

**AFRICAN NATIONAL CONGRESS**  
**Constitution**



**As amended and adopted  
by the 54<sup>th</sup> National Conference  
Nasrec, Johannesburg 2017**

# ANC Constitution

as amended and adopted at the 54<sup>th</sup> National Conference, Nasrec, Johannesburg 2017

## CONTENTS

### **Preamble**

### **Definitions**

Rule 1: **Name**

Rule 2: **Aims and Objectives**

Rule 3: **The Character of the ANC**

Rule 4: **Membership**

Rule 5: **Rights and Duties of Members**

Rule 6: **Gender and Affirmative Action**

Rule 7: **Organisational Structure**

Rule 8: **The Headquarters**

Rule 9: **Provinces**

Rule 10: **National Conference**

Rule 11: **Powers and Duties of the National Conference**

Rule 12: **National Executive Committee**

Rule 13: **National Working Committee**

Rule 14: **The Electoral Commission**

Rule 15: **The National Finance Committee**

Rule 16: **Duties and Functions of Officials**

Rule 17: **Provincial Conference**

Rule 18: **The Provincial General Council**

Rule 19: **Provincial Executive Committee**

Rule 20: **Provincial Working Committee**

Rule 21: **Regions**

Rule 22: **Provincial Chaplaincies**

Rule 23: **Branches, Zonal and Sub-Regional Structures**

Rule 24: **Integrity Commission and National Dispute Resolution Committee**

Rule 25: **Management of Organisational Discipline**

Rule 26: **Rules and Regulations**

Rule 27: **General**

Rule 28: **Amendments**

Rule 29: **Special Conference**

Rule 30: **Contractual Liability**

Rule 31: **Borrowing Power**

Rule 32: **Transitional Arrangements**

Rule 33: **Dissolution**

### **Schedule:**

Appendix 1: **ANC Logo and Colours**

Appendix 2: **Freedom Charter**

Appendix 3: **Procedure for the conduct of disciplinary proceedings**

Appendix 4: **National Dispute Resolution Committee**

## PREAMBLE

WHEREAS the African National Congress was founded in 1912 to defend and advance the rights of the African people after the violent destruction of their independence and the creation of a white supremacist Union of South Africa;

AND WHEREAS in the course of fulfilling this historic aim, the African National Congress has emerged to lead the struggle of all democratic and patriotic forces to destroy the apartheid state and replace it with a united, non-racial, non-sexist and democratic South Africa in which the people as a whole shall govern and all shall enjoy equal rights;

AND WHEREAS through the struggles and sacrifices of its members over the generations, the African National Congress has come to be recognised as the central organiser and inspirer of a vast popular upsurge against apartheid, involving a great array of social, cultural, religious, trade union, professional and political organisations;

AND WHEREAS the fundamental goal of the African National Congress remains to construct a united, non-racial, non-sexist, democratic and prosperous society in South Africa;

AND WHEREAS the historic April 1994 election has placed the African National Congress in a position of responsibility for leading the process of reconstruction and development aimed at eradicating the problems of poverty and inequality created by apartheid and creating a just and equitable economic and social order;

NOW THEREFORE the National Conference of the African National Congress, duly constituted and assembled, cognisant of the historic mission of the African National Congress and of the need to build a mass based democratic structure to enable it to fulfil its historic mission, hereby adopts this amended Constitution, as follows:

## DEFINITIONS

The words, terms and acronyms used in the Constitution and the Appendices bear the following meanings, unless the context indicates otherwise:

“**accountable**” means to answer for, or explain, one’s conduct, decisions or acts;

“**ANC**” means the African National Congress;

“**appeal**” means to resort to or apply to a higher authority in the ANC structures for a decision;

“**appellant**” means a member, office bearer or public representative who appeals against a decision of a Disciplinary Committee;

“**Appendix**” means an attachment or annexure to this Constitution;

“**assembly or gathering**” means a grouping of ANC members who come together for a specific purpose;

“**autonomous**” means that the Leagues function independently, next to and in addition to ANC structures and within the framework of the Constitution and policies of the ANC;

“**BDC**” means a Branch Disciplinary Committee;

“**BEC**” means the Executive Committee of a Branch of the ANC;

“**biennial**” means once every two years;

“**Branch in good standing**” means a Branch that is recognised by the ANC to be fully compliant with its obligations in terms of this Constitution and whose members are paid-up members;

“**bribe**” means any promise or offer to give something, usually money, to procure services or gain influence in an improper manner;

“**candidate duly endorsed**” means a candidate nominated and elected democratically by the constitutional structures of the ANC at the appropriate levels, and endorsed by the NEC, the PEC or the Branch;

“**caucus**” means an organised group of public representatives of the same political party which exists as a structure or institution at each respective sphere of governance and which meets privately to discuss policy, issues pertaining to voting and strategies in preparation for open meetings with other political parties where such policies are discussed and voting takes place;

“**chaplain**” means a priest, religious or spiritual leader;

“**Chief National Presenter**” means a person appointed in terms of this Constitution to present the case of the PDC, NDC and NDCA, as the case may be, in disciplinary and appeal proceedings and “**Chief Provincial Presenter**” and “**Chief Regional Presenter**” have the same meaning, in respect of the relevant organisational level and “**Presenter**”, where used, refers to all of the persons included in the definition of “**Chief National Presenter**”;

“**complainant**” means, in the context of disciplinary proceedings, the ANC;

“**consistent with**” means agreeing, compatible, not contradictory;

“**Constitution**” means the ANC Constitution;

“**contractual liability**” means the debt or risk a party takes on or assumes when it enters into an agreement with another party or parties, usually expressed in a written and binding contract;

“**co-opt**” means to add to a structure by a vote or decision of those already members of that structure;

“**days**” means calendar days and include Saturdays, Sundays and public holidays;

“**deemed**” means a state of affairs which does not necessarily or in fact exist, but is taken for granted to exist;

“**Department**” means any operational division of the ANC at national, provincial, regional and local level and excludes structures and committees established in terms of this Constitution;

“**deployed member or deployee**” means a member who accepts to perform certain duties and functions on behalf of the ANC in a representative capacity, in addition to his or her duties and obligations as a member;

“**designated to administer oaths**” means the person or persons designated within the ANC to administer the oath;

“**direct**” means to conduct the affairs of, manage, or regulate;

“**directive**” means an order or instruction, especially one issued by a central authority;

“**disciplinary committee**” means a disciplinary committee of the ANC constituted in terms of this Constitution;

“**disrepute**” means the absence or loss of reputation, discredit or disgrace;

“**election agent**” means a representative of a candidate contesting an election who represents the interests of that candidate;

“**elective office**” refers to an office held as Councillor, Member of the Provincial Legislature or Member of Parliament;

“**Electoral Commission**” refers to a body appointed by the ANC from amongst its members to constitute an Electoral Commission;

“**eligible/ineligible [for membership]**” refers to the rules that determine which persons are eligible for (qualified for or worthy of) membership of the organisation. (A person qualified for membership is not necessarily entitled to membership);

“**endorsed**” means approved or supported;

“**ethnic chauvinism**” means a prejudiced belief in the superiority of a certain ethnic group (a cultural or social group with certain characteristics like religion, language, ancestry or physical traits);

“**ex officio**” means by virtue of his or her position or office;

“**Freedom Charter**” means the document containing the essential philosophy of the ANC, adopted by the (then) alliance in 1955 and ratified by the ANC in April 1956 and which is annexed to this Constitution as Appendix 2;

“**full-time functionaries**” means members of the National Officials Committee and Provincial Secretaries who are engaged full-time by the ANC on a salaried basis;

“**good cause shown**” means sufficient reason for any fact or circumstance that would make it just and fair between the parties;

“**honorary membership**” refers to membership given as a mark of honour without the usual requirements or privileges of membership;

“**impede**” means to obstruct the way of, or hinder the progress of;

“**invitee**” means a person who has been invited to a gathering of the ANC or a structure of the ANC who enjoys no rights or privileges in the Organisation;

“**jurisdiction**” means the range of authority one has over individuals and events;

“**Leagues**” means the ANC Womens’ League, the ANC Youth League and the ANC Veterans’ League;

“**legal relationship**” means a relationship, like a contract, from which legal rights, obligations and duties flow;

“**logo and colours**” means that the ANC is the sole copyright holder of its logo and colours;

“**member**” means a member of the ANC;

“**member not in good standing**” means a member who fails to pay his or her subscriptions for three months and whose membership has lapsed;

“**misappropriation**” means to use money or funds wrongly or dishonestly, especially for one’s own use;

“**money-laundering**” means a criminal offence as defined by statute and means the process of concealing the source of money obtained by illicit means;

“**mutatis mutandis**” means that the body of information remains essentially the same but only minor details will change to fit the circumstances;

“**National Chairperson**” means the National Chairperson of the ANC;

“**National Democratic Revolution**” means the process of transforming the country from an apartheid state to a non-racial, non-sexist, united democratic society in which all people enjoy equal rights;

“**National List Committee**” means a committee appointed annually by the NEC and which is responsible for drawing up regulations and procedures to be used in the selection of candidates for Parliament;

“**NDC**” means the National Disciplinary Committee;

“**NDCA**” means the National Disciplinary Committee of Appeal;

“**NEC**” means the National Executive Committee of the ANC;

“**NGC**” means the National General Council of the ANC;

“**natural justice rules**” means the rules that no one can be a judge in his/her own cause and one should be given the opportunity to be heard;

“**nominate**” means to propose by name as a candidate;

“**non-earning members**” means members who are not in gainful employment;

“**NWC**” means the National Working Committee of the ANC;

“**office bearer**” means any member who has been elected and holds an office or position of authority in a structure of the ANC;

“**officials**” means the National Officials referred to in Rules 16.1 to 16.8;

“**Organisation**” means the African National Congress;

“**Party in alliance**” means the South African Communist Party (SACP), the Congress of South African Trade Unions (COSATU) and the South African National Civic Organisation (SANCO);

“**PDC**” means a Provincial Disciplinary Committee;

“**PEC**” means a Provincial Executive Committee of the ANC;

“**periodic**” means from time to time;

“**perpetual succession and power**” means the rights that vest indefinitely in the Organisation as a legal person as distinct from its individual members;

“**PGC**” means the Provincial General Council of a Province, of the ANC;

“**President**” means the President of the ANC and “**Deputy President**” means the Deputy President of the ANC;

“**presumption**” means a fact or state of existence that is taken for granted unless the contrary is proved;

“**properly constituted Branch General Meeting**” means a Branch meeting that complies with all aspects or requirements of the Constitution, including any quorum requirements;

“**Provincial List and Candidates’ Committee**” means the Committee in each Province responsible for the compilation of elections lists and ward candidates;

“**provisional membership**” means the membership of a member whose application for membership has not yet been confirmed, but who may participate in the activities of the Organisation except being elected to any committee, structure, commission or delegation of the ANC;

“**public representative**” means a member who represents the ANC in national, provincial or local government in terms of a contract of deployment entered into with the ANC;

“**Provincial Secretary**” means the secretary of a Province of the ANC;

“**PWC**” means the Provincial Working Committee of a Province of the ANC;

