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PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

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DRAFT LETTER OF THE CHAIRPERSON OF THE CONSTITUTIONAL ASSEMBLY

Dear Sir/Madam

The negotiations process at the World Trade Centre at Kempton Park gave rise to the Interim Constitution of the Republic of South Africa. In terms of this Act, the National assembly and the Senate, sitting jointly as the Constitutional Assembly, are mandated to draft and adopt a new Constitution within two years of the date of the first sitting of the National Assembly.

On 15 August 1994, the Constitutional Assembly set up a Constitutional Committee. This Committee established six theme Committees whose functions include receiving and collating views from the broader community on the - constitution. The Constitutional Committee also decided that there should be a programme for ensuring maximum public participation in the constitution-making process.

I would like to take this opportunity to invite you or your organisation/association/institution/company or other representative body to make suggestions about how to achieve maximum public participation in the constitution-making process.

Secondly I would welcome ideas from you as to how you or your organisation etc. can make a meaningful contribution to the fulfilment of this process.

Kindly complete the attached questionnaire and return it to by no later than

Yours Sincerely

Annexure A

Monday, 5 September, 1994

REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL ASSEMBLY

DRAFT PROPOSAL FOR ENGAGING THE PUBLIC IN THE DESIGN
OF A PROCESS FOR DRAFTING THE NEW
CONSTITUTIONAL TEXT.

Introduction:

Paragraph 3.1.1 of the documentation of the second meeting of the Management Committee dated 2 September 1994 deals with public participation in the constitution-making process:

"There should be a programme for ensuring maximum public participation in the constitution-making process. Mechanisms for promoting public participation, including public forums, distribution of information bulletins and appropriate media strategy, should be employed."

Before agreeing on the content of the above-mentioned programme, It is important to engage the various role-players outside parliament in a process which solicits their suggestions with regard to the nature of the programme to be implemented. This process of consultation will encourage their support for and participation in the implementation of the programme. A consultative approach at the design stage of the programme will enable the constitution-making process to be integrated and transparent from the outset. Consultation with the public to design the process will be called Phase 1. Phase 2 will be the implementation of the consultative process.

The Consultative Process:

It is proposed that this process should be composed of the following elements:

1. Covering letter and questionnaire
2. Media participation

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Covering letter:

(See attached draft marked Annexure A)

A letter signed by the Chairperson of the Constitutional Assembly will provide a brief overview of:

- a) The process to date.
- b) The need for public participation in the constitution-making process.

Having outlined the need for public participation the letter will request:

- c) suggestions about what is needed to create a public process;
- d) the assistance of the addressee in the implementation of the programme.

Questionnaire:

A questionnaire should be designed and sent under cover of the above-mentioned letter. This should have the effect of:

- a) Encouraging a response.
- b) Simplifying the collation of the responses received.

This questionnaire would allow people to select from a number of alternatives and also solicit original/innovative contributions from them. The letter and the questionnaire will be available in all of the official languages. In a particular region the letter will be available in the dominant languages in the region.

The letter and the questionnaire should be sent to all the associations representing major sectors in the community.

It should also be made available to the broader public via local offices of the South African Postal Services.

Media Participation:

The involvement of all sectors of the media is essential for the facilitation of this process. It will be necessary to meet with representatives of the media with view to forging a partnership that can endure for the entire period of the constitution-making process.

During phase 1 the involvement of the media will be sought in relation to the launch of a constitution-making awareness campaign.

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The campaign will include the following elements:

1) Press conference or conferences addressed by the Chairperson and Executive Director of the Constitutional Assembly. The objective will be the public launch of Phase 1 of the constitution-making process.

2) Newspaper supplements covering:

a) The structure and function of the Constitutional Assembly and its substructure.

b) The process to date.

c) A request for public participation via the covering letter and questionnaire in designing the consultative process.

Before the launch of Phase 1, it will be necessary to initiate the development of an appropriate media strategy for the entire constitution-making process.

Timescale:

1 September 1994:

October 14 d:.)

- 2)
- 3)
- 4)
- 5)
- 6)

7)

17 October 1994:

- 1)
- 2)
- at
- 4)

Laying foundation for Phase 1:

Media Liaison
Develop media strategy
Establishment of database & data

processing

Formulation, translation and printing of
questionnaire

Creating distribution network for
questionnaire

Employment of personnel and contracting
consultants necessary for Phase 1

All other aspects of setting up community
liaison desk

Launch of Phase 1:
Press conference
Questionnaire distribution

Newspaper supplements
Collate data

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Approval of and preparation for Phase 2:

1 December to 1) Draft proposal & budget for Phase 2
January 15 1995 2) Get Constitutional Assembly approval
3) Appoint phase 2 Team
4) Set up Operational Structure
5) Set up regional structures
6) Organise capacity building for
regional facilitators and trainers

16 January to
31 March 1995 Launch of Phase 2

Content to be determined by Phase 1

Evaluation:

An evaluation system should be devised to monitor:

- a) The impact of the media campaign.
- b) Any uneven or anomalous response
patterns from various sectors.

Conclusion:

The above proposal would facilitate a process of engagement that is wide in scope and highly inclusive. Through sectoral targeting it would also give the process substantial depth. However, the inclusiveness of this process brings with it certain drawbacks. These include:

- ie Time constraints
- 2) Budgetary constraints
- 3) Personnel and organisational constraints

If the timescale outlined above needs to be compressed so that Phase 2 (The primary focus of the community liaison project) has a longer period of operation, Phase 1 may need to be substantially reconceptualised.