

## **THE ROLE OF THE CONSTITUTIONAL COMMITTEE OF THE NATIONAL ASSEMBLY IN CREATING THE NEW CONSTITUTION OF THE REPUBLIC OF POLAND**

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### **Introduction**

1. It has been almost six years since the communist party lost its monopoly on power and the democratic foundations of the Polish political system were established. This period, however, has turned out to be insufficient to adopt a new complete Constitution which would reflect both the national aspirations and the needs of the democratic state which strives to become part of the integrating Europe.

The main guidelines for the work on the new Constitution resulted from the debate and the agreement achieved during the “round-table talks” between the representatives of the Polish authorities and the opposition. When defining the needs of the future political system which was to be based on political pluralism, it was established that the new parliament elected in the 1989 elections would be responsible for “creating a new, democratic Constitution”.

The new Sejm, which was elected on the basis of the political contract,<sup>1</sup> and the Senate elected in the free election started the work on the new Constitution. Unfortunately, they did not join their effort. The two chambers worked separately and, to some degree, in the atmosphere of competition. This was reflected by the creation of two separate Constitutional Committees by the end of December 1989, which did not establish any form of co-operation.

The Constitutional Committee of the Sejm of the 10th term, elected on the basis of the political contract mentioned above was chaired by Deputy Bronisław Geremek. It started the work on a draft Constitution at the beginning of 1990. Very soon, however, an additional task was assigned to the Committee, consisting in the preparation of the new electoral law which was to form the basis for the first fully free and democratic <sup>2</sup>

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<sup>1</sup> The political contract agreed upon during the ‘round-table’ talks with respect to the elections to the Sejm resulted in the agreement according to which the candidates representing the communist party and its political allies were assigned 65 % of the mandates and the candidates of the opposition - 35 %. The results of the election could not change this ratio but only could decide who would win the mandate.

<sup>2</sup> The proceedings of all the sessions of the Committee together with other materials referring to the constitutional problems in the years 1989-1991 can be found in: Komisja Konstytucyjna. Biuletyn. (Constitutional Committee. Bulletin). Kancelaria Sejmu. Biuro Prasowe, Warszawa 1990-1991, volumes I-XLI.

parliamentary elections. This additional task consumed a lot of effort and time of the Committee. Half of 56 sessions<sup>2</sup> of the Committee were devoted to the problems of the new electoral law. But despite the additional tasks performed by the Constitutional Committee of the Sejm of the 10th term, it managed to fulfil its main task and adopted the draft Constitution during the session on 24 August 1991.

The Committee's report was discussed during the Sejm debate on 10 October 1991. During the presentation of the draft, Deputy B. Geremek stated that in view of the fact that there was no consensus about the issues connected with the Constitution and the Sejm of the 10th term, the Constitutional Committee would like to suggest that the new Constitution should be adopted by the Sejm elected in free and democratic elections and should be submitted to a national referendum. He added that the draft already prepared by the Committee should be presented to the future Sejm and could serve as a starting point for further work.

The Sejm accepted the report of the Constitutional Committee expressing the hope that the presented draft Constitution would be used by the Sejm of the next term. This was not, however, the case. The draft Constitution prepared by the Constitutional Committee of the Sejm of the 10th term was not taken into consideration to in the course of further work on the new constitution.

2. The Constitutional Committee of the Senate of the 1st term chaired by Senator Alicja Grześkowiak also prepared a draft Constitution. The draft was presented during the Senate debate in May 1991. The conclusions which arose from the discussion were further worked on by the Committee. The final report of the Committee and the amended draft Constitution were presented in the Senate on 14 October 1991.

Following the debate, the Senate passed a resolution which recognised the draft Constitution as the "legislative material" and expressed the hope that in this way the work on the new Constitution would be accelerated.<sup>3</sup>

The draft Constitution prepared by the Senate Constitutional Committee turned out to be the most persistent element appearing in different drafts of the Constitution. It has been referred to also in the constitutional work after 1991. The authors of other drafts have made references to the provisions comprised in this draft.

It is worth mentioning, at this point, that the Parliament elected in 1989 witnessed a lively constitutional discussion taking place even in non-parliamentary circles. Apart from wide coverage in press, complete and well-prepared drafts of the Constitution were prepared by political parties, private persons and scientists.<sup>4</sup>

Despite the fact that two parliamentary and several non-parliamentary drafts were prepared, the Constitution was not adopted. The main obstacle turned out to be the political conviction that the Parliament elected in not fully democratic and free elec-

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<sup>3</sup> The work of the Constitutional Committee of the Senate of the 1st term and the materials referring to the constitutional problems, cf. *Prace Komisji Konstytucyjnej Senatu* (The Work of the Senate Constitutional Committee), Book 1-5; Poznan-Warszawa 1990-1991.

