

MEMORANDUM

FROM: THE FREEDOM FRONT

**TO: THE EXECUTIVE DIRECTOR, CONSTITUTIONAL
COMMITTEE**

THE PROCESS OF WRITING THE NEW CONSTITUTION

1. Referring to your request that the different parties give their ideas about the process of drawing up the new constitution. Herewith the contribution of this party. We understand the "process" to be the best method to reach the correct solution.

2. TIME ALLOCATION

2.1 The new constitution must be written according to the constitution of the Republic by April 1996. It is suggested that the target date for planning purposes be 28 February 1996. This allows for a reserve of two months to complete or to amend the Constitution. The latter option may be necessary because the provincial system and local government will be implemented so late in the two year period that no meaningful lessons would be learnt from the experience.

2.2 It is suggested that the time allocation for this period be as follows:

2.2.1 AS FROM THIS DATE TO 30 JUNE 1995

Research and study by the Constitutional Assembly and all the committees in terms of:

- a) The unique demands the South African Situation poses to the Constitution. It should include the following:
 - i) Historical development of the political process in South Africa.
 - ii) Economic development potential - growth.
 - iii) Population composition and cultural differences.
 - iv) Traditional customs and governmental systems.
 - v) Political/ideological factors and cultures.

- vi) Conflict potential and the prevention of conflict.
 - vii) Regional influences on the Constitution of South Africa.
 - viii) Political aims and endeavours of the different political parties.
- b) Comparative case studies of successful Constitutions to apply directly or after amendments to satisfy the unique South African demands of the Constitution.
 - c) Constitutional guidelines that is suitable in the South African context.

2.2.2 **JULY 1995**

A publication summarising the findings of the above studies should be disclosed during this period. It should form the basis of the formulation of the general guidelines for the new constitution and should enjoy agreement in the general consensus.

2.2.3 **AUGUST 1995 TO FEBRUARY 1996**

The formulation and writing of the constitution should take place during this period. This party proposes that the writing be presented to a technical committee and be monitored by the Constitutional Assembly and the different committees as required.

3. **PUBLIC INVOLVEMENT IN THE WRITING OF THE CONSTITUTION**

Contributions from outside the Constitutional Assembly will be very valuable in the first phase of the process. The study in terms of the seven (or more) topics mentioned above to analyse the unique demands of the South African situation to the constitutional writing, can come from contributions from within the Constitutional Assembly or from outside as follows:

- 3.1 By inviting recognised experts to deliver papers and make presentations to the different committees for discussion.
- 3.2 By inviting organisations, communities or individuals to make presentations about the specific topics.
- 3.3 By making the July 1995 document concerning the findings public for analysis before the Constitutional Assembly discuss, finalise and accept the document.

4. Public involvement can also be obtained in the "formulation phase" of the Constitution by publishing the formulation as it progresses for comments.
5. This party present the above as a broad plan which can be amended accordingly.

GENERAL CONSTAND VILJOEN MP
Leader: Freedom Front

9 September 1994