involved in. I really get the feeling that we are working with South Africa, in the administration, the public participation process and in the CA committees," he says.

"It is all typically South African with the smooth edges as well as the rough ones, the many different views and beliefs, all the excitement and frustrations. And I am proud to be part of it."

One of the outstanding features has been a unique partnership of

three sectors - the South African people, the parliamentarians and the talented local experts. No one sector, says Wessels, has dominated the process thus far.

"Our task now is for us all to find each other, to take the spirit that is in this process and to extend it to other fields of activity for the betterment of the whole country. This is where the diversity of South Africa comes to the fore. There are deep differences, but with a common loyalty to this country and a will to find each other, we can overcome them."

Much has been gained from the experience of drafting the Interim Constitution at the multi-party process at Kempton Park.

"That was essentially a political settlement we were crafting. But it was not a wasted effort. Every rand, every hour, every piece of paper was worthwhile if only for the relationships we brought with us from Kempton Park to Cape Town. Those relationships are

alive and well. It does not mean you have to agree with each other, but it is the manner in which you disagree that is important."

Wessels says that South Africa is the envy of the world and the constitution-making process is causing international excitement.

"Given our polarised past, we are doing exceptionally well. We have had the elections and the political baggage is largely out of the way. Now we have the luxury of revisiting and sharpening up our constitutional ideas to create a new and modern document that will serve South Africa for generations to come.

"We have just installed our first Constitutional Court. We are developing a new philosophy of constitutionality that is embedded in the South African soil. The public have participated, but it doesn't stop there. The real challenge lies ahead - to ensure that everyone knows their rights and what they mean in their daily lives."



Every submission is considered

Every day the total climbs - it is set to top the two-million mark - as petitions and letters, posters and even audiovisual cassettes flood into the Constitutional Assembly offices. Each one is valued, recorded, considered and archived as a national treasure for generations to come.

Pick a subject, any subject and there is a letter from someone about it. Whether it is from the "friends of the pigs" animal rights' group, someone who wants his or her side of the street swept, a group of schoolchildren doing a project, a design for a new flag or a petition calling for firearms to be banned, you will find it in the bustling submissions department at the CA.

The response from the public to the media campaign calling for South Africans to give their input to the constitution-making process has been simply staggering. What is more, the flow shows no signs of abating.

And the CA has risen to the challenge. Despite public scepticism, the fact is that every contribution - no matter what language or style it is

written in or the meagre scrap of paper it is on - is considered significant and finds its way to the committee responsible for the relevant section of the constitution.

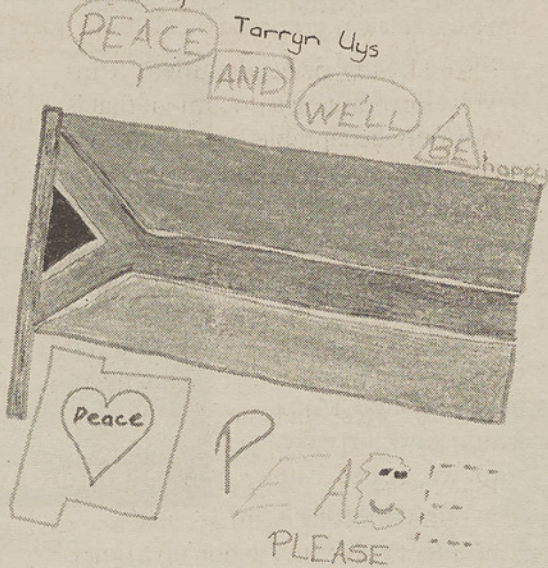
"No one anticipated that there would be such a volume," says Paul Davids from the submissions department. "We've just had to get more people to deal with the letters."

Every morning, P O Box 15, Cape Town, 8000, is emptied and all the letters are opened and date-stamped. Then they are taken to the submissions department where they are sorted into subject matter and placed in boxes. Those that are in languages other than English are sent for translation and all handwritten submissions are re-typed.