<sup>4</sup> Cf. *Projekty konstytucyjne 1989-1991* (Constitutional Drafts 1989-1991), Warszawa 1992. Wydawnictwo Sejmowe (Sejm Publishing Office).

tions, should not adopt the new Constitution. Although this conviction gained popularity mainly in non-parliamentary circles, it was accepted also by the Parliament which not only failed to pass the Constitution but also shortened its term of office and finished it in October 1991.

3. The Parliament elected in October 1991 in free and democratic elections did not begin the work on new constitutional foundations by working on the draft constitution. First, the work was focused on a separate procedure for preparing and adopting a new Constitution. This effort resulted in passing the Constitutional Law of 23 April 1992 on the procedure for preparing and enacting a constitution for the Republic of Poland.<sup>5</sup>

This Law appointed for the first time the Constitutional Committee of the National Assembly consisting of 46 Deputies and 10 Senators, whose task was to prepare the draft Constitution. The new Constitution will be passed by a majority of two-thirds of the votes by the National Assembly composed of the two Houses of Parliament, i.e. jointly the Sejm and the Senate. Should the President make any amendments to the draft, there will be the third reading of the draft. In the final stage a constitutional referendum will be held, in which the Constitution will be accepted or rejected by the nation.

The first session of the Constitutional Committee of the National Assembly<sup>6</sup> consisting of the Deputies of the Sejm of the 1st term and the Senators of the Senate of the 2nd term took place in October 1992. Senator Walerian Piotrowski was elected the Chairperson of the Committee and Deputy Jerzy Ciemniewski was elected deputy Chairperson.

The Committee adopted its Rules of Procedure and appointed standing subcommittees. In spring 1993 seven drafts of the Constitution<sup>7</sup> were submitted to the Committee, each of them fulfilling the formal requirements defined in the Constitutional Law. A preliminary presentation of the submitted drafts took place, which marked the beginning of the essential work on the draft Constitution. The work was interrupted by the decision of President Lech Wałęsa on the dissolution of the Parliament as of 31 May 1993. Therefore, the second attempt to pass the new Constitution in the years 1991-1993 also turned out to be a failure.

4. The third stage of the work on the preparation and adoption of the new Constitution began with the parliamentary elections which took place in September 1993. As a result of the electoral victory of the Left Democratic Alliance (SLD), the leader of the SLD - Deputy Aleksander Kwasniewski was elected Chairperson of the Constitutional Committee of the National Assembly consisting of the Sejm of the 2nd term and the Senate of the 3rd term. His deputy was Senator Stefan Pastuszka, a member of the

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<sup>5</sup> Dziennik Ustaw (further cited as Journal of Laws), no 67, item 336.

<sup>6</sup> The proceedings of all the sessions of this Committee and other materials which refer to the constitutional issues, cf. *Komisja Konstytucyjna Zgromadzenia Narodowego* (Constitutional Committee of the National Assembly). Bulletin I-IX. Wydawnictwo Sejmowe, Warszawa 1993.

<sup>7</sup> Cf. *The Constitutional Committee of the National Assembly. Draft Constitutions*. Wydawnictwo Sejmowe. Warszawa 1993.

Polish Peasant Party (PSL), i.e. the second partner of the coalition which gained the power after the elections in 1993.

The Constitutional Committee began the substantive work on the draft Constitution with some delay. This delay was caused by the legislative initiatives which led to amending the Constitutional Law of 23 April 1992.

The amendment<sup>8</sup> passed on 22 April 1994 extended the right to submit a draft of the Constitution to a group of 500 thousand citizens enjoying active voting right to the Sejm (apart from the already authorised bodies, i.e. the Constitutional Committee of the National Assembly, a group of at least 56 members of the National Assembly and the President of the Republic of Poland). It was also decided that the drafts which had been submitted to the Parliament of the previous term of office would also be taken into consideration. The amended Constitutional Law also created the possibility to hold a referendum when the work on the draft was in progress.

