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VIR AANDAG / FOR ATTENTION:

Dr. Theuns Eloff

BOODSKAP / MESSAGE:

Please receive with this a letter which refers to some fundamental aspects of rights and freedoms as yet not agreed upon in the negotiating council

Groete / Regards

Dr. P. J. du Toit



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ATTENTION - DR THEUNS ELOFF

Dear Dr Eloff

**FUNDAMENTAL ASPECTS OF RIGHTS AND FREEDOMS AS YET NOT
AGREED UPON IN THE NEGOTIATING COUNCIL**

In the published Executive Summary of the Technical Committee on fundamental rights during the Transition Period which will apparently provide definite guidelines for the drafting of a future Constitution, the South African Agricultural Union noticed that various fundamental economic aspects had been included but not decided upon. Final agreements must therefore still be negotiated within a limited period of time. Examples of these are the following:

- **economic activity:** the nature and features of a future economic system; and
- **property** : the future handling of property rights.

Although the viewpoints of the SAAU and other role players in the business sector concerning various fundamental economic aspects have already been expressed in the respective working groups of the National Economic Forum, it is of the utmost importance that the greatest degree of clarity and/or certainty be obtained concerning the nature of the future economic dispensation before the Negotiating Forum adjourns, i.e. before the Constitution Drafting Council commences with its task and an interim government assumes the running of the country.

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The SAAU also insists that the following minimum conditions of a market driven economy be accepted by the Negotiating Forum and included in the written Constitution:

1. A market driven economy - which inter alia means freedom of access to and participation in a market economy, with a restricted role for the Government in the economy, whilst not excluding the possibility of selective use of statutory arrangements to structure commercial activities on certain conditions such as it being in the national interest, having broad support of the parties concerned, being transparent, having defined accountability and being subject to regular review.
2. Private ownership of property including fixed property e.g. agricultural land forms the basis of a market driven economy and is therefore sacrosanct. The SAAU insists that private property rights be protected and enshrined in a new Constitution.

Alienation of such property must only take place under exceptional circumstances and then under the following conditions:

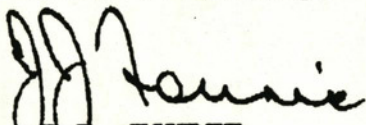
- (a) on a "willing seller, willing buyer" basis, that is a normal market transaction; and
- (b) where found to lie in the public interest, on condition that there is equitable and market related compensation and the recipient has access to the courts of law of the RSA in case of an appeal.

The SAAU is of the opinion that the above-mentioned fundamental aspects should as a matter of urgency also be addressed during these still initial stages of a new political dispensation.

Your urgent attention to ensure that the Negotiating Council will give serious consideration to the above-mentioned fundamental aspects, will thus be greatly appreciated.

In an effort to raise the above issues and to be brief, little attention has been given to detail. If needed, the SAAU would gladly and speedily further motivate in greater detail, its point of views.

Yours sincerely,


J.J. FOURIE
PRESIDENT

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