The receipt of each letter is acknowledged. "People have phoned us in amazement when they received a letter from the Constitutional Assembly thanking them for their contribution," says Davids. "We've had parents contacting us because their children have received letters too."

Dear President Mandela,
My name is Tarryn Uys and I am 9 and a half years old. I would like to have the temporary flag as our country's flag. Please don't change our flag. I like the flag because of all the pretty colours.

Your citizen,



overtaken the objections to the sexual orientation clause which was the hot topic at one stage. In all my experience with community organisations, I have never come across the type of mobilising that is going on from organisations ranging from animal rights' groups to the Keep Parliament in Cape Town movement and, of course, the religious groups.

"But the most humbling are the letters from ordinary people who just want the basic things in life. Sometimes they don't even have a proper piece of paper to write on and they can hardly express themselves, but they send in their deepest thoughts. Some of them bring tears to the eyes. I have been changed by them. It's so easy to take people for granted but this process has reminded me that there is more to each person than meets the eye."

Every letter is destined for the archives to be kept as a national treasure and resource for future generations of South Africans. As the true voice of the people, the submissions will form an important part of the CA legacy.



You've made your mark



Now have your say

THE NEW CONSTITUTION

A rainbow administration

An essential ingredient in the recipe for a new constitution is the small but unique CA administration that offers a glimpse of what a future South African public administration might be like.

There is much burning of midnight oil at the Constitutional Assembly offices in Cape Town and weekends are often working days too. There is also a sense of urgency in the corridors and purpose in the discussions, an enthusiasm that is undimmed by long hours and a sense of satisfaction when the job is well done. And what an enormous mission there is to be accomplished. The CA administration, hastily put together between August last year and January this year, is the glue that binds the whole process together providing a vital organising, co-ordinating, liaison and educational role in the historic drafting of the constitution. "When we put the administration together, we took a policy decision that the team would reflect the racial and gender composition of South Africa," says deputy executive director Marion Sparg. "I am very proud of the fact that 60 per cent of the team are women and that



CA staff members with Cyril Ramaphosa and the British High Commissioner, Sir Anthony Reeves (second from left)

we are represented at very senior levels."

The result of all the head-hunting and the sifting through thousands of applications, was an administration drawn from diverse fields and life experiences. Many of the newcomers, exhausted by the national elections, had turned down lucrative jobs in the private or public sector to work once more under intense pressure for the duration of this two-year project.

Efficiency, transparency and accessibility to the public are the hallmarks of the administration in which former public servants and former anti-apartheid activists work side by

side.

The directorate headed by executive director Hassen Ebrahim and his two deputies, Louisa Zondo and Sparg, oversees the basic administration and the financial management.

An enormous community liaison effort - and logistics that would keep most people awake at night - has resulted in a Public Participation Programme that has reached people in the remotest parts of the country. These Constitutional Public Meetings have brought the constitution-making process to the people, while media efforts and advertising have kept the public in-

formed of the progress.

Sparg paid special tribute to the operational team of the South African Communications Services.

A second major function is the committee secretariat that has managed the Theme Committee structure and made sense of the thousands of public submissions that have flowed into the CA. A team of legal advisors have lent both the committees and the administration valuable assistance.

A huge team of people work almost round the clock

processing the avalanche of letters and faxes sent in by the public. Sparg admits ruefully that the scale of the public response was completely unanticipated.

In the documentation centre, three of the biggest photocopiers available work 14 to 16 hours a day churning out documentation. The CA runs a recycling programme but the process to date must have swallowed a small forest.

There is still a long way to go before the target date of May 1996, but this committed and enthusiastic bunch of people have the staying power to see this adventure through until the end.

"Secular state not Godless"

The issue of a secular state is one of the most controversial ones facing the Constitutional Assembly, with a huge volume of public submissions on the subject and a recent march on the CA. Now Archbishop Desmond Tutu has added his voice to the debate in a pastoral letter to Anglicans.