“**quorum**” means the minimum number of officials or members of a structure, committee, assembly or gathering, usually a majority, who must be present for the valid transaction of the business of the meeting;

“**ratify**” means to approve or give formal sanction to;

“**RDC**” means a Regional Disciplinary Committee;

“**rebuttable**” in relation to a presumption means that which can be challenged by evidence to the contrary;

“**REC**” means the Regional Executive Committee of a Region of the ANC;

“**recall**” means to order to return;

“**Region**” means the geographical area of the Province, and not the “*region*” as defined in Rule 21;

“**registered political party**” refers to registration in terms of the Electoral Act, 1998 (Act No. 73 of 1998);

“**representative**” means a member of the ANC in good standing who acts on behalf of a charged member in disciplinary proceedings;

“**rescind**” means to void or repeal;

“**review**” means to reconsider the acceptance or refusal of;

“**RWC**” means a Regional Working Committee of the ANC;

“**Secretary General**” means the Secretary General of the ANC and “**Deputy Secretary General**” means the Deputy Secretary General of the ANC;

“**Standing Order**” means a directive or instruction made by a structure in authority;

“**supervise**” means to direct and inspect the performance of work or to oversee;

“**suspend**” means to bar for a period of time access to a privilege, office or position;

“**tied vote**” means a state of equality of votes, a draw;

“**Treasurer General**” means the Treasurer General of the ANC;

“**tribalistic exclusivism**” means to prevent persons from certain tribes to play a role in the Organisation, or to admit only persons from certain tribal backgrounds to membership or participation;

“**undermines**” means to weaken, injure or ruin insidiously or secretly;

“**Whip**” means an officer, usually a Member of Parliament, of a political party in Parliament who exercises some authority over other members of the same party;

“**universal suffrage**” means the right of all persons to vote;

“**voting district**” refers to a geographical area demarcated or defined by the Electoral Commission referred to in the Electoral Act, 1998, for the purpose of voting in elections in the country; and

“**zone**” means a (geographical) area distinguished from adjacent parts by some distinctive feature or character.

### **Rule 1 NAME**

- 1.1 The name of the organisation is the African National Congress, hereinafter referred to as the ANC.
- 1.2 The colours of the ANC are black, green, and gold and the logo is as described in Appendix 1.

### **Rule 2 AIMS AND OBJECTIVES**

The aims and objectives of the ANC are:

- 2.1 To unite all the people of South Africa, Africans in particular, for the complete liberation of the country from all forms of discrimination and national oppression;
- 2.2 To end apartheid in all its forms and transform South Africa as rapidly as possible into a united, non-racial, non-sexist and democratic country based on the principles of the Freedom Charter (Appendix 2) and in pursuit of the National Democratic Revolution;
- 2.3 To defend the democratic gains of the people and to advance towards a society in which the government is freely chosen by the people according to the principles of universal suffrage on a common voters' roll;
- 2.4 To fight for social justice and to eliminate the vast inequalities created by apartheid and the system of national oppression;
- 2.5 To build a South African nation with a common patriotism and loyalty in which the cultural, linguistic and religious diversity of the people is recognised;
- 2.6 To promote economic development for the benefit of all;
- 2.7 To support and advance the cause of women's emancipation;
- 2.8 To support and advance the cause of national liberation, development, world peace, disarmament and environmentally sustainable development; and
- 2.9 To support and promote the struggle for the rights of children and the disabled.

### **Rule 3 THE CHARACTER OF THE ANC**

- 3.1 The ANC is a non-racial and non-sexist and democratic liberation movement.
- 3.2 Its policies are determined by the membership and its leadership is accountable to the membership in terms of the procedures laid down in this Constitution.
- 3.3 The ANC also contests elections as a registered political party drawing its electoral support from all sections of South African society.
- 3.4 The ANC shall, in its composition and functioning, be democratic, non-racial and non-sexist and combat any form of racial, tribalistic or ethnic exclusivism or chauvinism.
- 3.5 While striving for the maximum unity of purpose and functioning, the ANC shall respect the linguistic, cultural and religious diversity of its members.
- 3.6 The ANC shall support the emancipation of women, combat sexism and ensure that the voice of women is fully heard in the Organisation and that women are properly represented at all levels.
- 3.7 The principles of freedom of speech and free circulation of ideas and information shall operate within the ANC.
- 3.8 Membership of all bodies of the ANC shall be open to all men and women in the Organisation without regard to race, colour or creed.
- 3.9 The ANC shall cooperate closely with religious bodies in the country and shall provide, on an interfaith basis, for the recognition of the spiritual needs of its many members who are believers.

### **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 who are prepared to abide by its Constitution and rules.
- 4.2 All persons not of South African origin who have manifested a clear identification with the South African people and their struggle and are resident in South Africa may apply for membership.

- 4.3 The National Executive Committee may, acting on its own or on the recommendation of Branch or Provincial Executives Committees, grant honorary membership to those men and women who do not qualify for membership under Rule 4.1 and 4.2, but who have demonstrated an unwavering commitment to the ANC and its policies.
- 4.4 Applications for membership shall be considered by the Branch Executive Committee (where such exists) in consultation with the Branch General Meeting, 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, may accept or refuse any application for membership provided such acceptance or refusal is subject to review by the next higher organ of the ANC.
- 4.5 Membership cards shall be issued to registered members of the ANC.
- 4.6 Persons whose applications for membership have been accepted, subject to review as provided for in Rule 4.11, shall be issued with:
- 4.6.1 A temporary membership card; and
- 4.6.2 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 Membership and temporary membership cards referred to in Rule 4.6.1 and 4.6.2 above shall be issued, subject to payment of the prescribed subscription fee.
- 4.8 Provisional membership shall apply to persons who wish to join the Organisation for the first time or who wish to rejoin the Organisation after a considerable lapse of time or circumstances determined by the NEC.
- 4.9 Provisional membership rights commence from the date of production of acknowledgement following receipt of the application and the appropriate membership subscription. A provisional member may attend Branch meetings only in a non-voting capacity.
- 4.10 Any objection to any application for membership may be made by any member of the ANC to the Branch, Regional or Provincial Secretary within 6 (six) months of the notification.
- 4.11 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 be rejected if it was obtained invalidly.
- 4.12 In the absence of any objection from the structures and/or any ruling by the Secretary General, the applicant shall, on the expiry of 6 (six) months 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.
- 4.13 The reasons for the rejection of an application for membership by the Secretary General or the objection to the application for membership must be sent to the individual applicant in writing.
- 4.14 Members shall pay an annual subscription fee as determined by the National Executive Committee.
- 4.15 Non-earning members or those on reduced incomes shall pay such fees as determined by the NEC.
- 4.16 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.”*
- 4.17 Members who fail to pay their subscriptions for three months and having been reminded of their lapse by instant messaging service (SMS), will not be regarded as members in good standing until they pay their arrears.

## **Rule 5 RIGHTS AND DUTIES OF MEMBERS**

### **5.1 Rights**

5.1 A member shall be entitled to:

- 5.1.1 Take a full and active part in the discussion, formulation and implementation of the policies of the ANC;
- 5.1.2 Receive and impart information on all aspects of ANC policy and activities;
- 5.1.3 Offer constructive criticism of any member, official, policy programme or activity of the ANC within its structures;
- 5.1.4 Take part in elections and be elected or appointed to any committee, structure, commission or delegation of the ANC; and
- 5.1.5 Submit proposals or statements to the Branch, Province, Region or NEC, provided such proposals or statements are submitted through the appropriate structures.

### **5.2 Duties**

5.2 A member of the ANC shall:

- 5.2.1 Belong to and take an active part in the life of his or her Branch;
  - 5.2.2 Take all necessary steps to understand and carry out the aims, policies and programmes of the ANC;
  - 5.2.3 Explain the aims, policies and programmes of the ANC to the people;
  - 5.2.4 Deepen his or her understanding of the social, cultural, political and economic problems of the country;
  - 5.2.5 Combat propaganda detrimental to the interests of the ANC and defend the policies, aims and programme of the ANC;
  - 5.2.6 Fight against racism, tribal chauvinism, sexism, religious and political intolerance or any other form of discrimination or chauvinism;
  - 5.2.7 Observe discipline, behave honestly and carry out loyally the decisions of the majority and decisions of higher bodies;
  - 5.2.8 Inform his or her Branch of movement of residence to any area outside his/her Branch and report to the Branch Secretary on arriving at the new area; and
  - 5.2.9 Challenge, within the branch, any decision taken by the branch in breach of fair and just administrative procedure. Should the BEC fail, refuse or neglect to rectify any decision so taken within 2 (two) months, a member shall be obliged to escalate his or her grievance to the REC and, failing resolution by that structure, to the PEC in an effort to resolve the dispute internally.
- 5.3 All members shall ensure that they are registered as voters in the constituency in which they live.
- 5.4 ANC members who hold elective office in any sphere of governance at national, provincial or local level are required to be members of the appropriate caucus, to function within its rules and to abide by its decisions under the general provisions of this Constitution and the constitutional structures of the ANC.

## **Rule 6 GENDER AND AFFIRMATIVE ACTION**

- 6.1 In the endeavour to reach the objective of 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 50% (fifty per cent) of women in all elected structures of the ANC to enable such effective participation.
- 6.2 The method of such implementation will be addressed in all ANC structures immediately and on a continuous basis.

## **Rule 7 ORGANISATIONAL STRUCTURE**

7.1 The ANC consists of the following organs:

- 7.1.1 The National Conference which elects the National Executive Committee;
- 7.1.2 The Provincial Conference which elects the Provincial Executive Committee;
- 7.1.3 The Regional Conference which elects the Regional Executive Committee;



7.1.4 The Branch Biennial General Meeting which elects the Branch Executive Committee.

7.2 Branches may be grouped together in zones and may, for the purposes of coordination, be subdivided into smaller units such as street committees, voting districts and zones may be grouped into sub-regions. Any Sub-Branch so established shall have the same voting powers as a Branch.

### **ANC WOMEN'S LEAGUE**

7.3 Membership of the ANC Women's League shall be open to women who are members of the ANC and it has the same basic structures, namely, national, provincial, regional and Branch structures. Its objectives are to defend and advance the rights of women, both inside and outside the ANC, against all forms of national, social and gender oppression and to ensure that women play a full role in the life of the Organisation, in the people's struggle and in national life. The ANC Women's League shall function as an autonomous body within the overall structure of the ANC, of which it shall be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.

### **ANC YOUTH LEAGUE**

7.4 The ANC Youth League shall be open to all persons between the ages of 14 (fourteen) and 35 (thirty five) years. It operates on a national, provincial and branch basis. Its objectives are to unite and lead young men and women in confronting and dealing with the problems that face the youth and to ensure that the youth make a full and rich contribution to the work of the ANC and the life of the nation. The ANC Youth League shall function as an autonomous body within the overall structure of the ANC, of which it shall be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.

7.5 Members of the ANC Youth League over the age of 18 (eighteen) shall play a full part in the general political life of the ANC.

7.6 A member of the ANC Youth League shall not be eligible for election to any position as office-bearer of the ANC or to attend ANC conferences, members' or executive meetings of the ANC (unless specially invited), unless he or she is a full member of the ANC.

