



# NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS C118

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Dr T. Eloff  
The Administrator  
Multi Party Negotiating Process  
P.O. Box 307  
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FAX NO.: 011 - 3972211

Dear Sir

The NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS held a conference on the theme "Reshaping the Structures of Justice for a Democratic South Africa" at the Farm Inn, Pretoria on 30 September and 1 October 1993. This was a widely representative gathering of lawyers, judges, academics and others who are involved in the administration of justice.

A wide range of subjects was discussed and, arising out of that conference, the NADEL Annual General Meeting passed the resolution which is annexed hereto on the subject of "property rights".

We request that the resolution be distributed among the delegates to assist in the discussion on the Interim Bill of Rights. We share the very strong feeling which was expressed at the conference that:

- (a) the Property Clause should be left out of the Interim Bill of Rights, and that
- (b) Parliament ought to be empowered to pass appropriate legislation to regulate both public and private discrimination and that the provisions of the Bill of Rights should be of application both vertically and horizontally.

Yours sincerely

**P.N. LANGA (ADVOCATE)**  
**PRESIDENT**

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RESOLUTION

This Conference of the National Association of Democratic Lawyers

1. Recognising that constitutional provisions should not impede attempts to provide reparation, restitution or compensation with victims of resettlement and other apartheid legislation;
2. Recognising further that access to land and the demand for land redistribution have been central to the demands of the democratic movement;
3. Holds the view that any property clause within the Interim Bill of Rights should not affect the right of a National Parliament to establish a Land Claims Tribunal;
4. Demands that the property clause in the Interim Bill of Rights recognises the need for an equitable balance between public needs and private right in all issues concerning the expropriation of land for public purposes and in computing compensation;
5. Demands further that in the absence of any provision relating to the striking of such a balance between public and private interests, that there should be no property clause in the Interim Bill of Rights;
6. Resolves to submit urgently the text of this resolution and the argument in support of it to the Multi Party Negotiating Process or the Technical Committee dealing with the Bill of Rights as well as to all democratic structures;
7. Reiterates its support for the proposition that the Bill of Rights shall apply to public organs and to all other transactions between persons when it is appropriate and equitable.