### **The work of the Constitutional Committee of the National Assembly in the years 1993-1995**

1. The first stage of the work of the Committee began during its first session on 9 November 1993 when the Chairperson and his deputy were elected. In other words, the Committee was formed. In accordance with the Constitutional Law on preparation and promulgation of the Constitution, this day marked the beginning of the 6-month period for the submission of drafts by groups of at least 56 members of the National Assembly and by the President of the Republic of Poland. During this period the Committee could not undertake any substantive work since it had not received the drafts from the authorised bodies.

During this period, the Committee focused on the organisational work, which resulted in the adoption of the Rules of Procedure of the Committee on 18 January 1994.<sup>9</sup> In accordance with those Rules, the work of the Constitutional Committee should be headed by the Chairperson or, subject to his authorisation, by the deputy Chairperson. The responsibilities of the Chairperson include: preparing the work schedules, defining the dates of the sessions, suggesting the agendas for the sessions, supervising the preparation of the sessions and delivering the materials to be discussed to the Committee's members.

The Chairperson may appoint a consultative team consisting of the representatives of the parliamentary clubs and groups which have their members in the Committee.<sup>10</sup>

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<sup>8</sup> Journal of Laws, no 61, item 251.

<sup>9</sup> *Monitor Polski* (Official Register of the Republic of Poland), no 8, item 62. The work on the rules of procedure and the composition of the standing subcommittees, cf. The Constitutional Committee of the National Assembly. Bulletin (henceforth Bulletin) III/IV. Wydawnictwo Sejmowe, Warszawa 1994

<sup>10</sup> The Club of the Democratic Left Alliance is most numerously represented - 20 members; it is followed by the Club of the Polish Peasant Party - 16 members; there are 9 members from the Union of Freedom. The Union of Labour is represented by 4 deputies. Apart from that, the Confederation for an Independent Poland, "Solidarność" Trade Union, Non-Party Block in Support of Reforms (BBWR), the German Minority, the Polish Socialist Party (PPS) and the Republican Party have one or two members in the Committee.

The team issue opinions and give consultations which will help to develop co-operation with the parliamentary clubs and groups in the work of the Committee.

Following the Rules of Procedure, representatives of the political parties which do not have the parliamentary representation, members of trade unions and of nation-wide organisations of socio-professional nature as well as the representatives of different churches and denominations<sup>11</sup> are invited to the sessions of the Committee.

In accordance with the Constitutional Law on the procedure of preparation and promulgation of the Constitution of the Republic of Poland the authorised representatives of the President of the Republic of Poland, the Council of Ministers and the Constitutional Tribunal may take part in the session with the right to table the motions during the session.

One-third of all the Committee's members constitute the quorum for the debates. The resolutions may be passed in the presence of at least half of the total number of the Committee's members. With very few exceptions a resolution may be adopted by the simple majority vote.

In accordance with the Rules of Procedure 6 standing subcommittees were established.<sup>11 12</sup> The scope of work of each standing subcommittee was defined in a separate resolution passed by the Committee on 18 May 1994.

The subcommittee for editorial matters, general issues and provisions which will put the Constitution in force is responsible for the preparation of the systematic organisation of the text of the Constitution, preparation of the introduction to the Constitution, the final edition of the draft in the form of a uniform text, the preparation of the provisions concerning the amendments to the Constitution and the provisions on the basis of which the Constitution will enter into force.

The subcommittee for the foundations of the political and socio-economic system was assigned a task of preparing a catalogue of principles on which the system is to be based.

The subcommittee for the sources of law is responsible for establishing the general principles for the creation of the system of sources of law, defining the scope, form and procedure for the adoption and publishing of the normative acts and also for establishing the relationship between the international law and the internal law.

The widest scope of tasks was assigned to the subcommittee for the organs of legislative and executive powers and of local government. Apart from the tasks already implied by its name, this subcommittee is also responsible for the issues of direct democracy, the Supreme Chamber of Control and the National Council for Radio Broadcasting and Television.

The subcommittee for the institutions of law observance and the organs of the judiciary is responsible, among other things, for the constitutional foundation and the basic powers of the Courts, Tribunals, the National Judiciary Council and the Commissioner for Civil Rights Protection.

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<sup>11</sup> In practice, the invitation is not used by the representatives of the non-parliamentary political parties.

<sup>12</sup> Cf. Bulletin VIII.

The issues of the Polish citizenship, freedoms, rights and duties of man and a citizen and the scope of guarantees given to the individual falls under the responsibility of the subcommittee for rights and duties of citizens.