### **ANC VETERANS' LEAGUE**

7.7 The ANC Veterans' League shall be open to all ANC members 60 (sixty) years of age or older, who have served the ANC and the movement over an unbroken period of 40 (forty) years. It shall operate on a national and provincial basis. Its objectives are to ensure that veterans make a full and rich contribution to the work of the ANC, to the movement and to the life of the nation. The ANC Veterans' League will function as an autonomous body within the overall structure of the ANC, of which it shall be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.

## **Rule 8 THE HEADQUARTERS**

8.1 The site of the National Headquarters of the ANC shall be determined by the NEC.

## **Rule 9 PROVINCES**

9.1 For purposes of ANC structures, the country shall be divided into the following provinces, which shall be demarcated to correspond strictly to the provincial boundaries established in the South African Constitution:

9.1.1 Eastern Cape;

9.1.2 Free State;

9.1.3 Gauteng;

9.1.4 KwaZulu/Natal;

9.1.5 Limpopo;

9.1.6 Mpumalanga;

9.1.7 North West;

9.1.8 Northern Cape; and

9.1.9 Western Cape.

9.2 The provincial headquarters shall be determined by the Provincial Conference.

## **Rule 10 THE NATIONAL CONFERENCE**

10.1 The National Conference is the supreme ruling and controlling body of the ANC. It shall be comprised of:

### **10.1.1 *Voting delegates:***

10.1.1.1 At least 90% (ninety per cent) of the delegates at Conference shall be from Branches, elected at properly constituted Branch General Meetings. The number of delegates per Branch shall be in proportion to their paid up membership, provided that each Branch in good standing shall be entitled to at least 1 (one) delegate;

10.1.1.2 The number of delegates to be allocated to each province to attend the National Conference shall be fixed by the NEC in proportion to the paid up membership of each Province;

10.1.1.3 All members of the National Executive Committee shall attend, ex officio, as full participants in, and as delegates to, the Conference; and

10.1.1.4 The remainder of the voting delegates at the Conference shall be allocated by the NEC from among members of the Provincial Executive Committees, the ANC Veterans' League, the ANC Youth League and the ANC Women's League.

### **10.1.2 *Non-Voting Delegates:***

10.1.2.1 The NEC may invite individuals, who have made a special contribution to the struggle or who have special skills or experience, to attend the Conference.

10.2 The NEC shall appoint a Conference Preparatory Committee which shall circulate Conference information in advance, determine the precise procedure for the selection of delegates and indicate how the membership can then ensure that their concerns are on the agenda.

10.3 The Conference shall determine its own procedures in accordance with democratic principles.

10.4 Voting on key issues, as determined by Conference, shall be by secret ballot if at least one third of the delegates at the National Conference demand it.

10.5 The National Conference shall be convened at least once every five years.

## **National General Council**

10.6 A National General Council may be convened by the NEC from time to time, provided that the NEC shall convene a National General Council not later than 30 (thirty) months after the National Conference.

10.7 The NEC shall, after consultation with Provinces, determine the composition of the National General Council.

10.8 The National General Council shall:

10.8.1 Subject to Rules 10.8.3 and 10.8.4 below, determine and review the policies and programmes of the ANC;

10.8.2 Receive and discuss reports of the NEC;

10.8.3 Have the right to ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of the ANC, except the National Conference, including the evaluation of the performance of members of the NEC;

10.8.4 Have the power to discuss any issue it deems necessary, taking into account policies and directives of the National Conference; and

10.8.5 Subject to Rule 13.13 below, fill vacancies that have arisen in the NEC provided that such vacancies do not exceed 50% (fifty per cent) of the NEC.

## **Rule 11 POWERS AND DUTIES OF THE NATIONAL CONFERENCE**

The National Conference shall:

11.1 Decide on and determine the policy, programme and Constitution of the ANC;

11.2 Receive and discuss the reports of the NEC which shall include the Presidential Address, the Secretary General's Report, which shall include a report on the work and activities of the ANC Veterans' League, the ANC Women's League and the ANC Youth League, and the Treasurer General's Report;

- 11.3 Have the right and power to review, ratify, alter or rescind any decision taken by any of the constituent structures, committees or officials of the ANC;
- 11.4 Elect the President, the Deputy President, National Chairperson, the Secretary General, Deputy Secretary General, the Treasurer General and the remaining 80 (eighty) additional members of the NEC; and
- 11.5 Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

## **Rule 12 NATIONAL EXECUTIVE COMMITTEE**

### **Powers of the NEC**

- 12.1 The National Executive Committee is the highest organ of the ANC between National Conferences and has the authority to lead the organisation, subject to the provisions of this Constitution.
- 12.2 Without prejudice to the generality of its powers, the NEC shall-:
  - 12.2.1 Convene the National Conference and the National General Council and carry out the decisions and instructions of the National Conference and the National General Council;
  - 12.2.2 Issue and send directives and instructions to and receive reports from the Provinces;
  - 12.2.3 Supervise and direct the work of the ANC and all its organs, including national, provincial and local government caucuses;
  - 12.2.4 Ensure that the Provincial, Regional and Branch structures of the ANC and the Leagues function democratically and effectively. (The NEC may suspend or dissolve a PEC where necessary.) The suspension of a PEC shall not exceed a period of 3 (three) months. The election of a PEC, which has been dissolved, shall be called within 9 (nine months) from date of dissolution. The NEC must appoint an interim structure during the period of suspension or the dissolution of the PEC to fulfil the functions of the PEC);
  - 12.2.5 Oversee the work of the ANC Veterans' League, the ANC Women's League and the ANC Youth League;
  - 12.2.6 Establish Departments and set up committees, ad hoc or permanent, as it considers appropriate, and to delegate powers and functions to such Departments and committees;
  - 12.2.7 Manage and control all the national and international property and assets of the ANC;
  - 12.2.8 Receive reports, supervise the work of and delegate such functions to the NWC, as it considers necessary;
  - 12.2.9 Issue documents and other policy directives as and when it deems fit;
  - 12.2.10 Confer such honours as it may deem appropriate;
  - 12.2.11 Appoint annually a National List Committee of not fewer than 5 (five) and not more than 9 (nine) persons for the selection and adoption of candidates for 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);
  - 12.2.12 Institute disciplinary proceedings against any member and temporarily suspend the membership of any member;
  - 12.2.13 Have the power to institute and defend legal proceedings on behalf of the Organisation;
  - 12.2.14 Develop and adopt Rules and Regulations and Standing Orders for the due and efficient functioning of the Organisation and the achievement of its aims and objectives;
  - 12.2.15 Appoint at least 6 (six) but not more than 10 (ten) members from among its membership and/or from other structures of the ANC, one of whom shall be designated as Chairperson, to constitute the National Disciplinary Committee;
  - 12.2.16 Appoint at least 6 (six) but not more than 10 (ten) members from among its membership and/or from other structures of the ANC, one of whom shall be designated as Chairperson, to constitute the National Disciplinary Committee of Appeal;
  - 12.2.17 Appoint 4 (four) members as Presenters, one of whom shall be designated as Chief National Presenter, to investigate, represent and present the case of the ANC, from time to time, in any NDC and NDCA hearing;
  - 12.2.18 Have the power to appoint a National Chaplaincy on an interfaith basis to provide spiritual guidance;

- 12.2.19 Have the power, in appropriate circumstances, to delegate any of its powers to the NWC, the Officials or Secretary General;
- 12.2.20 Take all steps necessary or warranted for the due fulfilment of the aims and objectives of the ANC and the due performance of its duties; and
- 12.2.21 The NEC may:
- 12.2.21.1 Convene a Policy Conference, as a recommendation-making body on any matter of policy, whenever it deems it necessary, but the NEC shall convene a National Policy Conference at least 6 (six) months before the National Conference to review policies of the ANC and to recommend any new or to amend any present policy for consideration by the National Conference; and
  - 12.2.21.2 Sign deployment contracts with public representatives and recall any public representative.

### **Elections and composition of the NEC**

- 12.3 The NEC, as a whole, shall not consist of less than 50% (fifty per cent) of women. The NEC, except where otherwise stipulated, shall be elected by secret ballot by the National Conference and shall hold office for 5 (five) years and shall be constituted as follows:
- 12.3.1 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;
  - 12.3.2 80 (eighty) additional members of the NEC;
  - 12.3.3 The Chairperson and the Secretary of each elected ANC Provincial Executive Committee who shall be *ex-officio* members of the NEC;
  - 12.3.4 The President and Secretary General of the ANC Women's League who shall be *ex-officio* members of the NEC;
  - 12.3.5 The President and Secretary General of the ANC Youth League who shall be *ex-officio* members of the NEC;
  - 12.3.6 The President and Secretary General of the ANC Veterans' League who shall be *ex-officio* members of the NEC; and
  - 12.3.7 Not more than 5 (five) additional members that the NEC may co-opt 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.
- 12.4 Should a vacancy occur on the NEC for any reason, the NEC shall have the power to appoint a replacement.
- 12.5 The quorum for meetings of the NEC shall be 50% (fifty per cent) plus 1 (one) of its total membership.
- 12.6 A person must have been a member in good standing of the ANC for at least 10 (ten) years before she or he can be nominated for election to the NEC.
- 12.7 Nominations for the NEC members referred to in Rules 12.3.1 and 12.3.2 above, shall be by the following procedure:
- 12.7.1 Subject to sub-rule 12.7.1.1 below, nominations for the posts of:
    - 1. The President;
    - 2. Deputy President;
    - 3. National Chairperson;
    - 4. Secretary General;
    - 5. Deputy Secretary General; and
    - 6. Treasurer General,
 shall be made by any Province and placed before the National Conference.
    - 12.7.1.1 A delegate to the Conference shall, however, have the right to nominate any person whose name has not been proposed in terms of Rule 12.7.1 above. In such event the presiding officer shall call for seconders for the nomination. If such nomination is seconded by a minimum of 25% (twenty five per cent) 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% (twenty five per cent) of conference delegates, such nomination shall fall away.

- 12.7.2 Nominations of candidates for election to the NEC, other than the above positions, shall be carried out in terms of the following procedure:
- 12.7.2.1 Subject to Rule 12.7.2.2 below, only those candidates who have been proposed by a Province shall appear on the National Conference ballot paper.
- 12.7.2.2 Subject to Rule 12.7.2.3 below, a delegate to the Conference shall, however, have the right to nominate any person whose name has not been proposed in terms of Rule 12.7.1 above. In such event the presiding officer shall call for seconders for the nomination. If such nomination is seconded by a show of hands by a minimum of 25% (twenty five percent) 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 nominee fails to secure the support of a minimum of 25% (twenty five percent) of delegates, such nomination shall fall away.
- 12.7.2.3 Not more than 2 (two) persons per Province may be successfully nominated in terms of Rule 12.7.2.2 above.
- 12.8 For purposes of the nomination procedures referred to in Rules 12.7.1 and 12.7.2 the ANC Veterans' League, as a whole, the ANC Women's League, as a whole and the ANC Youth League, as a whole, shall be regarded as a Province.
- 12.9 Voting shall take place by secret ballot. Each voting delegate shall vote once in each ballot.
- 12.10 In accordance with Rule 6, not less than 50% (fifty per cent) of the directly elected and co-opted members of the NEC shall be women.
- 12.11 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.
- 12.12 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.
- 12.13 The NEC may invite any ANC member in good standing to attend its meetings. The number of invitees shall be limited by the NEC. An invitee may speak and participate at such meeting but shall not vote.
- 12.14 A member who is elected or co-opted to the NEC must resign from any executive position he or she holds as an office bearer in any lower structure in the ANC.