In a response to the march by thousands of Christians, Archbishop Tutu took issue with claims made by the protestors. These included that, in a secular state, Christians would be unable to hold public office and that prayer would be banned in state institutions such as schools. The marchers also criticised the fact that Ascension Day was no longer a public holiday.

He pointed out that, as early as 1991, the Synod of Bishops had called for South Africa to be a secular state and he explained what that means.

"A secular state is not a godless or immoral one. It is one in which the

state does not owe allegiance to any particular religion and thus no religion has an unfair advantage, or has privileges denied to others.

"In some Muslim countries, Muslim Sharia law is enforced on all and sundry. We do not want to impose Christian laws on those who are not Christian, even if we are the majority. Jesus said, 'Do unto others as you would they did unto you.'" Imagine if we were all prohibited from eating pork or were told we could not observe Sunday as a holy day."

Concerning Christians not being eligible for public office, he said President Mandela was a Methodist and Christians were in the majority in parliament. He asked whether it was credible that they would draw up a constitution that would shut them out of public office.

"We must insist on freedom of wor-

ship for all, that is, the fundamental right to practise and propagate one's faith without hindrance as long as one does not infringe the rights of others. This right is already guaranteed in our Bill of Rights

which outlaws discrimination on the basis of sex, race, culture or creed." He added that he would lead a protest march if this right was undermined.

He said that he had never been stopped from praying in a state

building. "I said grace very recently in parliament at the lunch for the Springboks and at two state banquets when the Queen was here.

On the question of Ascension Day, he said no-one had suggested it should not be observed as a holy day. In fact, very few Anglicans attended services on that day, but thousands went to Ash Wednesday

services, which was also a holy day but not a public holiday.

"We have many Christian festivals observed as public holidays for everybody, including Good Friday, every Sunday, Easter Monday and Christmas Day. Let us not be greedy. No-one has stopped us from keeping our festivals."

Tutu warned that Christian morals and standards were clearly not guaranteed just by mentioning God in the constitution. The old constitution invoked the name of God and then the apartheid government totally ignored God as it carried out "unGodly, unChristian and immoral laws".

"If we want Christian morals and standards to permeate our society, then let us elect Christian people to parliament and let us ensure our society reflects those standards and values. Jesus said we should be like yeast to leaven society, be like salt to preserve society and be the light that dispels the darkness of evil and sin in society. Be on your guard. Let us not disgrace our Lord."



Desmond Tutu



You've made your *mark*



Now have *your* say

THE NEW CONSTITUTION 

Reaching the people

After just four months of the CA's media campaign, two out of every three adult South Africans are aware of the Constitutional Assembly and its role. A survey, conducted by the Community Agency for Social Enquiry (Case) for the CA, also highlighted the issues of most concern to the people.

The multi-media approach taken by the CA has paid dividends, according to the survey of 1000 South Africans, aged 18 years and above. The campaign of advertisements, programmes and articles has reached 45 percent of television viewers, 48 percent of radio listeners, 40 percent of newspaper readers and 15 percent of the adult population through the CA's *Constitutional Talk* newspaper. Less than half were reached through any one medium; two-thirds were reached across all of them.

Interesting facts that came to light were that more men were reached than women, and that 70 percent of those reached were in the urban areas compared to 58 percent in rural and informal areas. The greatest awareness of the constitution-making process was in the 18-to-24 year age group.

Most encouraging was that 65 percent of people felt that CA advertisements or programmes "had increased their knowledge about the constitution" and contained "something new".

Highest awareness of the CA was in Kwazulu-Natal and the Northern Cape; then Gauteng, Free State and the Western Cape. It was lowest in rural provinces like the North West, Eastern Cape, Eastern Transvaal and Northern Province.

More than half the people reached by media campaign said they felt part of the process and even more wanted to be part of it.

