



CONFERENCE UPDATE /4

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INFORMATION ON THE ANC 51ST NATIONAL CONFERENCE, 16-20 DECEMBER 2002

Proposed Constitutional Amendments

This memorandum contains proposed amendments to the constitution of the African National Congress for consideration by the 51st National Conference.

INTRODUCTION

At its meeting of Sunday, 17 November 2002, the National Executive Committee discussed amendments to the present Constitution of the ANC. Earlier, the NEC Constitutional Committee had met to discuss proposals which had emerged from various draft resolutions from Provinces tabled in the Commission on Building the ANC and constitutional amendments at the National Policy Conference held in September 2002.

The Committee also received a submission from the National Disciplinary Committee. Other submissions were received from Provinces.

PROPOSED AMENDMENTS BEING RECOMMENDED

The proposed amendments being recommended are reflected as they would appear in the Constitution, mainly without explanation. All additions are **underlined and in bold** and all deletions are **in square brackets and in bold** []. In other words, everything in bold, except headings, are changes to the present text of the Constitution. Further note that where sentences or clauses have been moved but not amended, they have not been reflected as amendments. The Constitution booklet will be re-numbered after the Conference has amended the Rules in the Constitution.

The following amendments are recommended by the

National Executive Committee for consideration by the National Conference. They will be discussed at the Commission on Constitutional Amendments. Please ensure that branches receive a copy.

Rule 4: Membership

- 4.1 Membership of the ANC shall be open to all South Africans above the age of 18 years, irrespective of race, colour and creed, who accept its principles, policies and programmes and are prepared to abide by its Constitution and rules.
- 4.2 Spouses or children of South Africans, who have manifested a clear identification with the South African people and its struggle, may apply for membership.
- 4.3 All other persons who have manifested a clear identification with the South African people and their struggle and are resident in South Africa may apply for membership.
- 4.4 The National Executive Committee may, acting on its own or on the recommendation of branch or provincial executive committees, grant honorary membership to those men and women who do not qualify for membership under Rules 4.1, 4.2 or 4.3, but who have demonstrated an unwavering commitment to the ANC and its

NOTE: All additions are **underlined and in bold** and all deletions are **in square brackets and in bold** []. Sections or paragraphs that are in **bold** only have been moved and incorporated into other sections.

- policies.
- 4.5 Applications for membership shall be considered by the branch executive committee where such exists, and by the regional executive committee, if no branch executive committee exists. The branch executive committee, the regional executive committee, or such interim structures as the Provincial Executive Committee or the NEC may create from time to time to decide on applications, shall have the power to accept or refuse any application for membership provided such acceptance or refusal shall be subject to review by the next higher organ of the ANC.
- 4.6 Membership cards shall be issued to registered members of the ANC and to persons whose application for membership has been accepted, subject to review as aforesaid, and, in all cases, subject to payment of the prescribed subscription. An applicant shall be issued with an acknowledgement of provisional membership and the details of the branch and constituency/area in which the applicant resides and any available information about the local branch structures.
- 4.7 a) Provisional membership shall apply to persons who wish to join the organisation for the first time or who wish to re-join the organisation after a considerable lapse of time.
- 4.7 b) Provisional membership rights commence from the date of production of acknowledgement following receipt of the application and the appropriate membership subscription. A provisional member shall have the right to attend branch meetings only in a non-voting capacity.
- 4.8 Any objection to any application for membership may be made by the membership to the branch, regional or provincial secretary within eight weeks of the notification.
- 4.9 At any time before the individual is accepted as a full member of the organisation, or in exceptional circumstances even after the member has been admitted, the Secretary-General may rule that the application or the membership may be rejected if it was invalidly obtained.
- 4.10 In the absence of any objection from the structures and/or any ruling by the Secretary-General, the applicant shall, on the expiry of eight weeks from the date of notification of provisional membership, become a full member. The provisional member shall then be transferred to the national membership list as a full member as soon as is practicable.
- 4.11 The reasons for the rejection of an application for membership by the Secretary-General or the objection by the membership to the application

- for membership must be sent to the individual applicant in writing.
- 4.12 Membership cards shall be issued to registered members of the ANC and to persons whose application for membership have been accepted, subject to review and subject to payment of the prescribed subscription in all cases.
- 4.13 Members shall pay an annual subscription fee as determined by the National Executive Committee.
- 4.14 Non-earning members or those on reduced incomes will pay such fees as are determined by the NEC.
- 4.15 On being accepted in the ANC, a new member shall, in a language he or she knows well, make the following solemn declaration to the body or person designated to administer such oaths:
- I,, solemnly declare that I will abide by the aims and objectives of the African National Congress as set out in the Constitution, the Freedom Charter and other duly adopted policy positions, that I am joining the organisation voluntarily and without motives of material advantage or personal gain, that I agree to respect the Constitution and the structures and to work as a loyal member of the organisation, that I will place my energies and skills at the disposal of the organisation and carry out tasks given to me, that I will work towards making the ANC an even more effective instrument of liberation in the hands of the people, and that I will defend the unity and integrity of the organisation and its principles, and combat any tendency towards disruption and factionalism.*
- 4.16 Members who fail to pay their subscriptions for three months and having being reminded of their lapse shall not be regarded as members in good standing until they pay their arrears.
- 4.17 Every candidate for elections must undertake to abide by the Constitution of the ANC and the relevant Code of Conduct for elected representatives.**

Rule 5A: Gender and Affirmative Action

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Move Rule 14 to Rule 5 so as to bind all structures of the ANC.

5A.1 In the endeavour to reach our objective of the full representation of women in all decision-making structures, the ANC shall implement a programme of affirmative action, including the provision of a quota of not less than one-third (1/3) in all its structures to enable such effective participation.

5A.2 The method of such implementation shall be addressed in all ANC structures immediately and on a continuing basis.