### **Rule 13 NATIONAL WORKING COMMITTEE**

- 13.1 As soon as possible after the conclusion of the National Conference, the NEC shall meet and elect a National Working Committee.
- 13.2 The National Working Committee shall be constituted as follows:
1. The President;
  2. Deputy President;
  3. National Chairperson;
  4. Secretary General;
  5. Deputy Secretary General; and
  6. the Treasurer General.
- 13.3 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.
- 13.4 The members of the NWC may 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.
- 13.5 The ANC Veterans' League, the ANC Women's League and the ANC Youth League shall appoint one representative each to serve on the NWC.
- 13.6 In accordance with Rule 6, not less than 50% (fifty per cent) of the members of the NWC shall be women.

- 13.7 The NWC may invite any ANC member in good standing to attend its meetings. The number of invitees shall be limited by the NWC. An invitee may be given a specific assignment by the NWC, but may not speak on behalf of the NWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited but shall not vote.
- 13.8 The National Working Committee shall:
- 13.8.1 Carry out decisions and instructions of the NEC;
  - 13.8.2 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; and
  - 13.8.3 Submit a report to each NEC meeting.

#### **Rule 14 THE ELECTORAL COMMISSION**

- 14.1 The NEC shall appoint an Electoral Commission of not fewer than 3 (three) members whose task it shall be:
- 14.1.1 To prepare the ballot papers;
  - 14.1.2 To make provision for ballot boxes or other means of secret voting;
  - 14.1.3 To create machinery for the counting of ballot papers and the effective supervision of the counting of votes;
  - 14.1.4 To announce the results of all ballots and make known the number of votes received by each successful candidate; and
  - 14.1.5 To establish procedures for voting and to determine any dispute raised in regard to elections and election procedures, and to determine how any tied vote should be resolved.
- 14.2 The names of members of the Electoral Commission, whose work is to commence before the Conference opens, shall be submitted to the National Conference for endorsement and they shall then be complemented by a representative appointed by each Provincial and League delegation.

#### **Rule 15 THE NATIONAL FINANCE COMMITTEE**

- 15.1 The NEC shall appoint the National Finance Committee.
- 15.2 The NEC shall determine the composition and powers of the National Finance Committee.
- 15.3 The National Finance Committee shall report to the NEC at least twice a year on the finances and budget of the ANC.

#### **Rule 16 DUTIES AND FUNCTIONS OF OFFICIALS**

The powers and duties of the individual members of the Officials are as set out below.

##### **16.1 *The President***

The President is the political head and chief directing officer of the ANC and the leader of the house at the National Conference or National General Council meetings. He or she shall:

- 16.1.1 Make pronouncements for and on behalf of the NEC, outlining and explaining the policy or attitude of the ANC on any question;
- 16.1.2 Present to the National Conference and National General Council a comprehensive statement of the state of the nation and the political situation generally;
- 16.1.3 Under the overall supervision of the NEC, orient and direct the activities of the ANC.

##### **16.2 *Deputy President***

The Deputy President shall assist the President, deputise for him or her when necessary and carry out whatever functions that are entrusted to him or her by the National Conference, the National General Council, the President, the NWC or the NEC. He or she shall be an *ex-officio* member of the NWC.

- 16.3 In the event of death or permanent incapacity of the President or the Deputy President, the NEC shall, as soon as possible, appoint an Acting President until such time as the National Conference meets. Until such appointment is made, the provisions of Rule 16.7 shall apply.

##### **16.4 *The National Chairperson***

The National Chairperson shall:

- 16.4.1 Remain the custodian of the policies adopted and decisions taken by the National Conference and National General Council and ensure that all organs of the ANC implement decisions

taken by the National Conference, the National General Council, the NEC and the NWC and operate within the parameters of policy set out by the National Conference, the NGC and the NEC;

16.4.2 Preside over meetings of the National Conference, the National General Council, the NEC and the NWC;

16.4.3 Carry out such additional tasks or functions, as are entrusted to him or her, by the Conference, the Council, the NEC or the NWC.

16.5 In the absence or incapacity of the National Chairperson, the President will assume his or her functions.

#### 16.6 *The Secretary General*

The Secretary General is the chief administrative officer of the ANC. He or she shall:

16.6.1 Communicate the decisions of all national structures of the ANC on behalf of the NEC;

16.6.2 Keep the minutes of the National Conference, the National General Council, the NEC, the NWC, as well as other records of the ANC;

16.6.3 Conduct the correspondence of the NEC and the NWC and send out notices of all conferences and meetings at the national level;

16.6.4 Convey the decisions and instructions of the National Conference, the National General Council, the NEC and the NWC to the Provincial Executive Committees and see to it that all units of the ANC carry out their duties properly;

16.6.5 Prepare annual reports on the work of the NEC and the NWC and such other documents which may, from time to time, be required by the NEC and the NWC;

16.6.6 Present to the National Conference and National General Council a comprehensive statement of the state of the organisation and the administrative situation of the ANC.

16.7 In the absence of the President and the Deputy President, the Secretary General shall assume the functions of the President.

16.8 All Departments shall report on their activities and be accountable to the Secretary General.

#### 16.9 *Deputy Secretary General*

The Deputy Secretary General shall assist the Secretary General, deputise for him or her, when necessary, and carry out the functions entrusted to the Secretary General by the National Conference, the National Council, the NEC, or the NWC and shall be an *ex-officio* member of the NWC.

#### 16.10 *Treasurer General*

The Treasurer General is the chief custodian of the funds and property of the ANC. He or she shall:

16.10.1 Receive and bank all monies on behalf of the NEC and shall, together with any 2 (two) members of the NEC, open and operate a banking account;

16.10.2 Keep such books of account as may be necessary to record accurately the financial position of the ANC;

16.10.3 Submit to the National Conference a report showing the Income and Expenditure Account and Balance Sheet of the ANC for the period since the previous National Conference, and shall submit periodic reports to the NEC and the NWC;

16.10.4 Be responsible, with the National Finance Committee, for working out and executing plans for fund raising;

16.10.5 Present to the National Conference and National General Council a comprehensive statement of the state of the finances of the ANC.

### **Rule 17 PROVINCIAL CONFERENCE**

17.1 Subject to the decisions of the National Conference and the National General Council, 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:

17.2.1 Be held at least once every 4 (four) years and more often if requested by at least one third of all Branches in good standing in the Province.

17.2.2 Be composed of:

(i) ***Voting delegates*** as follows:

17.2.2.1 At least 90% (ninety per cent) of the delegates at the Conference shall be from Branches, elected at properly constituted Branch General Meetings. The number of delegates per Branch shall be in proportion to their paid up membership, provided that each Branch in good standing shall be entitled to at least 1 (one) delegate.

17.2.2.2 All members of the Provincial Executive Committee shall attend *ex-officio* as full participants in and as delegates to the Conference.

17.2.2.3 The remainder of the voting delegates at the Conference shall be from among members of the RECs, the ANC Veterans' League, the ANC Youth League and the ANC Women's League, as allocated by the PEC.

(ii) ***Non voting delegates***

17.2.2.4 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 non-voting delegates to structures, which do not have the minimum requirement to form a Branch.

Provincial Conference shall:

17.2.2.5 Appoint a Conference Preparatory Committee which shall circulate Conference information in advance, determine the procedure for the selection of delegates and indicate how the provincial membership can ensure that their concerns are on the agenda;

17.2.2.6 Determine its own procedures in accordance with democratic principles and practices;

17.2.2.7 Vote on key questions by secret ballot if at least one third of the delegates at the Provincial Conference demand it; and

17.2.2.8 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:

17.3.1 Promote and implement the decisions and policies of the National Conference, the National General Council, the NEC and the NWC;

17.3.2 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 ANC Veterans' League, the ANC Women's League and the ANC Youth League in the Province, and the Treasurer's report;

17.3.3 Elect the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and the 30 (thirty) additional members of the Provincial Executive Committee, who will hold office for four (4) years. (The Provincial Secretary shall be a full-time functionary of the Organisation);

17.3.4 Carry out and develop the policies and programmes of the ANC in the Province;

17.3.5 Have the right and power to review, ratify, confirm, alter or rescind any decision taken by any of the constituent structures or officials of the ANC in the Province; and

17.3.6 Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

17.4 A member elected to the PEC shall resign from any position held in a lower structure in the ANC.

## **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, on good cause shown, be convened by the PEC upon the request of one-third of Branches in the Province.

### **Composition**

18.3 The PGC shall consist of all members of the PEC and delegates representing Branches in proportion to their membership, with a minimum of 1 (one) delegate per Branch. The ANC Veterans' League, the ANC Women's League and the ANC Youth League shall be represented by their respective



PECs. The RECs shall be appropriately represented as determined by the PEC.

#### **Powers and duties**

18.4 The PGC 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, the National General Council, the Provincial Conference and the NEC.

#### **Filling of vacancies**

18.5 The PGC may fill any vacancy on the PEC, provided that the filling of vacancies does not exceed 50% (fifty per cent) of the membership of the PEC.

### **Rule 19 PROVINCIAL EXECUTIVE COMMITTEE**

#### **Authority**

19.1 The PEC is the highest organ of the ANC in a Province between Provincial Conferences and has the authority to lead the Organisation in the province, subject to the provisions of this Constitution.

#### **Composition**

19.3 The elected members shall consist of the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and not more than 30 (thirty) other persons elected by the Provincial Conference. A person must have been a member in good standing of the ANC for 7 (seven) 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 Chairperson 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 ANC Veterans' League, the ANC Women's League and the ANC Youth League in the Province shall be represented by the Chairperson and Secretary of the respective Leagues in the PEC with *ex-officio* status.

19.6 The PEC may co-opt not more than 3 (three) persons, in order to provide for a balanced representation that reflects the true character of the South African people.

19.7 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the directly elected and co-opted members of the PEC must be women.

#### **Invited members**

19.8 The PEC may invite any ANC member in good standing to attend its meetings. The number of invitees shall be limited by the PEC. An invitee may be given a specific assignment by the PEC but may not speak on behalf of the PEC. An invitee may speak and participate at such meeting but shall not vote.