But the proportion believing the CA would "treat their ideas or submissions seriously" dropped to 39 percent overall and to 46 percent of those reached by the campaign. Lowest figures were for the white population group, which showed a low desire to be part of the process, and among coloured people, who felt the most sceptical about the seriousness of the public participation. What is a constitution? A third of South Africans have an accurate idea, mentioning rules and regulations governing society, and another 16 percent were close. But 38 percent of adults did not know what a constitution was, indicating a need for further educational efforts.

The issues respondents felt to be most important for inclusion in a constitution were socio-economic

concerns, which were mentioned by 41 percent of people. Jobs, housing, education and electricity were mentioned most often. Then came basic rights like equality, the rule of law, rights for all and women's rights.

People's priorities tend to reflect their circumstances: mention of jobs was highest among the unemployed, housing among those in informal settlements, and rights among whites and Indians with benefits to protect.

Concern for constitutional rights fell into four main groups.

Social issues included schooling, freedom from hunger, housing, disability, and language. Highest con-

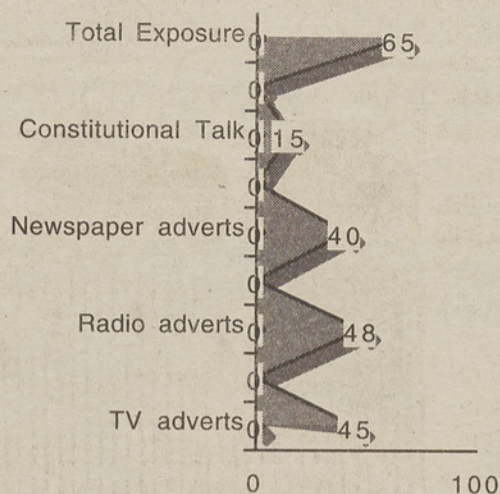
cern for these issues came from people in the 35 to 49 year age group and in rural areas, especially for those with families and raising children.

Women's issues included women's rights to own property, to be protected from violence, to stand for election. Concern was highest among women, particularly white women.

Community rights, including strong provincial powers and locally accountable police, were of most concern in the coloured communities.

Legal rights, including protection by the courts and gay rights, were of most concern to whites and the employed.

Percentage Exposure to Constitutional Assembly Media



From Paarl to Peddie

Thousands of people - especially rural and historically disadvantaged people - have been given the chance to meet the people writing the new constitution in a successful Public Participation Programme.

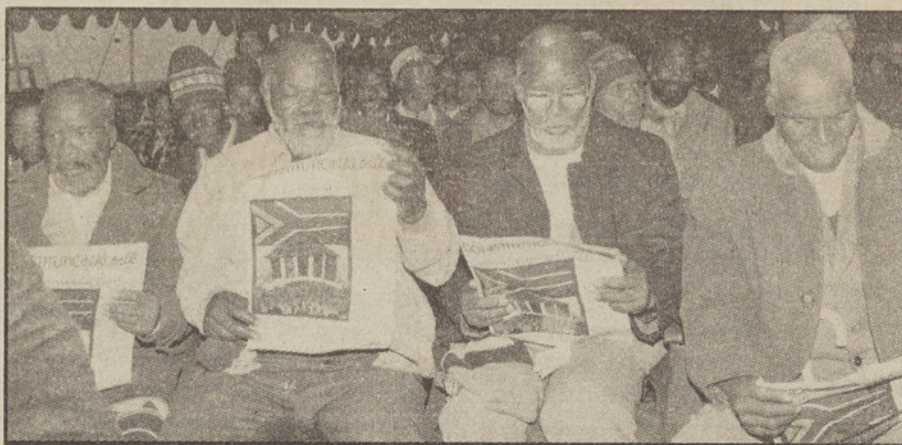
From Paarl to Peddie, from Ellisras in the north to Mhluzi in the east and Saldanha in the west, members of the Constitutional Assembly have criss-crossed South Africa to hear the views of the people. At the 22 Constitutional Public Meetings, crowds have ranged from 130 to over 4000 and the response generally has been enthusiastic. Meetings held over the weekend of 24 and 25 June in George, Maokeng and Pietermaritzburg have brought this phase of public participation to a close.