Rule 8: Provinces

- 8.1 For purposes of ANC structures, the country shall be divided into the following provinces, **which shall correspond to the provincial boundaries established in the South African Constitution:** Western Cape, Northern Cape, Eastern Cape, KwaZulu/Natal, Free State, Gauteng, **[Northern Province], Limpopo, Mpumalanga and** North West.
- 8.2 The Provincial Headquarters will be determined by the Provincial Conference.
- 8.3 The National Executive Committee may from time to time alter **[the number, the boundaries or]** the names of the Provinces.

Rule 11: National Executive Committee

11.1 Powers

The National Executive Committee is the highest organ of the ANC between Conferences and shall have the authority to lead the organisation, subject to the provisions of this Constitution.

11.2 Without prejudice to the generality of its powers, the NEC shall:

- a. Carry out the decisions and instructions of the National Conference.
- b. Issue and send directives and instructions to and receive reports from the provinces.
- c. Supervise and direct the work of the ANC and all its organs, including national, provincial and local government caucuses.
- d. Ensure that the provincial, regional and branch structures of the ANC function democratically and effectively. The NEC may suspend or dissolve a PEC where necessary.

[and call for new elections within three months. The suspension may not last for more than three months.]. A suspension of a PEC shall not exceed a period of three months. Elections for a dissolved PEC, following a suspension, shall be called within nine months from dissolution.

d(i) Where a PEC has been dissolved (without a period of suspension), elections for the dissolved PEC shall be called within nine months from its dissolution.

d(ii) The National Executive Committee may appoint an interim structure during the period of suspension or

the dissolution of the PEC to fulfil the functions of the PEC.

- e. Oversee the work of the Women's League and the Youth League.
 - f. Establish departments and set up committees, as it considers appropriate.
 - g. Manage and control all the national and international property and assets of the ANC.
 - h. Receive reports, supervise the work of, and delegate such functions to the NWC, as it considers necessary.
 - i. Issue documents and other policy directives as and when it deems fit.
 - j. Confer such honors as it may deem appropriate.
 - k. Appoint annually a National List Committee of not fewer than five and not more than nine persons for the selection and adoption of candidates for the national Parliament. The NEC shall draw up regulations for the procedures to be followed in such a selection. The National List Committee shall report to the NEC prior to the implementation of its recommendations. Provincial structures for the adoption of candidates shall report to the National List Committee.
- 11.3 The National Executive Committee except where otherwise stipulated shall be elected by secret ballot by the National Conference and shall hold office for five years and shall be constituted as follows:
- a. The President, Deputy President, National Chairperson, the Secretary General, Deputy Secretary General and the Treasurer General who shall be elected separately by the National Conference.
 - b. Sixty (60) members of the NEC. **[who shall be elected by secret ballot by the National Conference].**
 - c. The Chairperson and the Secretary of each elected ANC Provincial Executive Committee who shall be *ex officio* members of the NEC.
 - d. The National President and Secretary of the ANC Women's League who shall be *ex-officio* members of the NEC.
 - e. The National President and Secretary of the ANC Youth League who shall be *ex-officio* members of the NEC.
 - f. The NEC shall have the power to co-opt not more than five (5) additional members at any time during its term of office in order to provide for a balanced representation that reflects the true character of the South African people. **[, provided that such co-option enjoys the support of the Provincial**

Executive Committee of the Province from which the proposed person comes.]

- g. Should a vacancy occur on the NEC for any reason, the NEC shall have the power to fill the vacancy by appointing a replacement.
 - h. The quorum for meetings of the NEC shall be 50%+1 of its total membership.
 - i. A person must be a paid-up member of the ANC for at least five years before she or he can be nominated to the National Executive Committee of the ANC.
- 11.4 Nominations for the NEC members referred to in Rule 11.3(a) and 11.3(b) above shall be by the following procedure:
- a) (i) Nominations for the posts of:
 1. President
 2. Deputy President
 3. National Chairperson
 4. Secretary General
 5. Deputy Secretary General
 6. Treasurer General,shall be made by any Province and placed before the National Conference.
 - ii. A delegate to the Conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a minimum of 25 percent (25%) of Conference delegates, then such nomination shall be regarded as having been duly seconded, in which event the name of such nominees shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of conference delegates, such nomination shall fall away.
- b) Nominations of candidates for the National Executive Committee other than the above positions shall be carried out by the following procedure:
 - i. Subject to sub-section (ii) below, only those candidates who have been proposed by a Province shall appear on the National Conference ballot paper.
 - ii. A delegate to the conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a show of hands by a

minimum of 25 percent (25%) of Conference delegates, then such nomination shall be regarded as having been duly seconded, in which event the name of such nominee shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of delegates, such nomination shall fall away.

- iii. Not more than two persons per province may be successfully nominated in terms of b)(ii) above.

11.5 For purposes of the nomination procedures referred to in Rules 11.4 (a)(i) and (b)(i), the Women's League, as a whole, and the Youth League, as a whole, shall be regarded as a province.

11.6 Voting shall take place by secret ballot. Each voting delegate shall vote once in each ballot.

11.7 In accordance with Rule 5A, not less than one-third of the directly elected and co-opted members of the NEC must be women.

11.8 If any Provincial Chairperson or Secretary is elected to the NEC in his or her own right or as a national official, such person shall vacate the Provincial position, provided that the Province has the right to make representations to the NEC, in a special case, where extraordinary circumstances may warrant an exception to this rule. However, when such a provincial officer is allowed to retain his or her NEC position, the Province shall not be entitled to an additional member on the NEC.

11.9 Subject to the provisions of this Constitution, the Secretary General, the Deputy Secretary General and the Treasurer General shall be full-time functionaries of the ANC.