#### **Powers and duties**

19.9 The PEC shall:

19.9.1 Meet as soon as possible after its election to elect the Provincial Working Committee and thereafter meet at least once a month;

19.9.2 Carry out the policies and programmes of the ANC in the Province and do all things necessary to further the interests, aims and objectives of the Organisation;

19.9.3 Carry out the decisions and instructions of the Provincial Conference, the PGC, the NEC and the NWC;

19.9.4 Provide broad political and organisational perspectives to the Provincial Working Committee. (For this purpose it shall receive reports, supervise the work of and delegate such functions to the PWC, as it considers necessary);

19.9.5 Manage and control the funds and assets of the ANC in the Province;

19.9.6 Submit reports to the NEC, the Provincial Conference and the Provincial General Council, as often as is required, on the state of the organisation, the financial position of the Province, and such other matters as may be specified;

19.9.7 Issue and send directives and instructions to and receive reports from the Regions, Branches and other substructures in the Province;

- 19.9.8 Supervise and direct the work of the ANC and all its organs in the Province, including the ANC provincial and local government caucuses;
  - 19.9.9 Develop and implement social cohesion programmes;
  - 19.9.10 Audit the functioning of branches and take remedial action;
  - 19.9.11 Oversee the work of the ANC Veterans' League, the ANC Women's League and the ANC Youth League in the Province;
  - 19.9.12 Ensure that the Provincial, Regional, Branch and other structures of the ANC in the Province function democratically and effectively. In this regard, the PEC is empowered:
    - 19.9.12.1 To organise, establish and service Branches in the Province and supervise the work of the Regions in the Province;
    - 19.9.12.2 To suspend, dissolve and re-launch Branch Executive Committees and Regional Executive Committees where necessary, subject to any directives from the Provincial Conference.
      - 19.9.12.2.1 A suspension of a BEC shall not exceed a period of 1 (one) month. During this period, the PEC shall, pursuant to an investigation, either lift the suspension or dissolve the BEC;
      - 19.9.12.2.2 Election of a BEC, which has been dissolved, shall be called within 3 (three) months from the date of dissolution;
      - 19.9.12.2.3 A suspension of a REC shall not exceed a period of 2 (two) months. During this period, the PEC shall, pursuant to an investigation, either lift the suspension or dissolve the REC;
      - 19.9.12.2.4 Election of a REC, which has been dissolved, shall be called within 6 (six) months from the date of dissolution.
      - 19.9.12.2.5 A BEC or a REC which has been suspended or dissolved shall have a right of appeal to the NEC.
    - 19.9.12.3 The PEC must appoint an interim structure during the period of suspension or dissolution to fulfil the functions of the BEC or REC, as the case may be.
  - 19.9.13 Establish, wherever possible, Provincial Departments in line with National Departments and establish committees, as it considers appropriate;
  - 19.9.14 Issue documents and other provincial policy directives, as and when it deems fit;
  - 19.9.15 Appoint the provincial and regional staff as required, subject to directions from the office of the Secretary General;
  - 19.9.16 Have the duty to appoint annually a Provincial List and Candidates Committee, of not less 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.);
  - 19.9.17 Appoint at least 5 (five) but not more than 10 (ten) members from the PEC and/or from any structure within the Province, one of whom shall be designated as Chairperson, to constitute the Provincial Disciplinary Committee;
  - 19.9.18 Appoint 4 (four) members as Presenters, one of whom shall be designated as Chief Provincial Presenter, to represent and present the case of the ANC in any PDC hearing and in appeal and review proceedings before the NDC; and
  - 19.9.19 Take all steps necessary or warranted for the due fulfilment of the aims and objectives of the ANC in the Province and the due performance of its duties.
- 19.10 The quorum for any meeting of the PEC shall be 50% (fifty percent) + 1 (one) of its total membership.
  - 19.11 Provincial officials shall, with due allowance for differences of scale and level of work, perform the same functions as their national counterparts, provided that there is no equivalent or counterpart for the position of National Chairperson.

## **Rule 20 PROVINCIAL WORKING COMMITTEE**

### **Composition**

- 20.1 The Provincial Working Committee (PWC) shall consist of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer of the Province and the Chairperson or Secretary of the ANC Veterans' League, the ANC Women's League and the ANC Youth League in that Province and not less than one quarter of its directly elected members. The PEC shall elect the additional members of the PWC from amongst the directly elected additional members of the PEC.
- 20.2 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the members of the PWC shall be women.

### **Powers and duties**

- 20.3 The PWC shall:
- 20.3.1 Carry out decisions and instructions of the Provincial Conference, the NEC and the PEC;
- 20.3.2 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; and
- 20.3.3 Submit a report to each PEC meeting.

### **Meetings**

- 20.4 The PWC shall meet as often as is necessary, but at least once every two weeks.

### **Invitees**

- 20.5 The PWC may invite any ANC member in good standing to attend its meetings. The number of invitees shall be limited by the PWC. An invitee may be given a specific assignment by the PWC but may not speak on behalf of the PWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited, but shall not vote.

## **Rule 21 REGIONS**

- 21.1 The PEC, under the supervision of the NEC, shall divide the Province into regions for the more efficient and democratic functioning of the ANC.
- 21.2 Provincial Regions shall be demarcated to correspond strictly to district and metro municipal boundaries in each Province.

### **Regional Conference**

- 21.3 Each Region shall hold a Regional Conference once every 3 (three) years.
- 21.4 The Regional Conference shall be composed of:
- (i) **Voting delegates** as follows:
- 21.4.1 At least 90% (ninety per cent) of the delegates at the Conference shall be from Branches in the Region, elected at properly constituted Branch General Meetings. The number of delegates per Branch shall be in proportion to their paid up membership, provided that each Branch in good standing shall be entitled to at least 1 (one) delegate.
- 21.4.2 All members of the Regional Executive Committee shall attend *ex-officio* as full participants in and as delegates to the Conference.
- 21.4.3 The remainder of the voting delegates at Conference shall be from among members of the BECs, the ANC Veterans' League, the ANC Youth League and the ANC Women's League, as allocated by the REC.
- (ii) **Non voting delegates**
- 21.4.4 The REC 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 REC shall permit representation as non-voting delegates to structures, which do not have the minimum requirement to form a Branch.

- 21.5 The Regional Conference shall:
- 21.5.1 Promote and implement the decisions and policies of the PGC, the PEC and the PWC;
- 21.5.2 Receive and consider reports by the Regional 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 ANC Veterans' League, the ANC Women's League and the ANC Youth League in the Province, and the Treasurer's report;

21.5.3 Elect the Regional Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and 20 (twenty) additional members who shall hold office for 3 (three) years. In addition the Chair and Secretary of the ANC Veterans' League, 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 must have been a member of the ANC for at least 5 (five) years before he or she can be nominated to a Regional Executive Committee of the ANC. The Regional Secretary shall be a full-time functionary of the ANC.

21.6 Each Branch in good standing within a Region shall be entitled to send delegates to the Regional Conference in proportion to its members.

21.7 A member elected to the REC shall resign from any position held in a lower structure in the ANC.

21.8 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 at the request of at least one third of the delegates.

### **Powers of REC**

21.9 The REC shall be accountable to the PEC for its functioning.

21.10 The powers of the REC are those as may be delegated to it by the PEC. In addition, the REC may, subject to the directions and instructions of the PEC, exercise the following powers:

21.10.1 Meet as soon as possible after its election to elect the Regional Working Committee and thereafter meet as and when necessary but at least once a month;

21.10.2 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 Organisation;

21.10.3 Carry out the decisions and instructions of the Provincial Conference, the Provincial General Council, the PEC, the Regional Conference and the Regional Council;

21.10.4 Provide broad political and organisational 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 it necessary;

21.10.5 Manage and control the funds and assets of the ANC in the Region;

21.10.6 Submit reports to the PEC, the Regional Conference and the Regional General Council, as often as is required, on the state of the Organisation, the financial position of the Region and such other matters as may be specified;

21.10.7 Request and receive reports from the Branches and other substructures in the Region;

21.10.8 Supervise and direct the work of the ANC and all its organs in the Region, including the ANC local government caucuses;

21.10.9 Recommend to the PEC the suspension or dissolution of a BEC, a Zonal Committee or a Sub-Regional Committee; and

21.10.10 Monitor the work of branches in the building of stable communities and the establishment of street committees and alliance relationships with community-based organisations and provide logistical support to branches to achieve these objectives.

21.11 The REC may co-opt no more than 2 (two) persons, in order to provide for a balanced representation that reflects the true character of the South African people.

21.12 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the directly elected and co-opted members of the REC shall be women.

### **Invitees**

21.13 The REC may invite any ANC member in good standing to attend its meetings. The number of invitees shall be limited by the REC. An invitee may be given a specific assignment by the REC but may not speak on behalf of the REC. An invitee may speak or participate at such meeting but may not vote.

### **21.14 The Regional Working Committee**

21.14.1 The Regional Working Committee (RWC) shall consist of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer of the Region and not less than one quarter of its directly elected members plus officials, including the Chairperson or Secretary of the ANC Veterans' League, the ANC Women's League and the ANC Youth League in that Region. The REC shall elect the RWC from among the directly elected additional members of the REC.

21.14.2 The RWC shall:

- 21.14.2.1 Carry out decisions and instructions of the NEC, PEC, REC, the Regional Conference and the Regional General Council;
- 21.14.2.2 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; and
- 21.14.2.3 Submit a report to each REC meeting.

### **Meetings and representation**

21.15 The RWC shall meet as and when necessary but at least every two weeks.

21.16 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the members of the RWC shall be women.

### **Invitees**

21.17 The RWC may invite any ANC member in good standing to attend its meetings. The number of invitees shall be limited by the RWC. An invitee may be given a specific assignment by the RWC but may not speak on behalf of the RWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited but may not vote.

## **Rule 22 PROVINCIAL CHAPLAINCIES**

Provincial Chaplains may be appointed by the PEC on the same basis as the National Chaplaincy.

## **Rule 23 BRANCHES, ZONAL AND SUB-REGIONAL STRUCTURES**

23.1 Every member of the ANC shall belong to a Branch, which is the basic structure of the Organisation.

23.2 The Branch shall:

- 23.2.1 Be registered with the PEC and have a minimum of 100 (one hundred) members, provided that the PEC may confer special recognition, where due to exceptional circumstances, the Branch has fewer than 100 (one hundred) members;
- 23.2.2 Meet as provided for in the rules and regulations, at least once every 2 (months) in a branch general meeting;
- 23.2.3 Be the place where members exercise their basic democratic rights to discuss and formulate policy;
- 23.2.4 Be the basic unit of activity for members.
- 23.2.5 Elect at a biennial general meeting a Branch Executive Committee consisting of a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and 10 (ten) additional members. A person must have been a member of the ANC for 2 (two) years 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 ANC Veterans' League, the ANC Women's League and ANC Youth League shall be represented on the BEC, by the chairperson and secretary of the ANC Veterans' League Branch, the ANC Women's League Branch and the ANC Youth League Branch within that Branch, with *ex-officio* status.

23.3 Branches covering an extensive geographical area, or in respect of which some special circumstance exists, may divide into smaller manageable sub-branches or units. Such sub-branches or units shall only be used as a co-coordinating and administrative tool by the Branch and shall not possess any decision-making powers. These units shall operate on the basis of acceptable democratic principles and practices.

23.4 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the directly elected and co-opted members of the BEC shall be women.

23.5 The quorum for a Branch Meeting, including Annual Branch meetings or any other Branch meetings where the Branch makes nominations of candidates for elections within the ANC or for public representatives or takes decisions relating to policy matters, shall be 50% (fifty per cent) plus 1 (one) of the total paid-up members of the Branch.