The programme deliberately concentrated on rural and disadvantaged communities where access to news and information about the constitution is not as readily available as in the major urban areas.

Community structures in each area were included in the organisation of events to make the process even more inclusive.

In a report to the Constitutional Committee, the CA Management Committee has recommended that, in the next phase when a draft constitution is available, some form of public participation events should be held. It was also suggested that the meetings be extended to major urban areas as well.

The reasons for doing this were to report back to the people on the work of the CA and to get further comment on the draft constitutional text.



Reading about their future at a meeting in Ivory Park



Celebrating the constitution in Mhluzi



Pietermaritzburg residents at a meeting



You've made your *mark*

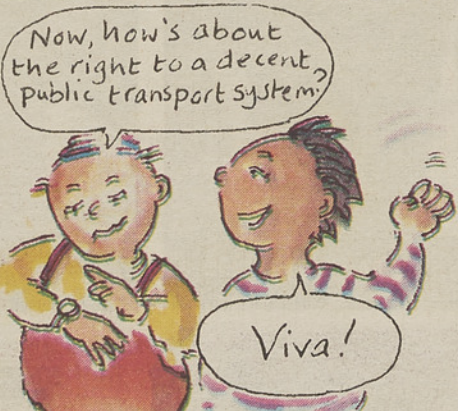
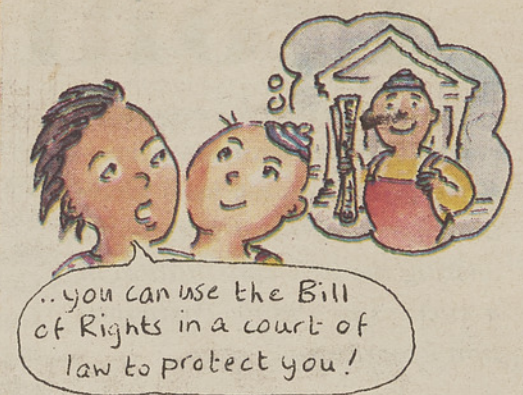
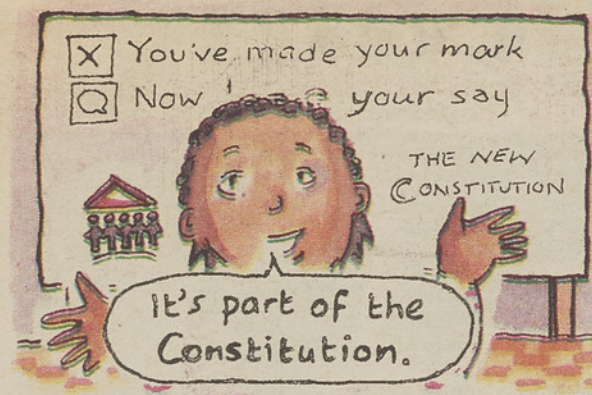
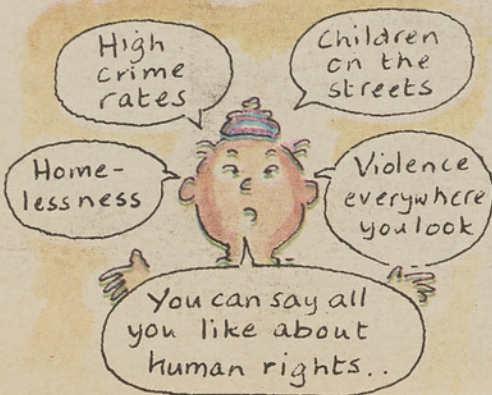


Now have your *say*

THE NEW CONSTITUTION

THE BILL OF RIGHTS

What is it?



The present Bill of Rights is set out in Chapter 3 of the Interim Constitution. You can get a copy of the Interim Constitution from the Constitutional Assembly Box 15 Cape Town 8000 or Phone (021) 245031. We will also explain the Bill of Rights in more detail in future issues of Constitutional Talk.