11.10 The NEC shall meet in plenary session at least once every three months and shall provide broad political and organisational perspectives to the National Working Committee.

11.11 The NEC may invite any member of the ANC to attend an extended meeting of the NEC. Such a member may be permitted to speak at such meetings.

Rule 12: National Working Committee

12.1 As soon as possible after the conclusion of the National Conference, the NEC shall meet and elect a National Working Committee.

- 12.2 The National Working Committee shall be constituted as follows: The President, Deputy President, National Chairperson, Secretary General, Deputy Secretary General and the Treasurer General.
- 12.3 In addition, the NEC shall elect additional members to the NWC from among the directly elected members of the NEC. These shall not exceed one-quarter of the composition of the directly elected members.
- 12.4 The members of the National Working Committee shall not necessarily be full-time functionaries of the ANC. However, the NEC shall determine the extent to which the elected members shall be full-time functionaries who may be allocated specific responsibilities.
- 12.5 The ANC Women's League and the ANC Youth League shall appoint one representative each to serve on the NWC.
- 12.6 **In accordance with Rule 5A, not less than one-third of the members of the NWC must be women.**
- 12.7 **The NWC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the NWC.**
- 12.8 The National Working Committee shall:
- Carry out decisions and instructions of the National Conference and the NEC.
 - Conduct the current work of the ANC and ensure that provinces, regions, branches and all other ANC structures, such as parliamentary caucuses carry out the decisions of the ANC.
 - Submit a report to each NEC meeting.

Rule 17: Provincial Conference

- 17.1 Subject to **the decisions of the National Conference and** the overall guidance of the NEC, the Provincial Conference shall be the highest organ of the ANC in each Province.
- 17.2 The Provincial Conference shall:
- be held at least once every three years and more often if requested by at least one third of all branches in the Province.
 - be composed of:**
 - voting delegates, as follows:**
 - At least 90% of the voting delegates at Conference shall be from branches as defined in Rule 24.1(a), elected at properly constituted branch general meetings. The number of delegates per branch**

shall be in proportion to its paid up membership.

bb. The remainder of the 10% of voting delegates at the Conference shall be allocated by the PEC from among the Provincial Executive Committee, the ANC Youth League and the ANC Women's League. [Be attended by representatives of the Women's League and Youth League with voting rights].

cc. All members of the Provincial Executive Committee shall attend ex-officio as full participants in the conference. [Be attended by members of the Provincial Executive Committee who shall have full voting and speaking rights as ex officio participants.]

ii. non-voting delegates, as follows:

The PEC may invite individuals, who have made a special contribution to the struggle or who have special skills or experience, to attend the Conference. In addition, the PEC shall permit representation as observers or non-voting delegates to structures which do not have the minimum requirement to form a branch

- determine its own procedures in accordance with democratic principles and practices.**
- vote on key questions by secret ballot if at least one third of the delegates at the Provincial Conference demand it.**
- vote for the election of the PEC by secret ballot. Each voting delegate shall vote once in each ballot.**

17.3 The Provincial Conference shall:

- Promote and implement** the decisions **and policies** of the National Conference, the NEC and the NWC.
- Receive and consider reports by the Provincial Executive Committee, **which shall include the Chairperson's address, the Secretary's report, which shall include a report on the work and activities of the Women's League and Youth League in the province, and the Treasurer's report.**
- Elect the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and **[other] the additional 20** members of the Provincial Executive Committee, who will hold office for 3 years. The Provincial Secretary shall be a full-time functionary of the organization.

- d. Carry out and develop the policy and programme of the ANC in the Province.
- e. **Have the right and power to review, ratify, confirm, alter or rescind any decision taken by any of the constituent bodies, units or officials of the ANC in the province.**
- f. **Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.**

Rule 18: The Provincial General Council

- 18.1 A Provincial General Council shall be convened between Provincial Conferences.
- 18.2 The PGC shall meet at least once a year. A PGC shall, **[for] on** good cause shown, be convened by the PEC upon the request of one-third(1/3) of branches in the Province.
- 18.3 The Provincial General Council consists of all members of the Provincial Executive Committee and delegates representing branches in proportion to membership, with a minimum of one delegate per branch. The Women's and Youth Leagues shall be represented by their PECs. The RECs shall be appropriately represented as determined by the PEC.
- 18.4 The Provincial General Council may discuss and decide any issue it deems necessary, including any matter brought before it by the PEC, and may decide on any matter falling within its competence, subject always to the policies and directives of the National Conference, National General Council, Provincial Conference or the NEC.
- 18.5 The PGC may fill any vacancy on the PEC, provided that the filling of vacancies does not exceed 50% of the membership of the PEC.

Rule 19: Provincial Executive Committee

- 19.1 **The Provincial Executive Committee is the highest organ of the ANC in a province between Provincial Conferences and shall have the authority to lead the organization in the province, subject to the provisions of this Constitution.** [The Provincial Executive Committee shall be responsible for carrying out the decisions of the Provincial Conference and Provincial General Council always subject to Rule 18.4.]
- 19.2 **The Provincial Executive Committee shall consist of elected, co-opted and ex officio members.**