- 23.6 The **Branch Executive Committee (BEC)** shall:
- 23.6.1 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;
  - 23.6.2 Carry out the publicity and organisational work in its area in furtherance of the policies, programmes and decisions of the ANC;
  - 23.6.3 Meet at least once per fortnight and meet with the community bi-monthly in the respective wards;
  - 23.6.4 Submit reports on its work to the Branch meeting and at least each month to the Regional Executive Committee;
  - 23.6.5 Co-opt not more than 3 (three) persons, if it considers it necessary, to ensure greater representivity.
- 23.7 The quorum for each meeting of the Branch Executive Committee shall be 50% (fifty percent) plus 1 (one) of the total BEC membership.
- 23.8 The duties of the BEC at community meetings shall be:
- 23.8.1 To identify basic service needs and grievances of residents in the community;
  - 23.8.2 To enter into collaborative partnerships with civic, sport, cultural, religious, business, women and youth organisations in the community with a view to forming a common front to accelerate the delivery of basic services;
  - 23.8.3 To initiate the formation of street committees in urban areas to deepen democracy and to safeguard the personal security of residents;
  - 23.8.4 To foster trust and cross-cultural relations among residents in an endeavour to build stable communities; and
  - 23.8.5 To receive and consider reports from ward councillors and make recommendations to councillors on basic service needs and other challenges of residents.

#### **Zonal structures and sub –regions**

- 23.9 The PEC, under the guidance of the NEC, must establish Sub-Regions within a Region. Sub-Regions shall be demarcated to correspond strictly with B-type or metro sub-council municipal boundaries, depending on their location, with similar arrangements and powers that apply to Zones.
- 23.10 Any 3 (three) or more Branches within a Region for the purpose of co-ordinating activities and better organisational efficiency, shall 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 2 (two) Branches within an area of a proposed Zone.
- 23.11 Whenever a Sub-Region or Zone has been established, the Branch Executive of constituent Branches, within that Sub-Region or zone, shall at a properly convened meeting elect a Sub-Regional or Zonal Committee, as the case may be, consisting of a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and five (5) additional members elected from constituent Branches in a meeting convened every two (2) years for that purpose.
- 23.12 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the members of the Sub-Regional Committee and the Zonal committee shall be women.
- 23.13 Where Sub-Regional or Zonal structures of the ANC Veterans' League, the ANC Women's League and the ANC Youth League exist, they shall be represented by 1 (one) member each, subject to the same provisions relating to the requirement for ANC membership.
- 23.14 The tasks of a Sub-Regional or Zonal Committee shall include the following:
- 23.14.1 To meet at least once a month;
  - 23.14.2 To co-ordinate the work and activities of the constituent Branches and submit reports to the REC;
  - 23.14.3 To see to the implementation of the instructions of the NEC, the PEC, the PWC or the REC in the Sub-Region or Zone;
  - 23.14.4 To participate in the work of the Regional Council; and
  - 23.14.5 To maintain effective links with all Branches in the Sub-Region or Zone.

## **Rule 24 INTEGRITY COMMISSION AND NATIONAL DISPUTE RESOLUTION COMMITTEE**

- 24.1 The NEC shall appoint an Integrity Commission with terms of reference to be approved by the NEC.
- 24.2 The Officials and NEC may refer to the Integrity Commission any unethical or immoral conduct by a member which brings or could bring or has the potential to bring or as a consequence thereof brings the ANC into disrepute.
- 24.3 The NEC shall appoint a National Dispute Resolution Committee with the composition and powers as set out in Appendix 4.

## **Rule 25 MANAGEMENT OF ORGANISATIONAL DISCIPLINE**

### **Duties of members, office bearers and public representatives**

- 25.1 The Secretary General and Provincial Secretaries shall communicate all Standing Orders, Rules, Regulations, Resolutions and policies adopted or made in terms of the Constitution to the structures of the ANC.
- 25.2 All members, office bearers and public representatives have a duty to familiarise themselves with the contents of this Constitution, Standing Orders, Rules, Regulations, Resolutions and policies adopted or made in terms of the Constitution.
- 25.3 Any member, office bearer or public representative who fails, refuses and/or neglects to abide by the provisions of the Constitution of the ANC, its Standing Orders, Rules, Regulations, Resolutions and policies adopted or made in terms of the Constitution shall be liable to be disciplined in terms of this Constitution.

### **Jurisdiction**

- 25.4 The ANC shall have jurisdiction to discipline any member, office bearer or public representative for committing any act of misconduct as contained in Rule 25.17 below as a member of the ANC and/or by virtue of his or her contract of deployment and/or by virtue of his or her membership of any of the structures of the ANC.

### **Presumption of knowledge**

- 25.5 Notwithstanding a principle of this Constitution that a member is presumed innocent until proven guilty, the charged member, in disciplinary proceedings, shall be presumed to have knowledge of the documents and information referred to in Rule 25.2 above and shall bear the onus of rebutting this presumption.

### **Disciplinary proceedings not to stifle debate or solve private problems**

- 25.6 Disciplinary proceedings against a member shall not:
- 25.6.1 Be used as a means of stifling debate or denying members their basic democratic rights; or
  - 25.6.2 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 Organisation are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the Organisation.
- 25.7 The Presenter at any disciplinary proceedings shall do all in his or her power to ensure that disciplinary proceedings are not instituted for any of the purposes set out in Rule 25.6 above.
- 25.8 If the Presenter has information that disciplinary proceedings have been instituted for any ulterior motive, the Presenter shall disclose such information to the Chairperson of the relevant Disciplinary Committee who, in turn, shall have the discretion to investigate such information and, if necessary, refer the matter for further investigation to the relevant party which instituted the disciplinary proceedings, prior to the commencement of the disciplinary proceedings or to put an immediate stop to such disciplinary proceedings.

### **Institution of disciplinary proceedings**

- 25.9 The Officials, NEC, the NWC, the PEC, the PWC, the REC, the RWC, the BEC or office bearers of any of these structures exercising its right to invoke disciplinary proceedings under this Constitution, may initiate and/or institute disciplinary proceedings against any member, office bearer or public representative of the Organisation in respect of any act of misconduct referred to in Rule 25.17 below.

25.10 If a REC, RWC or BEC or office bearers of these structures, as the case may be, is satisfied that the institution of disciplinary proceedings is warranted against a member or office bearer of an REC or BEC within its Region or Branch in respect of any misconduct referred to in Rule 25.17 below, it, he or she shall first obtain the written approval of the Provincial Secretary before commencing with the institution of such disciplinary proceedings.

#### **One stage inquiry and onus**

25.11 Disciplinary proceedings in the ANC shall be a one-stage inquiry and shall be conducted in terms of the procedure set out in Appendix 3. All the evidence regarding the merits of the case and all evidence relating to an appropriate sanction shall be led by the parties before the Disciplinary Committee retires to adjudicate and make its finding.

25.12 The onus shall be on the Presenter in disciplinary proceedings to lead evidence, to prove the guilt of a charged member on a balance of probabilities and, if it chooses, in aggravation of a sanction.

25.13 A charged member shall have the right to lead evidence, call relevant witnesses, submit documentary evidence, interrogate all evidence submitted by the ANC and cross-examine witnesses called by the Presenter in making or supporting his or her defence and in mitigation of a sanction.

25.14 After all the evidence has been led, the members of the Disciplinary Committee concerned shall deliberate in private and make a finding.

25.15 A Disciplinary Committee which has conducted a disciplinary hearing in terms of this Constitution may make a finding of guilt and impose an appropriate sanction only if it is satisfied that the evidence presented is of such a cogent nature as to prove the guilt of such member, office bearer or public representative on a balance of probabilities.

25.16 Where the Disciplinary Committee concerned makes a finding of guilt, it shall take into consideration all information and evidence placed before it in aggravation and mitigation of sanction, before imposing an appropriate sanction.

#### **Acts of misconduct**

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

25.17.1 Acting in breach of the membership oath;

25.17.2 Conviction in a court of law and being sentenced to a term of imprisonment without the option of a fine, for any offence;

25.17.3 Failing, refusing or neglecting to execute or comply with any ANC Policy, Standing Order, Rule, Regulation or Resolution adopted or made in terms of this Constitution or breaching the provisions of this Constitution;

25.17.4 Engaging in any unethical or immoral conduct which detracts from the character, values and integrity of the ANC, as may be determined by the Integrity Commission, which brings or could bring or has the potential to bring or as a consequence thereof brings the ANC into disrepute;

25.17.5 Behaving in a manner or making any utterance which brings or could bring or has the potential to bring or as a consequence thereof brings the ANC into disrepute;

25.17.6 Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any other form of discrimination;

25.17.7 Behaving in a manner which provokes or is likely to provoke or has the potential to provoke division or impact negatively on the unity of the ANC;

25.17.8 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;

25.17.9 Abuse of elected or employed office in the Organisation or in the State to obtain any direct or indirect undue advantage or enrichment;

25.17.10 Participating in any organised factional activity that goes beyond the recognised norms of free debate inside the ANC and which threatens its unity;

25.17.11 Publishing and/or distributing any media publication without authorisation which purports to be the view of any organised grouping, faction or tendency within the ANC;

25.17.12 Undermining the respect for or impeding the functioning of any structure or committee of the ANC;

25.17.13 Joining or supporting 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;
  - 25.17.14 Standing in an election for local, provincial or national government or acting as the election agent or canvasser of a person standing in such election for any political party and in opposition to a candidate duly endorsed by the NEC or PEC;
  - 25.17.15 Misappropriating funds of the ANC or destroying its property;
  - 25.17.16 Fighting, assaulting another member or behaving in a disorderly or unruly manner at ANC meetings, assemblies or gatherings and/or disrupting meetings and interfering with the orderly functioning of the ANC;
  - 25.17.17 Prejudicing the integrity or repute of the Organisation, its personnel or its operational capacity by:
    - 25.17.17.1 impeding the activities of the Organisation;
    - 25.17.17.2 creating divisions within its ranks or membership;
    - 25.17.17.3 doing any other act which undermines the ANC's effectiveness as an organisation; or
    - 25.17.17.4 acting on behalf of or in collaboration with:
      - 25.17.17.4.1 counter-revolutionary forces;
      - 25.17.17.4.2 a political organisation or party other than an organisation or party in alliance with the ANC in a manner contrary to the aims, policies and objectives of the ANC;
      - 25.17.17.4.3 intelligence or the security services of other countries; or
      - 25.17.17.4.4 any person or group who seriously interferes with the work of the Organisation or prevents it from fulfilling its mission and objectives.
  - 25.17.18 Being convicted in a court of law for the offence of fraud, theft of money, corruption, money-laundering, racketeering or any other act of financial impropriety;
  - 25.17.19 Soliciting or accepting any bribe for performing or not performing any task pertaining to or in connection with the ANC;
  - 25.17.20 In the case of a public representative, breaching his or her contract of deployment concluded with the NEC;
  - 25.17.21 In the case of a member of an ANC Caucus, failing, refusing or neglecting to carry out or execute an instruction or mandate of such caucus; and
  - 25.17.22 In the case of a representative in disciplinary proceedings, charging or soliciting a fee for services rendered or levying a disbursement for associated costs when representing a charged member, appellant or review applicant, as the case may be.
- 25.18 Notwithstanding the discretion afforded to a Disciplinary Committee in terms Rules 25.21 and 25.22 below, any member, office bearer or public representative found guilty by a Disciplinary Committee of any act of misconduct referred to in Rule 25.17. 13, 25.17.14 or 25.17.18 above shall be ineligible to be or remain as a member of the ANC and shall be expelled from the Organisation.

