

## **AFRICAN NATIONAL CONGRESS**

### **SUBMISSIONS ON PROCESS TO THE CONSTITUTIONAL ASSEMBLY (CA)**

#### **1. INTRODUCTION**

The CA has been able to successfully put in place both an administration and its main sub-structures: The Constitutional Committee, Management Committee and Theme Committees.

The rigorous time frame imposed upon the constitution drafting process, combined with a firm commitment to ensuring that this optimally transparent and people driven, requires that we begin to apply ourselves to defining:

- a) clear phases in this process;
- b) attainable objections for each phase.

#### **2. PHASES IN DRAFTING PROCESS**

The following phases can be defined at this stage:

- 2.1 Phase 1 - establishing structures and procedures
- 2.2 Phase 2 - Theme Committees - distilling issues: Sept 1994 - March, 1995
- 2.3 Phase 3 - Negotiating issues: March 1995 - June 1995

The nature of subsequent phases will emerge as the process reaches February 1995. The latter two phases are elaborated below.

#### **3. THEME COMMITTEES**

The theme committees would be the main 1 central structures in the present phase of the CA's work. It would be appropriate to reiterate the rationale for the creation of theme committees.

##### **3.1 RATIONALE**

- a) The demand for an elected body of South Africans to draft the New Constitution has been fundamental to the struggle for democracy in this country.
- b) The principles of transparency, accountability and the broadly participatory process are equally important and must guide the formulation of the process of constitution drafting.

- c) The theme committees have been designed to
  - i) facilitate public participation in and access to the drafting process
  - ii) afford organised constituencies and opportunity to make submission
  - iii) give political parties both in and outside parliament a platform to place their policies and proposals before South Africa
- iv) most importantly, give ordinary South Africans an opportunity to express their expectations, hopes and ideas.
- d) Theme committees are the instruments which the elected body and representatives will use to go back to South Africans once again. But there must be realism and sensitivity in this regard: there will be no spontaneous public participation; it will have to be encouraged, stimulated and facilitated.
- e) these committees will serve as receptacles of all submissions, ideas and proposals however consensual or conflictual they may be.

### 3.2 FACILITATING PARTICIPATION BY THE PUBLIC

- a) Meaningful participation in this process would depend upon:
  - i) the extent to which the public is aware of the process and the mechanisms | channels available to them to access the process
  - ii) the degree of awareness of their ability to influence the content of the constitution
  - iii) knowledge of the issues, how they impact upon the daily lives of people and how to translate views and feelings into submissions
  - iv) how accessible the process is in terms of language, mode of presentations and proximity of sites where presentations can be made.
  - v) the effort that is made to balance the role of the very organised and those that might be less organised and lacking in resources
- b) Theme Committees will, therefore, have to make a concerted effort to:
  - i) give extensive publicity to their work and the mechanisms available to the public
  - ii) prepare a simple documentation which will explain issues and pose questions

- b) Monitor implementation of media / awareness campaign
- c) Implement programme of public hearing 1 meetings / fora in different parts of the country
- d) Process submissions of political parties
- e) Consider submissions of interim reports to the Constitutional Committee (CC) and the CA.
- f) Prepare final report to the CC and the CA

## **6. REPORT OF THEME COMMITTEES**

6.1 Report of theme committees should set out the issues contained in submissions: the areas of prima facie concurrence; and the areas of divergence - in addition to other details.

6.2 Theme committees are not required to negotiate any of the matters but rather to provide processed report to the CC and CA in order to facilitate negotiations and debates within the CC and CA.

## **7. CO-ORDINATE MEDIA CAMPAIGNS**

7.1 With a view to conserving resources and avoiding duplication in the media campaigns of the CA should be co-ordinated with the media campaigns of the government with RDP, local government elections and other matters.

7.2 The media campaign must be in all official languages and reach every area in the country.

## **8. PHASE 3: NEGOTIATING ISSUES: MARCH - JUNE, 1995**

8.1 There will some overlap between this phase and the last month of the previous phase

8.2 The precise trajectory of this phase will only become clear once the theme committees get down to substantial work

## **9. CONCLUSION**

The submission by the ANC provides a broad overview of the CA process and in particular, the phases this process will be through in the next 9 months. The nature of the work of the theme committees and their tasks are defined.