We may assume that the first stage of the Committee's work, which was of internal and organisational nature, finished with the appointment of the permanent group of experts on 23 June 1994 and with the adoption of detailed provisions establishing the rules of co-operation with those experts.

2. At the same time the second Stage of the work began, which was focused on a rather limited issue. During this stage the work on the draft constitution did not start yet.

The second stage of the work began by the session of the Committee on 11-23 June 1994. During this session drafts of the Constitution which were submitted within the statutory period of 6 months, were presented. This period finished on 9 May 1994.

The draft signed by President Lech Wałęsa was presented by the State Secretary in the President's Chancellery - professor Lech Falandysz. In his presentation, he paid attention to the dual structure of the draft manifested in the division of the Constitution into a part regulating the system and a separate Charter of Rights and Freedoms comprising the provisions referring to the freedoms and rights of citizens. In comparison with other drafts, he considered as the most important the provision which stated that the President is the head of the executive power, which he may exercise either directly or through the government.

The draft prepared by the Constitutional Committee of the Senate of the 1st term was presented by Senator Alicja Grześkowiak. She underlined the fact that the draft was based on the system of Christian values integrated with the universal values. She also added that the model of the system presented in the draft was based on two values. The first one is the man - a human being possessing innate dignity and inalienable rights deriving from it. The second value is the state treated as the common good of all citizens. The part of the draft concerned with the political system comprised the principles of the separation of powers and of a relative balance between those separated powers.

Deputy Leszek Moczulski, the leader of the Confederation for Independent Poland (KPN) presented a draft prepared by his party. He pointed out the fact that this draft strives to overcome the model of the 19th - century parliamentarianism reflected in other drafts. A unique feature of this draft could be found in the provision stating that the Sejm consisting of the President, the Deputy Chamber and the Senate shall constitute the supreme organ of the Republic of Poland.

Deputy Aleksander Łuczak presented the basic foundations of the draft prepared jointly by the Polish Peasant Party and the Union of Labour (UP). The model of the political system presented in the draft was based on the parliament-cabinet division with the dominating role of the unicameral Sejm. During the presentation, Aleksander Łuczak presented, however, the concept of a bicameral parliament consisting of the Sejm and the Local Government Chamber, which was a continuation of the concept presented in the earlier draft Constitution prepared by the Polish Peasant Party in 1990.

The parliamentary-cabinet system with the dominating role of the single-chamber Sejm and with the president - arbitrary are the most distinctive features of the draft prepared by the Democratic Left Alliance, which was presented by Deputy Jerzy Jaskiernia. He pointed out that this draft was based on the vision of Poland as the democratic law-abiding state which adheres to the principles of social justice.

During the presentation of the draft prepared by the parliamentarians from the Union of Freedom (UW), Deputy Jerzy Cierniewski stressed that the foundations of the state are derived from the principles of the sovereignty of the nation, the rule of law, the economy based on free initiative and the protection of human rights. He also stressed the importance of the principle of separation of powers and the significance of the provisions regulating public spending.

The presentation of the drafts was followed by the discussion in which the persons who presented the drafts answered questions raised by the members of the Committee. The discussion was concentrated on controversial and critical issues with respect to the provisions proposed in different drafts.

The next session of the Committee which took place on 8 September 1994 was also devoted to the drafts of the Constitution. During this session the Committee accepted a citizens' draft of the Constitution which was prepared mainly by the Independent Self-Governing Trade Union "Solidarność" and was supported by almost one million signatures. It was the only draft prepared by the citizens, which was submitted together with the required number of signatures.

In this way in the beginning of September the stage of submitting drafts of the Constitution by the authorised bodies came to an end. This enabled the Committee to continue the work on the new Constitution.

On September 21-23, 1994 the National Assembly, i.e. the Sejm and Senate sitting jointly presided over by the Marshal of the Sejm, gathered for the first time in order to discuss the issues connected with the new Constitution. Deputies and senators were presented with the basic foundations of the 7 submitted drafts. The presentations were made by the same persons who had presented the drafts before the Constitutional Committee. The citizens' draft was presented by the leader of the "Solidarność" Trade Union - Marian Krzaklewski. Following the discussion, all the drafts were sent to the Constitutional Committee.<sup>13</sup> Apart from that, the Rules of Procedure of the National Assembly were adopted, which regulated the procedural aspects of the work on the Constitution.<sup>14</sup>

The further work of the Committee was concentrated on fulfilling the next requirement set by the Constitutional Law on the procedure of preparing and enacting a constitution for the Republic of Poland. Following article 3, point 1 of this Law, after the drafts of the Constitution have been gathered, the Sejm shall carry out the debate on the fundamental issues connected with the system of the state proposed by the Constitutional Committee.