**National Disciplinary Committee**

- 25.19 The quorum for any sitting of the NDC shall be 3 (three) of the members appointed in terms of Rule 12.2.15 above, one of whom shall chair the relevant disciplinary proceedings in the absence of the designated Chairperson of the NDC.
- 25.20 The NDC shall have jurisdiction to:
  - 25.20.1 Hear and adjudicate upon any violation or act of misconduct contemplated in Rule 25.17 above and referred to it by the relevant body.
  - 25.20.2 Act as an appeal committee in respect of cases adjudicated upon by a PDC; and
  - 25.20.3 Act as a review committee in respect of cases adjudicated upon by a PDC, RDC or BDC which may be referred to it.
- 25.21 Where the NDC acts as a disciplinary tribunal of first instance, it shall have the competence to impose the following sanctions:
  - 25.21.1 a fine;
  - 25.21.2 a reprimand;

- 25.21.3 payment of compensation;
- 25.21.4 performance of useful tasks;
- 25.21.5 remedial action;
- 25.21.6 suspension of membership;
- 25.21.7 expulsion from the ANC;
- 25.21.8 in the case of an office bearer, removal or suspension from office;
- 25.21.9 in the case of a public representative, cancellation or suspension of his or her contract of deployment and/or removal from any list or instrument which entitles such person to represent the ANC at any level of government; and
- 25.21.10 A combination of sanctions set out in 25.21.1 to 25.21.6 above.

25.22 The NDC may suspend the operation of any of the sanctions imposed in terms of Rule 25.21 above, with or without conditions, for a period to be determined by the NDC.

**Where the NDC acts as an appeal or review tribunal**

- 25.23 Where the NDC acts as an appeal tribunal or reviews a decision of a PDC, it shall have the competence to impose the following verdicts:
- 25.23.1 Uphold the appeal and set aside the decision of the PDC;
  - 25.23.2 Dismiss the appeal and confirm the sanction imposed by the PDC;
  - 25.23.3 Dismiss the appeal and impose an appropriate sanction;
  - 25.23.4 Uphold the application for review and refer the matter back to the PDC for re-hearing;
  - 25.23.5 Uphold the application for review, consider the merits and impose an appropriate sanction, if necessary; and
  - 25.23.6 Dismiss the application for review.
- 25.24 Where the NDC acts as a disciplinary tribunal of first instance, an appeal from or review of its decision shall be to the NDCA.

**National Disciplinary Committee of Appeal**

- 25.25 The quorum for any sitting of the NDCA shall be 3 (three) of the members appointed in terms of Rule 12.2.16 above, one of whom shall chair the relevant disciplinary proceedings in the absence of the designated Chairperson of the NDCA.
- 25.26 The NDCA shall have jurisdiction to:
- 25.26.1 Adjudicate upon appeals and review applications in matters determined by the NDC; and
  - 25.26.2 Adjudicate upon applications brought before it in terms of this Constitution.
- 25.27 The NDCA shall have the competence to impose the following verdicts:
- 25.27.1 Uphold the appeal and set aside the decision of the NDC;
  - 25.27.2 Dismiss the appeal and confirm the sanction imposed by the NDC and/or PDC;
  - 25.27.3 Dismiss the appeal and impose an appropriate sanction;
  - 25.27.4 Uphold the application for review and refer the matter back to the NDC for rehearing or with an appropriate directive;
  - 25.27.5 Uphold the application for review, consider the merits and impose an appropriate sanction, if necessary;
  - 25.27.6 Dismiss the application; and
  - 25.27.7 Impose such appropriate finding not covered above.
- 25.28 The decision of the NDCA shall be final.

**Review by NEC**

- 25.29 The NEC may, in its discretion, review any decision taken by any of the disciplinary committees (if it was the final arbiter) to ensure that procedural fairness has been afforded to the charged member, appellant or applicant for review, as the case may be.
- 25.30 If the NEC finds that procedural fairness has not been afforded to the charged member, appellant or applicant for review, as the case may be, the NEC shall refer the matter back to the appropriate disciplinary committee, for re-hearing.
- 25.31 The members of the NEC who were party to the institution of the disciplinary proceedings and

members of the NDCA, or NDC, as the case may be, who are also members of the NEC and who presided over the hearing and appeal or review concerned, shall recuse themselves from the NEC meeting during the discussion of the case.

#### **Provincial Disciplinary Committee**

25.32 The quorum for any sitting of the PDC shall be 3 (three) of the members appointed in terms of Rule 19.9.17 above, one of whom shall chair the relevant disciplinary proceedings in the absence of the designated Chairperson of the PDC.

25.33 The PDC shall have jurisdiction to hear and adjudicate upon any violation or act of misconduct referred to it by the PEC, the PWC or the Provincial Secretary.

25.34 The provisions of 25.19 to 25.22 above shall, *mutatis mutandis* apply to a PDC, RDC or BDC.

#### **Rights of appeal and review and procedure**

25.35 A member, found guilty by a Disciplinary Committee of the ANC shall have 1 (one) further opportunity to appeal or apply for the review of proceedings to the appropriate Disciplinary Committee.

25.36 Any member, found guilty by a Disciplinary Committee shall have the right within 21 (twenty one) days from the date of the public announcement of the ruling and sanction, to appeal against the finding or sanction or both to the next higher Disciplinary Committee.

25.37 The ANC, as the complainant, shall have the right to appeal against the decision and sanction imposed by a Disciplinary Committee within 21 (twenty one) days from the date of the public announcement of the ruling and sanction and to cross appeal in cases where an appellant has noted and lodged an appeal.

25.38 Any member, found guilty by a Disciplinary Committee shall have the right within 21 (twenty one) days from the date of the public announcement of the ruling and sanction, to apply to review the decision of the Disciplinary Committee concerned to the next higher Disciplinary Committee.

25.39 The grounds of such review shall be limited to procedural irregularities and shall not deal with the merits of the decision of the Disciplinary Committee concerned.

25.40 The ANC, as the complainant, shall have the right to oppose any application for review.

25.41 The decision of the Disciplinary Committee adjudicating the appeal or review shall be final.

25.42 The procedure to be followed for the conduct of appeal and review proceedings before the NDC, NDCA and/or PDC shall be determined by the NEC.

#### **Status of guilty member, office bearer or public representative**

25.43 If a member has appealed against or applied to review a decision of a PDC or the NDC, the sanction imposed by such Disciplinary Committee shall only come into operation after the finalisation of the appeal or review, as the case may be.

25.44 Where a BDC, RDC, PDC or NDC has found a member guilty and imposed a sanction of suspension or expulsion the Secretary General or Provincial Secretary, acting on the authority of the NEC, NWC, PEC or PWC, as the case may be, may suspend the membership of such member and provide reasons therefor, until the finalisation of any appeal or review application instituted by such member.

25.45 During the period of suspension, such member shall be precluded from exercising any right in terms of this Constitution, save to prosecute his or her appeal or review application and be present at any necessary attendance in connection therewith.

25.46 A member affected by such suspension may, within 14 (fourteen) days of being notified of such suspension, apply to the NDCA to set aside such suspension.

25.47 The NDCA may set aside such suspension on good cause shown.

#### **Obligation to dispose of disciplinary proceedings expeditiously**

25.48 All disciplinary proceedings shall be disposed of expeditiously and within a reasonable time.

25.49 Notice of the charge shall be delivered to the charged member or his or her representative within 6 (six) months of the date when knowledge of a member's alleged act of misconduct or conviction in a court of law is brought to the attention of the ANC.

25.50 Disciplinary proceedings shall be finalised by the Disciplinary Committee concerned within 6 (six) months from the date that a notice of the charge was delivered to the charged member or his or her representative.

- 25.51 Where the NEC, the PEC, the REC or the BEC, as the case may be, fails or neglects to initiate disciplinary proceedings within the time limit in referred to in Rule 25.49 above, the charged member may apply to a Disciplinary Committee having jurisdiction for the withdrawal of the charge.
- 25.52 Where a BDC, RDC, PDC or NDC unduly delays the commencement of or finalisation of disciplinary proceedings within the time limit in referred to in Rule 25.51 above, the charged member may apply for the charge to be withdrawn or proceedings to be stopped, as the case may be.
- 25.53 Notwithstanding the provisions of Rule 25.52 above, where disciplinary proceedings cannot commence or be finalised due to the unavailability or dilatoriness of a charged member and/or his or her representative, or due to the unavailability of one or more of the members of the Disciplinary Committee concerned, the Chairperson of the Disciplinary Committee may apply, in writing, to the NDCA for an extension of time.
- 25.54 The NDCA may grant such application on good cause shown.
- 25.55 Where a charged member has appealed against or applied to review a decision of a Disciplinary Committee, the NDC or NDCA, as the case may be, shall do all in its power to finalise such appeal or review within 6 (six) months from the date the appeal was noted or the application for the review was lodged.

### **Temporary Suspension**

- 25.56 The NEC, NWC, PEC or PWC, as the case may be, may, at any stage prior to the commencement of disciplinary proceedings against a member summarily suspend the membership of that member in accordance with the provisions of this Rule.
- 25.57 Before making such a decision, the NEC, the NWC, the PEC or the PWC, as the case may be, shall:
- 25.57.1 Have due regard to the nature and seriousness of the alleged violation or act of misconduct;
- 25.57.2 Consider the likelihood of the member engaging in further acts of misconduct;
- 25.57.3 Consider the impact on the repute of the Organisation of the alleged violation or act of misconduct and/or further acts of misconduct that the member could engage in;
- 25.57.4 Put the accusations to the member for comment;
- 25.57.5 Afford the member 48 (forty eight) hours to respond to the accusations.
- 25.58 Due to the circumstances and urgency of the matter, the Secretary General or the Provincial Secretary, as the case may be, acting on the authority of the NEC, the NWC, the PEC or the PWC, may convey the decision of temporary suspension to the member telephonically.
- 25.59 Should the member fail, refuse or neglect to make representations or make it impossible for the NEC, the NWC, the PEC or the PWC, as the case may be, to give notice of its intention to suspend the member, the NEC, the NWC, the PEC or the PWC, as the case may be, may proceed to make such decision.
- 25.60 If justifiable exceptional circumstances warrant an immediate decision of temporary suspension of a member without eliciting the comment or response of such member as contemplated above, the NEC, the NWC, the PEC or the PWC, as the case may be, may summarily suspend such member.
- 25.61 The member shall immediately be informed of such suspension either directly, by letter or telephonically or, if that is not possible, through a public announcement.
- 25.62 In the case of the suspension of a public representative, the NEC, the NWC, the PEC or the PWC, as the case may be, must also provide for any terms and conditions which will regulate the member's participation and conduct as a public representative during the period of suspension.
- 25.63 The public representative concerned shall immediately be informed of such terms and conditions.
- 25.64 Where a temporary suspension is imposed, the NEC, the NWC, the PEC or the PWC through the office of the Secretary General or Provincial Secretary, as the case may be, shall immediately forward a report of such suspension and the reasons for it to the NDCA and the NDCA may, in its discretion, at any stage set aside such suspension.
- 25.65 The temporary suspension shall lapse if a notice of a charge relating to such suspension is not delivered to the member within 30 (thirty) days from the date of commencement of the temporary suspension.
- 25.66 The temporary suspension shall remain in force until the finalisation of the disciplinary proceedings, including any appeals or reviews, provided that the NDCA may, upon application, or of its own accord if the circumstances so warrant, set aside such suspension at any stage.