- 19.3 **[It] The elected members** shall consist of the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and not more than **[13] 20** other persons elected by the Provincial Conference. A person shall have been a **[paid- up] member in good standing** of the ANC for three years before she or he can be nominated to a Provincial Executive Committee of the ANC.
- 19.4 Each region **in the province** shall be equally represented **in the PEC**, by the Chair and/or the Secretary, as determined by the PEC, **with ex officio status**, provided that the number of regional representatives on the PEC does not exceed the number of elected members of the PEC.
- 19.5 The Women's League and the Youth League in the Province shall be represented by two representatives each **in the PEC**, with **ex officio status**. **[full voting rights]**.
- 19.6 The PEC shall have the right to co-opt **[upto] no more than** 3 persons, **[subject to confirmation by the Provincial General Council], in order to provide for a balanced representation that reflects the true character of the South African people.**
- 19.7 **In accordance with Rule 5A, not less than one-third of the elected and co-opted members of the PEC must be women.**
- 19.8 **The PEC may invite any member of the ANC to attend its extended meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the PEC.**
- 19.9 The PEC shall:
 - a. Meet as soon as possible after its election to elect the Provincial Working Committee (PWC) and thereafter at least once a month.
 - b. Carry out the policy and programme of the ANC **in the province** and do all things necessary to further the interests, aims and objectives of the organization.
 - c. Carry out the decisions **and instructions** of the Provincial Conference, the **Provincial General Council** and the NEC.
 - d. **The PEC shall provide broad political and organisational perspectives to the Provincial Working Committee. It shall receive reports, supervise the work of, and delegate such functions to the PWC, as it considers necessary.**
 - e. Manage and control the funds and assets of the ANC in the Province.

- f. Submit reports to the NEC, Provincial Conference and Provincial General Council, as often as is required, on the state of the organization, the financial position of the province, and such other matters as may be specified.
- g. Issue and send directives and instructions to and receive reports from the regions, branches and other substructures in the province.
- h. Supervise and direct the work of the ANC and all its organs in the province, including the ANC provincial and local government caucuses.
- I. Oversee the work of the Women's League and the Youth League in the province.
- j. Ensure that the provincial, regional, branch and other structures of the ANC in the province function democratically and effectively. To this end, organize, establish and service branches in the Province and supervise the work of the regions in the Province; suspend, dissolve, and re-launch branch executive committees and regional executive committees where necessary, subject to any directives from the provincial conference, provided that where a BEC or REC has been suspended or dissolved there shall be a right of appeal to the NEC.
- (i) A suspension of a REC shall not exceed a period of two months. Elections for a dissolved REC, following a suspension, shall be called within six months from dissolution. Where a REC has been dissolved (without a period of suspension), elections for the dissolved REC shall be called within six months from its dissolution.
- (ii) A suspension of a BEC shall not exceed a period of one month. Elections for a dissolved BEC, following a suspension, shall be called within three months from dissolution. Where a BEC has been dissolved (without a period of suspension), elections for the dissolved BEC shall be called within three months from its dissolution.
- (iii) The Provincial Executive Committee may appoint an interim structure during the period of suspension or the dissolution of the REC or BEC to

fulfil the functions of the REC or BEC.

- k. Establish, wherever possible, [set up] provincial departments in line with national departments and establish committees, as it considers appropriate.
- l. Issue documents and other provincial policy directives, as and when it deems fit, subject to any directives from Headquarters.
- m. Appoint the [regional organizer and] provincial and regional staff as required.
- n. The quorum for any meeting of the PEC shall be 50% (fifty percent)+1 of its total membership.
- o. Have the duty to appoint annually a Provincial List and Candidates Committee, of not fewer than five and not more than nine persons, which will identify regulations for the drawing up of the Provincial List of candidates for national elections, provincial elections and for the selection of candidates for local government elections. The Provincial Executive Committee shall report to the NEC and shall be bound by the recommendations of the National List Committee. **[Every candidate for elections must undertake, in writing, prior to the elections, to abide by the Constitution of the ANC and the relevant Code of Conduct for elected representatives.]**
- 19.10 Provincial offices shall, with due allowance for differences of scale and level of work, perform the same functions as their national counterparts.

Rule 20: Provincial Working Committee

- 20.1 The Provincial Working Committee shall be a core group of the PEC and shall consist of not less than one quarter of its directly elected members, including the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer of the Province and the Chair or Secretary of the ANC Women's League and the ANC Youth League in that Province. **The PEC shall elect the additional members of the PWC from among the directly elected and co-opted members of the PEC.**
- 20.2 **In accordance with Rule 5A, not less than one-third of the members of the PWC must be women.**
- 20.3 **[It shall perform the duties and functions of the PEC to which it shall report.] The Provincial Working Committee shall:**

- a. Carry out decisions and instructions of the Provincial Conference, the NEC and the PEC.
 - b. Conduct the current work of the ANC in the province and ensure that regions, branches and all other ANC structures, such as parliamentary caucuses, carry out the decisions of the ANC.
 - c. Submit a report to each PEC meeting.
- 20.4 It shall meet [at least once a week] as often as is necessary but at least once every two weeks.
- 20.5 The PWC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the PWC.

Rule 21: Functioning of the Provincial Executive Committee
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Note: This entire Rule moved and elaborated under Rule 19 and Rule 22.1

- 21.1 Provincial offices shall, with due allowance for differences of scale and level of work, perform the same functions as their national counterparts.
- 21.2 The PEC shall, wherever possible, set up provincial departments in line with national departments.
- 21.3 The PEC shall determine the boundaries of regions within the Provinces, in consultation with the NEC.]

Rule 22: Provincial Regions
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- 22.1 The PEC, under the supervision of the NEC, shall divide the Province into regions for the more efficient and democratic functioning of the ANC.
- 22.2 [The maximum number of regions shall be determined by the PEC but shall not exceed 13 in number.] Provincial Regions shall be demarcated to correspond strictly to district and metro municipal boundaries in each province.
- 22.3 Each region shall hold a regional conference every two years, which shall elect the members of the Regional Executive Committee (REC), which shall comprise the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer and additional members not exceeding fifteen in number [a committee of not more than fifteen members]; in addition the Chair and

Secretary of the ANC Women's League and the ANC Youth League in that Region shall be **ex officio** members of the Regional Executive Committee. A person shall have been a member of the ANC for at least two years before she or he can be nominated to a Regional Executive Committee of the ANC.

