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GENERAL

THIS ANNUAL 2x5 L MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST OF
MAY 1988:

NOTES

1. The deep crisis in our country

2. The failure of the Government to take the necessary
steps to resolve the crises

1. BELIEVED

1. That apartheid is fundamentally unjust and evil.

2. That the present white minority government has no
right to rule without the consent of its citizens.

3. That the State of Emergency, detention and the
presence of troops in the townships are intensifying the
state of civil war in our land.

4. The government of the state should be in the hands of
the majority.

1. Calls for the State of Emergency to be ended
forthwith.

2. Calls for the release of all detainees held under
Emergency Regulations and South Africa's security
laws.

4.

5.

10.

11.

Calls for the immediate and unconditional release of Nelson Mandela and all other political prisoners, detainees and political trialists.

Calls for democratic rights to be extended to all people of south Africa so as to give every single South African the right to participate fully in every aspect of South African political life.

Calls for the immediate unbanning of the African National Congress, Pan Africanist Congress and the organisations proscribed and/or restricted.

Condemns South African aggression committed against neighbouring territories.

Condemns the invasion of Angola by the S A I) F and calls for the immediate withdrawal of South African forces from Angola.

Condemns South Africa's continued occupation of Namibia and calls for the immediate implementation of U N Resolution 435 and the withdrawal of South Africa from Namibia.

Demands the immediate withdrawal of security forces from townships and schools throughout South Africa.

Condemns the action taken against the alternative media and calls for the immediate lifting of the bannings and restrictions on the media.

Demands the scrapping of all apartheid and discriminatory legislation including the Group Areas, Separate Amenities and Population Registration Acts.

12.

Condemns the practise of abducting persons outside the borders of South Africa and arraigning them before South African Courts for political offences, as being cohtrary to International legal practice and calls for their immediate return to the countries from which they were abducted.

THE JUDICIARY

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

NOTING:

1. That a legal system and the administration of justice cannot be separated from the society it serves.
2. That the present judiciary is not seen as being independent and impartial by the majority of South Africa's people.

THEREFORE RESOLVES:

To pledge ourselves to work for a non-racial and democratic society in which the judiciary and the administration of justice are truly independent.

THE ROLL OF LAWYERS

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

NOTING

That the struggle of NADEL is an integral part of the
people's struggle.

2. That the role of lawyers is inseparable from the
overall struggle against apartheid, oppression and
exploitation, as well as the moulding of a future
non-racial, non-sexist, unitary and democratic South
Africa.

. THEREFORE RESOLVES:

To identify with and actively participate in the people's
struggle.

PRISONER OF WAR STATUS

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 213T DAY OF MAY 1988 HAVING:

1. Reaffirmed the universal recognition of the legitimacy of the struggle of the people of South Africa for all people's rights and in particular political rights and fundamental freedoms for all the people of South Africa; and

2. Recognising that an armed conflict exists in South Africa in which the people of South Africa are fighting a. just war against a. racist regime in the exercise of their rights of self-determination as enshrined in the Charter of the United Nations and the declarations and principles of International law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

HEREBY DECLARES:

That all persons driven to take up arms against the South African regime and subsequently are captured by the South African authorities, be treated as prisoners of war, as provided for in the Geneva Protocol, 1 of 1977 and pledge to campaign for them to be treated as such.

TRADE UNIONS / WORKERS

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

NOTING with concern the onslaught by the State upon the
democratic rights of workers and progressive organisations,
and particularly

NOTING with concern:

1. The efforts by the State to undermine and eliminate
rights secured through struggle by the progressive
Trade Union movement, particularly in the past decade;
2. The intention by the State to introduce an amendment
to the Labour Relations Act;
3. The restrictions upon COSATU;

AND NOTING the COSATU declaration and resolution on the Bill
and the restrictions upon it, and ENCOURAGED by the
determination of COSATU,

We ENDORSE the COSATU Declaration and resolution for
national protests to resist the oppression of the Bill and
the restrictions upon COSATU, and

'we RESOLVE:

1. That the Labour Relations Amendment Bill be condemned
and rejected as being legislation designed to smash
the progressive Trade Union movement;

To call upon the State to forthwith withdraw that Bill in its entirety for consideration by Parliament;

To demand the following basic rights for workers and Trade Unions in South Africa:

3.1 Full protection from dismissal for workers engaged in lawful strike action;

3.2 Full rights to strike, including the rights to secondary or sympathy strikes and the right to picket and call for boycotts;

,3.3 A duty in law upon employers to bargain in good faith with representative trade unions.

To engage in the following practical activities in support of the progressive trade union movement:

4.1 To make our members available to provide assistance when requested by workers or Trade Unions to explain the likely effects of the Bill upon them;

4.2 To provide training to our members on issues of Labour Law by arranging appropriate seminars and workshops.

To demand proper legal assistance by the State for workers to pursue their rights for fair employment.

