



PARLIAMENT OF  
THE REPUBLIC OF SOUTH  
AFRICA

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03 March 2021

Hon. Mathole Motshekga

Chairperson of the Section 25 Ad hoc Committee

**Re: Joint statement of objection by DA members to the exclusion of oral submissions on the 18th Constitutional Amendment Bill**

We, the undersigned Democratic Alliance (DA) members represented on this Ad-hoc committee, submit this Joint Statement to object to the decision taken by Chairperson of the committee, Dr Mathole Motshekga, to reject a legitimate request by external organisations to make oral submissions on the Bill. We find this decision to be both unprecedented and at variance with the Constitution.

We further submit that this Statement be read before a session of this committee and filed as part of its record of proceedings.

Deliberations on the 18<sup>th</sup> Constitutional Amendment Bill is perhaps one of the most consequential legislative process since the dawn of democracy. For this Ad-hoc Committee to make a unilateral decision to exclude the voices of South Africans, in violation of its Constitutional obligations, undermines the legitimacy of the process. The Chairperson erred in using procedure as an excuse to override the Constitution.

Constitutional provisions on public participation and Parliament's obligations, thereof, are very clear. Section 56 of the Constitution enjoins the National Assembly to "*receive... representations or submissions from any interested persons or institutions*". Furthermore, section 59 requires the "*National Assembly to facilitate public involvement in the legislative and other processes of the Assembly and its committees*".

By denying interested organisations from making oral submissions, this Ad-hoc Committee may have wilfully violated the Constitution and potentially placed the public participation process at risk of contamination. Ad-hoc Committee members who agreed with the decision taken to block oral submissions, should take full responsibility of this constitutional breach.

The DA reiterates its position that this committee should not be used as a rubber-stamping exercise that



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negates the voices of our compatriots. We all have an obligation to exercise our responsibilities within the confines of the Constitution and the millions of South Africans who elected us to represent them in Parliament.

Kind Regards

*Signed:*

Dr Annelie Lotriet MP

Dr Mimmy Gondwe MP

Thandeka Mbabama MP

Glynnis Breytenbach MP

Noko Masipa MP