- 22.4 Each branch within a region shall be entitled to send delegates to the biennial regional conference in proportion to its members.
- 22.5 There shall be at least one regional council meeting in the course of each year with each branch being entitled to send at least one delegate. Additional regional council meetings may be convened by the regional executive committee or the PEC or on the request of at least one-third of the branches.
- 22.6 The regional executive committee is the highest organ of the ANC between regional conferences and [the regional executive committee] shall be accountable to the PEC for its functioning. The REC may, subject to the directions and instructions of the PEC, exercise the following powers:
 - a. Meet as soon as possible after its election to elect the Regional Working Committee and thereafter as and when necessary but at least once a month.
 - b. Carry out the policy and programme of the ANC in the region and do all things necessary to further the interests, aims and objectives of the organization.
 - c. Carry out the decisions and instructions of the Provincial Conference, the Provincial General Council, the PEC, the Regional Conference and the Regional Council.
 - d. The REC shall provide broad political and organizational perspectives to the Regional Working Committee. It shall further receive reports, supervise the work of, and delegate such functions to the RWC, as it considers necessary.
 - e. Manage and control the funds and assets of the ANC in the Region.
 - f. Submit reports to the PEC, Regional Conference and Regional General Council, as often as is required, on the state of the organization, the financial position of the region, and such other matters as may be specified.
 - g. Request and receive reports from the branches and other substructures in the region.

- h. Supervise and direct the work of the ANC and all its organs in the region, including the ANC local government caucuses.
 - i. Recommend to the PEC the suspension or dissolution of a BEC, Zonal Committee or Sub-Regional Committees.
- 22.7 The REC shall have the right to co-opt no more than 2 persons, in order to provide for a balanced representation that reflects the true character of the South African people.
- 22.8 In accordance with Rule 5A, not less than one-third of the directly elected and co-opted members of the REC must be women.
- 22.9 The REC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the REC.
- 22.10 a. The Regional Working Committee (RWC) shall be a core group of the REC and shall consist of not less than one quarter of its directly elected and co-opted members, including the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer of the Region and the Chair or Secretary of the ANC Women's League and the ANC Youth League in that Region. The REC shall elect the additional members of the RWC from among the directly elected and co-opted members of the REC.
- b. The Regional Working Committee shall:
 - i. Carry out decisions and instructions of the NEC, the PEC, REC, the Regional Conference and the Regional General Council.
 - ii. Conduct the current work of the ANC in the region and ensure that branches and all other ANC structures, such as municipal council caucuses, carry out the decisions of the ANC.
 - iii. Submit a report to each REC meeting.
 - c. It shall meet as and when necessary but at least every two weeks.
 - d. In accordance with Rule 5A, not less than one-third of the members of the RWC must be women.
 - e. The RWC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the RWC, but shall not vote on any issue.

Rule 24: Branches

- 24.1 Every member of the ANC shall belong to a branch, which shall be the basic unit of the organisation.
- 24.2 The branch shall:
- a. Be registered with the PEC and have a minimum of 100 members, provided that the PEC may confer special recognition, where due to exceptional circumstances, the branch has fewer than 100 members.
 - b. Meet as provided for in the rules and regulations.
 - c. Be the place where members exercise their basic democratic rights to discuss and formulate policy.
 - d. Be the basic unit of activity for members.
 - e. Branches covering an extensive geographical area, or in respect of which some special circumstance exists, may divide into smaller manageable units. Such units shall only be used as a co-ordinating and administrative tool by the branch and shall not possess any decision-making powers. These units must operate on the basis of acceptable democratic principles and practices.
 - f. Elect at an annual branch meeting a Branch Executive Committee consisting of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and other committee members, consisting of not less than three and not more than ten persons. A person shall have been a member of the ANC for one year before she or he can be nominated to a Branch Executive Committee of the ANC, provided that where a new branch is being established, the PEC may waive this provision. The Women's League and the Youth League, shall be entitled to two representatives each on the BEC.
 - g. In accordance with Rule 5A, not less than one-third of the directly elected and co-opted members of the BEC must be women.
 - h. Meet at least once per month.
- 24.3 The branch executive committee shall:
- a. Meet as soon as possible after its election and allocate tasks and functions among its members to enable it to carry out the day-to-day activities of the Branch.
 - b. Carry out the publicity and organizational work in its area in furtherance of the policy, programme and decisions of the ANC.
 - c. Meet at least once per fortnight.

- d. Submit reports on its work to the branch meeting and at least each month to the Regional Executive Committee.
- e. Co-opt not more than three persons, if it considers it necessary to ensure greater representation.
- f. The quorum for each meeting of the Branch Executive Committee shall be 50%+1 (fifty percent plus one) of the total BEC membership.
- g. **The Constitution does not provide for a quorum for the Branch Annual General Meeting. The practice following the adoption by the NEC of Rules and Regulations for a quorum of 50%+1 of the total paid up to comprise a quorum for the Branch AGM.**

The National Executive Committee at its last meeting decided that the National Conference should discuss and decide on the quorum required both for the Annual General Meeting and other general meetings (e.g. nomination of candidates for elections, decisions on policy matters). Different quorums for different proposals may be required

Branches and other structures of the ANC are required to give urgent consideration to the question of quorums and to come to National Conference with their proposals, in the light of their own experiences.

