

CONSTITUTIONAL ASSEMBLY NATIONAL SECTOR PUBLIC HEARINGS

BRIEFING DOCUMENT

The Constitutional Assembly is embarking on a series of National Public Hearings.

In this phase of the Public Participation Programme (PPP) it is envisaged that major sectors be given an opportunity to make their views, comments, and submissions on the constitution in the form of a public hearing.

The work of the Constitutional Assembly is divided into six theme committees. The six theme committees are as follows:

- (1) Character of the Democratic State
- (2) Structure of Government
- (3) Relationship Between Levels of Government
- (4) Fundamental Rights
- (5) Judiciary and Legal Systems
- (6) Specialised Structures of Government
 - 6.1 Public Administration
 - 6.2 Financial Institutions and Public Enterprises
 - 6.3 Transformation, Monitoring and Evaluation
 - 6.4 Security Apparatus

Each of the theme committees has approximately 30 Members of Parliament assigned to it. The public hearing provides the members of the theme committees with a chance to listen and hear the views, comments and submissions of the respective sectors.

GENERAL GUIDELINES AND PRINCIPLES

- (1) The public hearing is not a decision making or debating forum, it is an opportunity for representatives from the sector to make their input and submissions.
- (2) The Public Hearing is not a forum to achieve consensus.
- (3) Constitutional principles are not open for debate.
- (4) Speakers:
 - (a) Their speeches will have the same status as those that make submissions during the open discussion time
 - (b) Their input are also to stimulate further contributions from the sector.
- (5) Discussion time:
 - (a) Participants make oral submissions
 - (b) Questions of clarification from:
 1. Participants to theme committee members
 2. Theme Committee members to participants
 - (c) Sector representatives who have not submitted a written submission, should be given a preference during open discussion time to speak
 - (d) The chair should ensure that a spread of organisations and structures should be given a chance to speak
- (6) The proceedings will be recorded, speakers need to identify themselves by name and organisation before speaking
- (7) All submissions (written and oral) from the public hearing:
 - (a) Will be processed by the relevant theme committee
 - (b) Will have the same status as written submission that have already been submitted to the Constitutional Assembly
 - (c) Will inform the constitution making process
 - (d) There is no guarantee that submissions will become a part of the final constitution.
- (8) If written submissions are brought to the hearings they will form a part of the submissions of the public hearing
- (9) Members of Parliament must be introduced as the members of the Constitutional Assembly.
 - (a) Chairperson of the Constitutional Assembly
 - (b) Deputy Chairperson of the Constitutional Assembly
 - (c) Member of the Constitutional Committee
 - (d) Member of the Management Committee
 - (e) Members of Theme Committees

NB: Members will come as representatives of the CA and will be present on non-political-party basis.