

## **The Constitution Making Process As Envisaged By Amendment 19**

### **Amendment 19, Sec 117**

- Constitutional Amendment 19 is a product of the Global Political Agreement (GPA)
- Commits the parties involved to a process of constitutional reform
- The process is superintended by Parliament
- Process must be owned and driven by the people
- Proposed constitution must deepen our democratic values

### **Process**

- The parties shall set up a Select Committee (SC) of Parliament comprising party representatives
- The SC shall set up sub-committees chaired by MPs, that include CSO representatives
- The SC shall hold public hearings and public consultations
- An All Stakeholders Conference (ASC) shall be held
- The SC shall table its draft to a 2<sup>nd</sup> ASC
- A report shall be tabled in Parliament with recommendations
- The draft shall be submitted to a referendum

### **Time-Frames**

- SC to be set up within 2 months of inception of Govt of National Unity (GNU)
- Majority of GNU ministers were sworn in on 13 February 2009
- SC had to be set up by 13 April 2009
- The SC was announced in the press on 13 February 2009
- The 1<sup>st</sup> ASC shall be convened within 3 months of appointment of the SC
- This should be done by 13 July 2009
- Consultation shall be completed within 4 months of the 1<sup>st</sup> ASC (i.e by 13 November 2009)
- The draft Constitution shall be tabled within 3 months of completion of public consultation to a 2<sup>nd</sup> ASC (i.e by 13 February 2010)

- The draft Constitution and accompanying report shall be tabled in Parliament within 1 month of the 2<sup>nd</sup> ASC (i.e. by 13 March 2010)
- Parliamentary debate shall be concluded within 1 month (i.e. by 13 April 2010)
- The draft Constitution approved by parliament shall be gazetted
- A referendum shall thereafter be held within 3 months of conclusion of debate (by 13 July 2010)
- If approved by referendum the draft Constitution shall be gazetted within 1 month of the referendum (i.e. by 13 August 2009)
- The draft Constitution shall be introduced in Parliament within 1 month of the expiry of the 30 days from the period of its gazetting (i.e. by 13 October 2009)
- Parliamentary legislative process follows thereafter-no time limits are given for this process

### **Assumptions**

- The bicameral system will conclude debate within the stipulated period
- There will be no disagreement between the two Houses
- Neither draft will be rejected by the referenda
- Parliament will pass the proposed Constitution
- The timelines are not too ambitious