Rule 25: Zonal Structures and Sub – Regions

- 25.1 **Any three (3) or more branches within a Region for the purpose of co-ordination of activities and better organisational efficiency, may be formed into a Zone at the instance of the Regional Executive Committee after consultation with the relevant branches, or on application to the PEC, by at least two branches within an area of a proposed Zone.**
- 25.2 **Whenever a Zone has been established the Branch Executive of constituent Branches shall at a properly convened meeting, elect a Zonal Committee which shall consist of a Chairperson, Secretary, Treasurer and one (1) representative elected per Branch within the Zone.**
- 25.3 **Where Zonal structures of the Women's League and Youth League exist, they shall be represented by one (1) member each, subject to the same provisions relating to the requirement for ANC membership.**

- 25.4 **The tasks of the Zonal Committee will include:**
 - a. **To meet at least once a month.**
 - b. **To co-ordinate the work and activities of the constituent branches and submit reports to the REC.**
 - c. **To see to the implementation of the instructions of the NEC, PEC, PWC or the REC in the Zone.**
 - d. **To participate in the work of the Regional Council.**
 - e. **To maintain effective links with all branches in the Zone.**
- 25.5 **If circumstances warrant it, the PEC, under the guidance of the NEC, may establish Sub-Regions within a provincial region. [Sub-regions may be formed by 3 or more Zones]. Sub – Regions, if formed, shall be demarcated to strictly correspond with B-type and metro subcouncil municipal boundaries, with similar arrangements and powers as [between] as apply to Zones.**

Rule 26: Discipline

- 26.1. a. All members, without exception, must abide by the Constitution of the ANC, **and** the Rules **and Regulations**, the Standing Orders and Codes of Conduct, as adopted or amended from time to time, **as well as all policies and decisions properly adopted or made in terms of the Constitution.**
- b. Every candidate **representing the ANC during an [for] election at any level of government**, must undertake, in writing prior to the elections, to abide by the Constitution of the ANC and the relevant Code of Conduct for elected representatives, **and to submit to and abide by any disciplinary proceedings instituted against her or him in terms of the Constitution or such Code, directly or indirectly arising from her or his conduct as a public representative of the ANC.**
- c. **All members and public representatives of the ANC, without exception, are subject to the discipline of the ANC and must submit to the provisions of the Constitution, Rules and Regulations, Standing Orders and Codes of Conduct with regard to the regulation of the conduct of members and public representatives, and the applicable disciplinary procedures, in particular Rule 26.**
- 26.2 **Disciplinary proceedings against a member and public representative shall be confined to**

violations of the ANC Constitution, Rules **and Regulations**, Standing Orders, Codes of Conduct **and the policies and decisions of the ANC properly adopted or made in terms of the Constitution**, or the **misconduct referred to in Rule 26.5 or provided for in terms of Rule 26.14 (b)** and shall not:

- a. Be used as a means of stifling debate or denying members their basic democratic rights; **or**
- b. Be instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the organization are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organization.

26.3 If the NEC, PEC, REC or BEC, as the case may be, or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, is satisfied that a member or public representative is guilty of any conduct referred to in Rule 26.5, 26.6, 26.3.2, 26.3.3 or any other misconduct prohibited in terms of the Constitution, it may decide to institute disciplinary proceedings against such member in respect of such misconduct and then refer the matter to the NDC, PDC, RDC or BDC, as the case may be, or any other body authorized in terms of the Constitution to conduct disciplinary proceedings, to proceed with such disciplinary hearing.

[26.3 A serious offence shall be committed by any member who:

- 26.3.1 Prejudices the integrity or repute of the organization, its personnel or its operational capacity by:**
- a. Impeding the activities of the organization;
 - b. Creating division within its ranks or membership;
 - c. Doing any other act, which undermines its effectiveness as an organization.
 - d. Acting on behalf of or in collaboration with:
 - i. Counter-revolutionary forces;
 - ii. A political organization or party other than an organization or party in alliance with the ANC in a manner contrary to the aims, policies and objectives of the ANC;
 - iii. Intelligence or the security services of other countries;

- iv. Any person or group who seriously interferes with the work of the organization or prevents it from fulfilling its mission and objectives.]
- 26.3.2 The following shall also be regarded as serious offences, without prejudice to the generality of this provision and the right of the NEC to add to this category of offences:**
- a. Conviction in a court of law and sentenced to a term of imprisonment without the option of a fine, for any serious non-political offence;
 - b. Misappropriation of the funds of the organization or destruction of its properties;
 - c. Behaving corruptly in seeking or accepting any bribe for performing or for not performing any task;
 - d. Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
 - e. Abuse of elected or employed office in the organization or in the State to obtain any direct or indirect undue advantage or enrichment;
 - f. Fighting or behaving in a grossly disorderly or unruly way;
 - g. Deliberately disrupting meetings and interfering with the orderly functioning of the organization.
- 26.3.3 If, in the opinion of the NEC or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, a member is guilty of the following offences, disciplinary proceedings may follow:**
- a. Behavior which brings the organization into disrepute or which manifests a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member;
 - b. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
 - c. Behaving in such a way as to provoke serious divisions or a breakdown of unity in the organization;
 - d. Undermining the respect for or impeding the functioning of the structures of the organization;
 - e. Participating in organized factional activity that goes beyond the recognized

norms of free debate inside the organization and threatens its unity.]

26.4 **A disciplinary committee, which has conducted a disciplinary hearing in terms of this Constitution, may find any member or public representative guilty of any misconduct referred to in Rule 26.5 or any other misconduct prohibited in terms of the Constitution, only if it is satisfied that the evidence presented is of such a cogent and sufficient nature as to prove the guilt of such member on a balance of probabilities.**

26.5.1 **The following conduct by a member or public representative shall constitute misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her:**

- a. Conviction in a court of law and **being** sentenced to a term of imprisonment without the option of a fine, for any serious non-political offence;
- b. Conviction in a court of law, for any serious non-political offence;
- c. Behavior which brings the organization into disrepute or which manifests a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member;
- d. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- e. Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
- f. Abuse of elected or employed office in the organization or in the State to obtain any direct or indirect undue advantage or enrichment;
- g. Behaving corruptly in seeking or accepting any bribe for performing or for not performing any task;
- h. Misappropriation of the funds of the organization or destruction of its properties;
- i. Behaving in such a way as to provoke serious divisions or a break-down of unity in the organization;
- j. Undermining the respect for or impeding the functioning of the structures of the organization;
- k. Participating in organized factional activity that goes beyond the recognized norms of free debate inside the organization and threatens its unity;

