



CONSTITUTIONAL ASSEMBLY

INTERNATIONAL CONFERENCE ON ADULT EDUCATION & TRAINING & ITS ROLE IN RECONSTRUCTION & DEVELOPMENT: LESSONS FROM NORTH AND SOUTH

DEMOCRACY, DEVELOPMENT AND THE SOUTH AFRICAN CONSTITUTION

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INTRODUCTION

Very few countries in the history of modern constitution-making have had the opportunity to draft an entirely new constitution. A Constitution is a vital component of a vibrant participatory democracy. Our challenge has been to make the process of making the constitution-making central to the development of South African democracy.

OBJECTIVES AND PRINCIPLES

The objective is to produce a Constitution that is legitimate, credible and enduring. In attaining this objective the CA has been guided by the following principles.

- Transparency
- Credibility
- Legitimacy
- Consultation
- Inclusivity

Fundamental to the process is the principle of inclusivity. It has been agreed that the new constitution should be the product of the integration of ideas of all the major role players in South African society. The Constitutional Assembly has defined three categories of role players.

The first category is made up of those political parties represented in the Constitutional Assembly. The second category belongs to those political parties outside of the Constitutional Assembly and organised civil society. The third category consists of individual citizens.

The second principle is that of accessibility. The Constitutional Assembly has invested a great deal of its energy and resources in ensuring that the process is as accessible as possible to all the identified role players. Not only has it laid its structures open to the views and opinions of all role players, but it has deliberately established various fora to give them an opportunity to do so.

The third principle is that of transparency. In this regard, it should be noted that all meetings of the Constitutional Assembly and its structures are open to the media and public. In adding a new dimension to transparency, the Constitutional Assembly has established a project to ensure that all its materials, from minutes, reports and all

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submissions, are accessible to all through the electronic bulletin board - Internet. This certainly is a first in the world. Never before has a project of this nature been undertaken in full view of not only the country but the international community.

PUBLIC PARTICIPATION PROGRAMME-EMPOWERMENT THROUGH INVOLVEMENT

To achieve a credible process that represents the interests of all South Africans, it was necessary to design a programme that directly and indirectly included the views of all South Africans. Such a programme had to ensure real public participation so that the constitution-making process was credible. A credible process would achieve ownership of the constitution-making process and the final constitution itself. The result would be a legitimate final constitution.

The CA developed the Public Participation Programme to fulfil the above objectives.

The public participation programme has been a strong feature of the constitution-making process. It has been an effective mechanism in ensuring that the views of the public are accessed and taken into account.

There are two major components to this programme, the media campaign and the community liaison process.

Media

To enhance public participation the Constitutional Assembly has had to develop an effective media strategy. The major objectives of the media strategy are to inform, educate and stimulate public interest and create a forum for public participation.

The means used to implement this strategy include a national advertising campaign, production of an official newsletter, a weekly television show and the production of occasional publications in the form of leaflets, posters and stickers.

Community Liaison

The community liaison programme has three components - Constitutional Public Meetings, National Sector Hearings and Constitutional Education Programmes. The objective of this programme is to provide fora to facilitate the process of effective consultation and participation in the process of constitution-making.

In terms of the mandate of the Constitutional Assembly, the programme of Constitutional Public Meetings were oriented towards rural and disadvantaged communities. Thus far, 26 meetings have been held across all provinces.

These meetings have been extremely successful and more than 1 000 structures of civil society have been involved in this part of the process. Also, there have been more than 200 attendances's by members of the Constitutional Assembly at these meetings. All told, more than 20 000 people attended these meetings.

To date 9 National Sector Public Hearings have been held with approximately 500 organisations participating . It must be mentioned that it was the first time in South African history that such broadly representative gatherings were convened of such important sectors such as traditional authorities. Approximately 40 other workshops and hearings were also held.

X The Constitutional Education Programme started work on 10 May 1995. Since then several hundred workshops have been organised in conjunction with community structures and have reached over 50 000 people. The principle of education for participation has been followed and many of the people reached by workshops attended Constitutional Public Meetings to make submissions to their elected representatives.

The Constitutional Assembly began its programme of interaction with the public in February 1995. Due to the importance and the resources invested in the project, it was necessary to obtain an early evaluation of its success or otherwise. Hence, the Community Agency for Social Enquiry (CASE) and Roots Marketing and Research were commissioned to conduct a survey. The survey was designed to both quantitative and qualitative. The survey was conducted in April and findings published on 17 May 1995.

X The survey underscored the importance of the multi-media approach adopted by the media campaign. Whilst none of the mainstream media reached more than half of the people who access that media, taken together, however, two thirds of all South Africans have been exposed to the Constitutional Assembly's media campaign.

X The above-mentioned consultative and educative process has also led to the creation and of an extensive database that can be used as a development tool by the State and civil society after the CA has completed its work.

The Public Participation Programme during 1995 has reached a broad and representative cross-section of South African society.

X The process of consultation has had a number of additional achievements:

1. Consulting with rural and disadvantaged communities which have hitherto been marginalised in terms of organised political processes.
2. Ownership of the constitution-making process. Civil society structures were not merely requested to make submissions, but were involved as partners in the process of making submissions. This partnership has served to empower civil society to assert their own views.
3. All consultative processes were educative in both form and substance.

It is not possible to physically reach 44 million people, but it has been possible to reach those who can reach them. In accessing millions of people through civil society structures, the overall achievement of the public participation programme in this phase has been to begin to create a truly people driven process. The nature of this process of consultation has added a new dimension to the development of democracy in South Africa.

The CA is preparing a Working Draft which will be published on the 15th November 1995. This will be a record of all work done by the CA to date and will include reference to areas that are still unresolved viz "contentious areas". The working draft will be widely distributed via the newspapers, knock-and-drop and the Constitutional Education Programme. This document will be available in three versions:

- A4 - standard C.A. document;
- Tabloid version - same as A4 but with editorial articles to assist accessibility;
- Educational summary - an educational resource booklet in simple language.

The Tabloid and Educational Summary will be available in all eleven languages (text in tabloid will not be translated). An important achievement has been the creation of a Working Draft that will be in Plain Language. A Constitutional Education Campaign will be run in January and February 1996 to educate people on the Working Draft.

The public will be asked to make written comments on the working draft and a series of hearings will be held in 1996 to get input from key stakeholders. In addition an independent survey will be conducted to test whether the plain language used in the draft was sufficiently accessible. The survey will also investigate public reaction to the layout of the Working Draft

The constitution-making process has been rich, vibrant and innovative. It is based on the premise that the process of constitution-making is as important as the content of the New Constitution itself. The CA will leave a unique legacy that will continue through its precedent to set the standard by which all policy-formulation and law-making processes will be judged.