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<sup>13</sup> Cf. The shorthand report of the 1st session of the National Assembly of 21, 22 and 23 September 1994.

<sup>14</sup> *Monitor Polski*, no 54; item 453.

The initial work consisted in the selection of those fundamental issues. The work had already been carried out by standing subcommittees for a few months. At the beginning of October it was possible to finish this stage formally. During the Committee's session on 11 October 1994 the resolution was passed which contained the list of selected constitutional issues proposed for the discussion during the Sejm debate. Those issues were grouped into the three following subjects.

The first group of topics comprised the issues connected with the political system. The Committee suggested that the Sejm debate should concentrate on the four following issues: the separation and balance of powers, uni- or bicameral parliament, the role of the local, professional and economic self-government and the methods of regulating the relations between the state and churches and denominations.

The second group of topics dealt with the social rights of the citizens with respect to the foundations of the socio-economic system. The first more specific problem was the question whether the social rights should be formulated as the rights of the citizen or as the duties of the state within the social policy carried out in the given field. The second more detailed problem referred to the question whether social rights should be included in the Constitution or only in the statutes. The third topic touched the issue of whether the economic rights and freedoms and the foundations of the economic policy of the state should be grouped together with the fundamental principles of the system or in the chapter referring to the rights and duties of the citizens.

In the third group of topics referring to the sources of law, the Committee proposed two more specific problems. The first one was the issue of whether the system of the sources of law should be opened or closed. The second one referred to the relationship between the international and internal law.

The discussion on the issues selected and proposed by the Committee took place in the Sejm at the end of October.<sup>15</sup> The debate did not attract as much interest and attention as it really deserved and it did not provide a clear basis for the formulation of the answers to the questions selected by the Committee as the important constitutional dilemmas. This meant that those dilemmas would have to be solved by the Committee itself in the course of its further work. But the constitutional debate carried out in the Sejm<sup>16</sup> was the third statutory requirement which had to be fulfilled before the work on the uniform draft Constitution could begin.

**3.** The third stage of the work of the Constitutional Committee began after the Sejm debate. During this stage the subcommittees worked very intensively on the preparation of those parts of the draft which were assigned to them in the resolution of 18 May 1994 which was also reflected in their names. The work reached its peak in November and in the first days of December 1994.

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<sup>15</sup> Cf. The shorthand report of the 33rd session of the Sejm of the Republic of Poland on 21 October 1994. See also: Document no 649.

<sup>16</sup> A sort of constitutional debate took place also in the Senate. The discussion was limited only to the role and the place of the Senate in the new Constitution of the Republic of Poland. Cf: the shorthand report from the 35th sitting of the Senate of the Republic of Poland on 7, 8 and 9 December 1994, pp. 6 and foil.



The results of the work of the subcommittees were presented during the Committee's session on 8 December 1994.<sup>17</sup> It turned out, however, that some of the subcommittees failed to complete their work. A decision was made to prolong the work of the standing subcommittees and, as a result, it was finished only by the end of December.

During the last days of December 1994 the Committee's group of permanent experts summed up and put some editorial order, by introducing, for example, consistent numbering - to the partial effects of the work of the standing subcommittees. In this way the first uniform draft Constitution of the Republic of Poland was created. Its title was: "Multi-variant Uniform Draft Constitution of the Republic of Poland".

The use of the term "multi-variant" was justified by the fact that in the cases where the standing subcommittees were not able to agree on the content of a given provision, it was passed in two or more variants reflecting different attitudes. Those possible variants were retained in the draft prepared by the experts by the end of December 1994.

In January 1995 the draft was very intensively worked on by the subcommittee for editorial matters, general issues and the provisions which will put the Constitution in force. The subcommittee was responsible for putting some order and perfecting the draft from the legislative and editorial perspective without interfering in its content, which, in practice, turned out to be difficult to achieve. The work of this subcommittee resulted in "The Uniform Draft Constitution of the Republic of Poland (in a multi-variant form)" dated 20 January 1995. This draft was discussed by the Committee during the session on 25-27 January 1995.<sup>18</sup> This session was very important because there was a voting on several important issues connected with the system of the state which were given in the draft in two or more variants.