- l. **[Any member who supports]** Supporting a political organization or party other than an organization in alliance with the ANC in a manner contrary to the aims, objectives and policy of the ANC;
- m. **[Any member of the ANC who stands]** **Standing** in an election for local **[government]**, provincial or national government **[elections]** or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the NEC or PEC;
- n. **[Any member who prejudices]** **Prejudicing** the integrity or repute of the organization, its personnel or its operational capacity by:
 - aa. Impeding the activities of the organization;
 - bb. Creating division within its ranks or membership;
 - cc. Doing any other act, which undermines its effectiveness as an organization;
 - dd. Acting on behalf of or in collaboration with:
 - i. Counter-revolutionary forces;
 - ii. A political organization or party other than an organization or party in alliance with the ANC in a manner contrary to the aims, policies and objectives of the ANC;
 - iii. Intelligence or the security services of other countries;
 - iv. Any person or group who seriously interferes with the work of the organization or prevents it from fulfilling its mission and objectives.
- o. Fighting or behaving in a grossly disorderly or unruly way;
- p. Deliberately disrupting meetings and interfering with the orderly functioning of the organization;
- q. **[The]** **Payment of, or assisting or facilitating the payment of,** membership subscription of the organization for **a person or persons or a group [groups]** of persons who would otherwise be unwilling or unable to pay their own subscriptions;
- r. **[The offer of]** **Offering a** reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;

- s. **[The] Recruitment of members who do not reside at an address claimed, where this is done in order to manipulate branch meetings or the outcome of organizational votes.**
- t. **The collecting or the raising of funds for campaigning activities within the ANC aimed at influencing the outcome of a conference or meeting.**
- 26.5.2 The following acts will be regarded as an abuse of organisational rules, whether committed by individuals or groups:**
- a. **The payment of membership subscription of the organization for persons or groups of persons who would otherwise be unwilling or unable to pay their own subscriptions;**
- b. **The offer of reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;**
- c. **The recruitment of members who do not reside at an address claimed, where this is done in order to manipulate branch meetings or the outcome of organizational votes.**
- 26.5.3 The commission of any of the abuses described in rule 26.5.2 will be considered as behaviour likely to invoke disciplinary proceedings.**
- 26.5.4 Any member of the ANC who stands in an election for local government, provincial or national government elections or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the PEC or NEC shall be ineligible to be or remain a member.**
- 26.5.5 a) Any member who joins a political organisation or party other than a party in alliance with the ANC shall be automatically expelled by the PEC or NEC where applicable.**
- 26.5.5 b) Any member who supports a political organisation or party other than an organisation in alliance with the ANC in a manner contrary to the aims, objectives and policy of the ANC shall be liable for disciplinary action.**
- 26.6 The NEC or PEC, as the case may be, shall automatically expel any member who joins a political organisation or party other than the ANC or a party in alliance with the ANC.**
- 26.7 a. The NEC shall appoint a National Disciplinary Committee (NDC) from among its membership and from other structures of the ANC. Each BEC shall appoint a Branch Disciplinary Committee (BDC). Each REC shall appoint a Regional Disciplinary Committee (RDC). Each PEC shall appoint a Provincial Disciplinary Committee (PDC). These respective Disciplinary Committees must be appointed as soon as possible after the election of the respective executive committees and shall consist of at least 3 and not more than 5 members. At least three members of a disciplinary committee shall constitute its quorum.**
- b. **[In addition,] The national officers, the NWC or the NEC may refer [such] any violation or [offences] misconduct directly to the NDC for investigation and determination of a complaint. In exceptional situations, arising out of serious breaches of the Constitution, Rules **and Regulations, Standing Orders** or Codes of Conduct, the NDC itself may exercise jurisdiction to investigate and determine a complaint. **In addition,** the National Disciplinary Committee shall hear and determine **[violations or offences on]** appeals from appropriate organs of the ANC **in terms of Rule 26.** The decisions of the NDC shall be final except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the NEC.**
- c. **Disciplinary proceedings shall normally be conducted at the level where the alleged violation or [offence] misconduct took place, namely the branch, region, province or national level, and may be heard by the relevant structure.**
- d. **Disciplinary proceedings may only be instituted at branch level if the PWC has granted that branch written permission to do so.**
- e. **The NWC may direct that the disciplinary proceedings should be heard at a higher level [from] than where the alleged violation or [offence] misconduct took place.**
- f. **No one who is a member of a disciplinary committee may participate in a decision to institute disciplinary proceedings against a member and such member of the disciplinary committee should recuse himself or herself from such discussion and decision, save in the exceptional circumstances contained in Rule 26.7 (b).**

However, this does not prohibit such member from participating in any political discussion on any issue, which later becomes the subject of a discussion and decision to institute such disciplinary proceedings against a member.