JUDICIARY / LEGAL BODIES

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

NOTING:

That the Judiciary, Association of Bar Councils and the
Association of Law Societies of South Africa have either by
ommission or action sided with the oppressive regime.

THEREFORE RESOLVES:

To actively support the call by the International Legal
Community for the isolation of the aforementioned bodies
from membership of the relevant international organisations.

THE MEDIA

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CFDE TOWN ON THE 21ST DAY
OF MAY 1988:

NOTING:

The assault on the alternative media by the apartheid
system.

That the right of the public to know the truth has
been massively eroded.

That in general the commercial press has taken sides
against the oppressed people and have lost their
impartiality.

That in general the commercial press engages in acts
of irresponsible journalism.

THEREFORE RESOLVES:

To call upon the commercial press to recognise the
special responsibility on it to report objectively and
accurately and make the truth known to the public

To guard against the use of language calculated to
further prejudice the cause of the victims of the
system.

RESTRICTIONS

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY OF MAY 1988:

1. CONDEMNS in the strongest possible terms the draconian restrictions placed on COSATU, UDF, NECC and other democratic organisation of the South African people.
2. IS convinced that these are desperate acts of a frightened regime which is vainly trying to stem the onward march of our people to a free non-racial united and democratic South Africa.
3. VOWS to continue the fight to lay the basis for a just legal system where all the people of South Africa have a say in the making of the laws that govern their lives.
4. RESOLVES to continue in the fighting traditions of the restricted organisations until a free South Africa dawns.

CONSTITUTIONAL RESEARCH

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988: '

RESOLVES:

To establish a research project to research possible
guidelines for a Constitution for a post-apartheid South
Africa.

WOMEN, CHILDREN AND YOUTH

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

A. NOTING:

1. That the Society in which we live is unjust.
2. That the problems facing women, children and youth cannot be resolved unless there are fundamental changes in the political, economic and social system in our country.

B. RESOLVES:

1. To co-operate with and actively support existing progressive women, children and youth organisations.
2. To join and participate in the existing people's structures as individuals and render legal expertise as and when required.
3. To expose the inhuman treatment of children in courts and prisons.
4. To examine the plight of women with regard to their rights to occupy homes particularly upon death or divorce.

C. NOTING:

With approval and actively support the endeavours and actions of governments, organisations and individuals, internationally concerning themselves with the plight of the youth.

CAPITAL PUNISHMENT

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY OF MAY 1988:

NOTING:

1. The policy of the South African regime to justify its implementation of capital punishment.
2. Its refusal to consider the abolition of the death penalty. -
3. With alarm the increasing number of executions in South Africa.
4. That the death penalty has no place in a civilised society.

RESOLVES:

1. To demand the abolition of the death penalty.
2. To demand an immediate moratorium on all death sentences still to be carried out.
3. To support and actively participate in all campaigns by democratic bodies and individuals for the abolition of the death penalty.

VISITS TO DETAINEES AND PRISONERS

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
(NADEL) HELD AT CAPE TOWN ON THE 215T DAY

DEMOCRATIC LAWYERS

OF MAY 1988:

NOTING:

The concern of community organisations concerning visits to
detainees and prisoners.

RECOMMENDS:

To all our members to regard this issue as a matter of
importance and to do all in their power to eradicate the
problems connected therewith.

POLITICAL DOCUMENTS

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

RECOMMENDS :

That: the contents and feasibility of the adoption of all
relevant political documents be debated by all branches of
NADEL .

LEGAL REPRESENTATION

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

NOTING:

1. The system of legal aid in South Africa is inadequate.
2. That legal aid is granted discriminately.
3. Most people are arraigned without legal representation.

RECOMMENDS:

That NADEL embarks on a campaign to ensure that all persons
so arraigned be given access to legal representation from
the time of arrest and to be informed of such right.

MESSAGE OF SUPPORT FOR DETAINEES AT ST ALBANS PRISON

WHEREAS we note that the detainees at St Albans Prison, Port Elizabeth ARE ON A HUNGER STRIKE SINCE 14 May 1988 because of the deficiencies in their diet.

We call upon the relevant authorities to immediately rectify the position, accord the detainees their rights and ensure that there is no recurrence thereof.

COMMISSIONERS SMALL CLAIMS COURT

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
. OF MAY 1988:

RECOMMENDS:

That the question of participation as commissioners in a
Small Claims Court be discussed at branch level.

STRUCTURES/PUBLICATIONS

THIS ANNUAL GENERAL MEETING OF THE NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS (NADEL) HELD AT CAPE TOWN ON THE 21ST DAY
OF MAY 1988:

RECOMMENDS: _

1. That each branch of NADEL:

- a) establishes a local education committee
- b) establishes a resource centre
- c) creates structures to work in the rural areas.

2. The establishment of a publication to, inter alia,
expose malpractices and injustices which are
encountered by our members and the public.