The Committee accepted the bicameral parliament by the insignificant majority of votes. This was a bit surprising in view of the fact that the members of the SLD, the PSL and the UP, i.e. the political parties which in their drafts proposed a unicameral parliament had a majority within the Committee. A considerable majority of the Committee supported the variant in which the President was a guarantee of the continuity of power, contrary to the variant stating that the President is the head of the executive authority. This confirmed the prediction that the proponents of the strong presidency constitute only an insignificant minority in the Committee. As a result of the voting, the variants which did not receive the support of the majority of the Committee's members, were crossed out of the draft. As a result "Draft Uniform Constitution of the Republic of Poland (in a multi-variant form)" was created dated 26 January 1995. The Committee continued to work on this draft. On 27 January the Committee defined the constitutional formula referring to one of the most controversial problems in Poland, that is the right to live. Among eight suggested variants the overwhelming majority of the Committee's members supported the provision stating that "Every man has the right to the protection of life".

4. The session of the Committee which took place in January 1995 can be considered the final element of the third stage of the work. It resulted in the preparation of the

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<sup>17</sup> Cf. Bulletin

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final version of the draft. At the same time the fourth stage began with the discussion on the subsequent articles of the draft.

Beginning from 27 January 1995 until the present day - the "technique" used by the Committee consists in discussing subsequent articles one by one during the subsequent sessions. The debates on specific articles lead to filing the motions. These motions comprise the amendments to the article discussed or a completely new wording of a given article. Those motions are voted either on the next day - as the Committee's sessions usually last two days - or during the next session. As a result of the voting some motions are adopted and the content of subsequent articles is determined. This content usually differs from the one included in the draft originally presented to the Committee for the discussion. In the course of its work until October the Committee adopted the content of 200 articles out of 215 articles which constituted the draft presented to the Committee.

At the end of October the work of the Committee was suspended due to the presidential campaign, especially in view of the fact that the Chairperson of the Committee

- A. Kwasniewski was one of the candidates running for presidency. Some observers shared the opinion that the function of the Chairperson of the Constitutional Committee was treated by him as the element of building his image as a candidate for the most important office in the state. During the presidential campaign A. Kwasniewski made the postulate of adopting the new Constitution one of his main slogans. After A. Kwasniewski had been President of the Republic of Poland, he resigned from the function of the Chairperson of the Committee. His mandate of a Deputy also expired.

The first session of the Committee after a longer break took place at the beginning of December. Then, Włodzimierz Cimoszewicz, one of the leading politicians of the Left Democratic Alliance was elected the new Chairperson of the Committee. At that time he held the post of the vice-marshal of the Sejm.

The next factor which also contributed to the slowing down of the work on the draft was the initiative of the Deputies of the Union of Labour to conduct a referendum in which citizens would answer a few questions referring to the constitutional problems. At the end of 1995 the Committee filed such a motion to the National Assembly. The questions were to refer to the structure of the parliament, the structure of the local government, the procedure of electing the President and the relations between the state and the Church. During the session held in January 1996 the National Assembly did not make a decision on this issue and adjourned the debate for the unspecified period of time. It seems, then, that the referendum will not be conducted when the work on the draft is still in progress.

In the beginning of February, after J. Oleksy's resignation from the post, Włodzimierz Cimoszewicz - the president of the Committee - was chosen for the post of the prime minister. Consequently, he resigned from his function of chairing the Committee. The next - that is the third Chairperson of the Committee was Deputy Marek Mazurkiewicz - the politician of the Left Democratic Alliance. At the same time, some members of the Committee took ministerial posts and offices in the President's chancellery. All those factors deepened already existing difficulties of the Committee to constitute the

quorum necessary to carry out the voting. Therefore, it was announced that those members of the Committee who took other important public posts should leave the Committee. If the Committee comes back to the earlier procedure and the pace of work, we may expect that the whole draft will be prepared in the middle of 1996.

The present stage of the work will be finished by the preparation of the report comprising the draft Constitution in the form of the uniform text and the motions of the minorities, i.e. the motions revoked in the voting but still supported by their proposers. The work carried out so far has shown that there will be many motions filled by the minorities. The report may be accepted only by a majority of two-thirds of the votes requiring the presence of at least half of the total number of the members of the Committee. The report of the Committee will be submitted to the National Assembly for the second reading. Then, the draft Constitution will be sent to the president. Whether it will enter into force or not will be decided in the ratifying constitutional referendum.