26.8 a. Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defense.

b. **Any person faced with disciplinary proceedings is entitled to be represented by a member in good standing and who has been a paid up member for at least three months prior to the receipt of such written notice referred to in Rule 26.8 (a).**

c. **If disciplinary proceedings are instituted against a member and such member does not appear at the venue and at the time determined for such proceedings or does not remain in attendance when required to do so, the relevant disciplinary committee, if satisfied that such member was properly and timeously notified of such venue and time, may order that the proceedings continue in the absence of such member. The disciplinary committee may form an opinion of the evidence led, after applying the test provided for in Rule 26.4, and it may proceed and make a finding of guilty or not guilty, as the case may be, even if such member was absent from part or the whole of the proceedings.**

26.9 a. Penalties **or sanctions, which may be imposed by a disciplinary committee,** for proven violations of the Constitution, **other relevant instruments,** principles, norms, **policies** and decisions of the ANC, shall include reprimand, payment of compensation and/or the performance of useful tasks, **remedial action, and** suspension **of membership or** expulsion **from the ANC,** and in the case of a public representative **also the removal from any list or instrument which entitles such person to represent the ANC at any level of government.**

b. **A disciplinary committee shall have the further power to suspend the imposition of any of the above penalties or sanctions, with or without certain conditions for a**

period to be determined by such disciplinary committee.

c. Any member found guilty of the misconduct referred to in Rule 26.5.1(m), shall be ineligible to be or remain a member, **and shall be expelled from the organization.**

26.10.a. **A decision of a disciplinary committee only takes effect once the internal appeal procedures and remedies provided for in terms of Rule 26 have been exhausted.** Any person found guilty [in] **during** a disciplinary proceeding, or the complainant, has the right, **[within a reasonable period,] within 14 days from the date of sentencing,** to appeal against the conviction or sentence, to the next [higher] **highest** body of the ANC. **A member is only entitled to one appeal to such next highest body, whose decision shall, subject to paragraph (b), be final and binding, provided that the NDC may, upon application to it and if it deems it necessary, grant a further appeal to be heard by itself.** The NWC may direct that a body higher than the one to which the appeal has been made should hear any appeal. [The PEC may direct that] An appeal against the decision [by a branch] **of a branch disciplinary committee** should be heard directly by the Provincial Disciplinary Committee.

b. **Where a disciplinary committee, other than the National Disciplinary Committee, arrives at a decision to suspend or expel a local government councilor or any member of a provincial legislature or National Assembly, such a decision shall be suspended pending the outcome of an automatic appeal to the National Disciplinary Committee. The National Disciplinary Committee must commence with such an appeal within 14 days of the notification of the decision of such disciplinary committee.**

26.11 **All disciplinary proceedings shall be disposed of expeditiously, but at least within 6 months from the date that notice of the charge has been delivered to the member, provided that the NDC may, upon application from the relevant disciplinary committee, in writing, at any stage before or after the expiry of such period extend this period in a particular case, if it deems it necessary.**

26.12 [Decisions relating to] **The relevant Disciplinary Committee shall in writing report the outcome of each** disciplinary proceeding to

the secretary of the executive structure which established it and then the decision shall be publicly announced by the relevant Disciplinary Committee.

26.13 Temporary Suspension

- a. The Provincial Disciplinary Committee or the PWC with regard to disciplinary matters not being dealt with at a national level, and the National Disciplinary Committee or the NWC, may summarily suspend the membership of any member, by acting in accordance with the procedures prescribed in Rule 26.13. [pending the preparation of a charge against the member and the finalization of disciplinary proceedings against the member.]
- b. Before any of the above structures make such a decision, it must have due regard to the nature and seriousness of an alleged violation or [offence] misconduct by a member and only after the accusations have been put to him or her for comment by the person or body tasked with such duty by the relevant structure, and he or she has had an opportunity to respond, provided that if such member has been given proper and timeous notice of such opportunity and does not avail himself or herself of such opportunity, and/or does not attend or does not stay in attendance, the matter may be proceeded with in his or her absence.
- c. Exceptional circumstances, as determined by the NWC or National Disciplinary Committee or PWC, as the case may be, may warrant an immediate decision of temporary suspension of a member without eliciting the comment of such member, as provided for in paragraph (b).
- d. The member shall immediately be informed of such suspension.
- e. If the member who is suspended is an elected public representative, the relevant structure making the decision must also provide for any terms and conditions, which will regulate his or her participation and conduct as a public representative during the period of suspension.
- f. The member shall immediately be informed of such terms and conditions.
- g. When a PWC or PDC imposes a temporary suspension on a member, it must immediately forward a report of such suspension and the reasons for it, to the NDC and the NDC may, if circumstances

warrant it, at any stage set aside such suspension.

- h. The temporary suspension shall lapse if a notice of a charge relating to such suspension is not delivered to the member within 30 days of the date of the commencement of the temporary suspension.
 - i. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.
 - j. The temporary suspension shall, subject to paragraph (g), remain in force until the finalization of the disciplinary proceedings, including any appeals, provided that the NDC may, upon application and if the circumstances so warrant, at any stage set aside such suspension.
 - k. The temporary suspension may at any stage be set aside by the structure, which imposed it, if it deems it necessary.
- 26.14 a. The NEC must adopt Rules and Regulations for the regulation of the effective and appropriate implementation and functioning of rule 26 dealing with disciplinary proceedings in the ANC.
- b. Without prejudice to the generality of Rule 26.5, the NEC may, in regulations, prescribe further conduct by a member, which shall constitute misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her.
 - c. The National Disciplinary Committee shall draw up guidelines for the interpretation [of this section on discipline] of rule 26 and for the rules of procedure applicable during disciplinary proceedings, including time limits to be followed before, during and after a hearing.
 - d. The NEC may:
 - i. authorize other structures of the ANC to institute disciplinary proceedings; and
 - ii. establish [set up] appropriate structures to implement or make the appropriate arrangements to apply the provisions of [this] Rule 26, including a proper and appropriate investigative capacity at all levels of the organization to investigate all complaints received, which may lead to disciplinary proceedings being instituted.

Rule 34: Borrowing Power

34. The NEC may from time to time borrow any amount of money, on such terms and conditions as the NEC considers fit, with the power from time to time to alter the terms of any such borrowing, and to secure such borrowing or any other obligations of the ANC by the mortgage or pledge, either generally or specifically, of the assets of the ANC; to borrow afresh on security or otherwise for the purpose of repaying such debt.

Conference Update #5

Preface to the Strategy and Tactics