- 25.67 During the temporary suspension the member shall not be entitled to exercise any of his or her rights in terms of the Constitution, save for attending the disciplinary proceedings and enforcing his or her right of appeal and/or review.
- 25.68 The member may, at any stage, apply to the NDCA to set aside the temporary suspension.
- 25.69 The NEC, the NWC, the PEC or the PWC may at any stage set aside the temporary suspension if new facts warrant such setting aside and inform the member and the NDCA accordingly.
- 25.70 Where a public representative, office-bearer or member has been indicted to appear in a court of law on any charge, the Secretary General or Provincial Secretary, acting on the authority of the NEC, the NWC, the PEC or the PWC, if satisfied that the temporary suspension of such public representative, office-bearer or member would be in the best interest of the Organisation, may suspend such public representative, elected office-bearer or member and impose terms and conditions to regulate their participation and conduct during the suspension.

#### **Appearance of charged member at disciplinary proceedings**

- 25.71 A charged member shall appear at the venue and at the specified date and time to answer the charge against him or her.
- 25.72 Should the charged member fail or neglect to appear at the venue and at the time determined for such proceedings or if he or she does not remain in attendance when required to do so by the Chairperson of the Disciplinary Committee, the Disciplinary Committee, if it is satisfied that the charged member was properly and timeously notified of such date, venue and time, may order that the proceedings continue in the absence of such member and make a finding in the absence of the charged member.
- 25.73 Should the chosen representative of the charged member fail or neglect to appear at the disciplinary hearing, the onus shall be upon the charged member to explain the absence of his or her representative and the Disciplinary Committee concerned shall, after deliberations, decide whether or not to proceed with the disciplinary proceedings.

#### **Representation in disciplinary proceedings**

- 25.74 A charged member, or appellant or applicant for review, as the case may be, shall have the right to be represented in disciplinary proceedings by a member of the ANC in good standing and who has been a member in good standing for a period of at least three (3) months prior to the date of the hearing.
- 25.75 The representative of a charged member or appellant or applicant for review, as the case may be, shall not be entitled to charge any fee for such representation or levy a disbursement for costs associated with such representation.
- 25.76 The onus shall be upon the charged member, appellant or applicant for review, as the case may be, to arrange his or her representation timeously.
- 25.77 The choice of dates, times and duration for sittings of a Disciplinary Committee shall be the prerogative of the Disciplinary Committee concerned.
- 25.78 Where a charged member or appellant or applicant for review, as the case may be, elects to choose a legal practitioner, who is a member in good standing of the ANC, as his or her representative, such representative shall provide an undertaking at least 5 (five) days before the commencement of the disciplinary proceedings concerned that he or she has set aside sufficient time to ensure that the matter can be disposed of expeditiously.
- 25.79 If the representative cannot provide such undertaking as aforesaid, the onus shall be upon the charged member or appellant or applicant for review, as the case may be, to secure the services of another representative or failing that, to represent himself or herself at such disciplinary proceedings.
- 25.80 The ANC shall be represented at disciplinary proceedings as provided for in the Constitution.

#### **Principles of Fairness, Equity and Legal Precedent**

- 25.81 Disciplinary Committees of the ANC shall make decisions and findings on the principles of fairness and equity.
- 25.82 If the NDCA or NDC (as the final arbiter) has adjudicated, made a finding and pronounced on:

- 25.82.1 The interpretation of any Rule in the Constitution, resolution or policy of the ANC; or
- 25.82.2 The relationship between structures of the ANC; or
- 25.82.3 The status of a structure of the ANC; or
- 25.82.4 A point of law raised by any party in disciplinary proceedings

such decision of the NDCA or NDC shall constitute a precedent and shall be binding on subsequent disciplinary proceedings in the NDC, the PDC, the RDC or the BDC where the interpretation of the same Rule or relationship or status or point of law is raised by a charged member, office bearer or public representative.

### **Rule 26 RULES AND REGULATIONS**

- 26.1 The NEC may adopt Rules and Regulations for the better carrying out of the activities of the ANC.
- 26.2 The PECs may adopt Rules and Regulations for the better functioning of the ANC in their respective Provinces.
- 26.3 All such rules and regulations shall be consistent with the constitutional norms of the ANC, and the Rules and Regulations framed by the PEC shall only become operative when they are approved by the NEC, or, on a provisional basis pending approval by the NEC, by the NWC.
- 26.4 The NEC may frame a code of conduct to cover all structures, officials, public representatives, office bearers and members.

### **Rule 27 GENERAL**

The ANC shall have perpetual succession and power, apart from its individual members, to acquire, hold and alienate property, enter into agreements and do all things necessary to carry out its aims and objects and defend its members, its property and its reputation.

### **Rule 28 AMENDMENTS**

Any amendments to this Constitution shall be by a two-thirds majority of delegates present and voting at the National Conference or Special Conference. Notice of intent to propose any amendments to the Constitution shall be forwarded to the Office of the Secretary General at least three months before the National or Special Conference. The NEC shall give at least one month's notice for any Constitutional amendment.

### **Rule 29 SPECIAL CONFERENCE**

- 29.1 A Special Conference of the ANC may be convened by the NEC at any time or at the request of a majority of the Provinces for the stated purpose or purposes.
- 29.2 Not less than one month's notice of such Conference shall be given.
- 29.3 Participation at the Conference shall be determined by the NEC, provided that Branches are represented at such a Conference in proportion to their membership.

### **Rule 30 CONTRACTUAL LIABILITY**

Only the Officials shall have the authority to bind the ANC or to create any legal relationship. Any other person purporting to bind the ANC must produce a written authorisation from one of the Officials, which must indicate the extent of that person's authority.

### **Rule 31 BORROWING POWER**

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.

### **Rule 32 TRANSITIONAL ARRANGEMENTS**

- 32.1 The amendments to this Constitution were duly adopted at the 54th National Conference and shall be effective as of 20 December 2017.
- 32.2 The NEC is authorised to make consequential changes to the content and style of these Rules following these amendments and to make such transitional arrangements as may be necessary.
- 32.3 Processes commenced prior to the amendment of the Constitution relating to membership, discipline and eligibility to hold office shall be finalised in terms of the amended Constitution.

### **Rule 33 DISSOLUTION**

The National Conference or any Special Conference may dissolve the ANC and transfer the assets and liabilities of the ANC in such a manner as determined by the Conference, by way of a resolution passed by a seventy-five percent (75%) majority of duly accredited delegates in good standing who are present and voting, provided that the NEC shall have received notice of such resolution from a structure of the ANC at least 12 months before it was voted on by such conference.

## **Appendix 1**

### **SCHEDULE TO ANC CONSTITUTION**

#### **ANC Logo and Colours**

The ANC logo is a black African shield in the form of a pointed oval with a narrow white border and canton, the latter bearing six narrow black horizontal bars, surmounted in the centre by a spear erect the shaft white bearing a narrow black vertical line and the blade faceted vertically, white and black, held by a right hand issuant from behind an eight-spoked wheel set to the viewer's right, both white, the rim and spaces between the spokes of the wheel, black, flotant from the upper shaft of the spear and partly surmounting the wheel, a horizontal tricolour, comprising from top to bottom, equal bands of black, green and gold.

#### **ANC Flag**

The ANC flag is rectangular; it is one and a half times longer than it is wide. It is a horizontal tricolour, comprising from top to bottom, equal bands of black, green and gold.



## Appendix 2

# THE FREEDOM CHARTER

*Adopted at the Congress of the People, Kliptown, on 26 June 1955*

### **We, the People of South Africa, declare for all our country and the world to know:**

- that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;
- that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;
- that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;
- that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;
- And therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter;
- And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.

### **The People Shall Govern!**

- Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;
- All people shall be entitled to take part in the administration of the country;
- The rights of the people shall be the same, regardless of race, colour or sex;
- All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

### **All National Groups Shall have Equal Rights!**

- There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;
- All people shall have equal right to use their own languages, and to develop their own folk culture and customs;
- All national groups shall be protected by law against insults to their race and national pride;
- The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;
- All apartheid laws and practices shall be set aside.

### **The People Shall Share in the Country's Wealth!**

- The national wealth of our country, the heritage of South Africans, shall be restored to the people;
- The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;
- All other industry and trade shall be controlled to assist the wellbeing of the people;
- All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

### **The Land Shall be Shared Among Those Who Work It!**

- Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;
- The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;
- Freedom of movement shall be guaranteed to all who work on the land;
- All shall have the right to occupy land wherever they choose;
- People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished

### **All Shall be Equal Before the Law!**

- No-one shall be imprisoned, deported or restricted without a fair trial;
- No-one shall be condemned by the order of any Government official;
- The courts shall be representative of all the people;
- Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;
- The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

- All laws which discriminate on grounds of race, colour or belief shall be repealed.

### **All Shall Enjoy Equal Human Rights!**

- The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;
- The privacy of the house from police raids shall be protected by law;
- All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;
- Pass Laws, permits and all other laws restricting these freedoms shall be abolished.

### **There Shall be Work and Security!**

- All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;
- The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;
- Men and women of all races shall receive equal pay for equal work;
- There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;
- Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;
- Child labour, compound labour, the tot system and contract labour shall be abolished.

### **The Doors of Learning and Culture Shall be Opened!**

- The government shall discover, develop and encourage national talent for the enhancement of our cultural life;
- All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;
- The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;
- Education shall be free, compulsory, universal and equal for all children; Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;
- Adult illiteracy shall be ended by a mass state education plan;
- Teachers shall have all the rights of other citizens;
- The colour bar in cultural life, in sport and in education shall be abolished.

### **There Shall be Houses, Security and Comfort!**

- All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;
- Unused housing space to be made available to the people;
- Rent and prices shall be lowered, food plentiful and no-one shall go hungry;
- A preventive health scheme shall be run by the state;
- Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;
- Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;
- The aged, the orphans, the disabled and the sick shall be cared for by the state;
- Rest, leisure and recreation shall be the right of all;
- Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

### **There Shall be Peace and Friendship!**

- South Africa shall be a fully independent state which respects the rights and sovereignty of all nations;
- South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation – not war;
- Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;
- The people of the protectorates Basutoland, Bechuanaland and Swaziland shall be free to decide for themselves their own future;
- The right of all peoples of Africa to independence and self-government shall be recognised, and shall be the basis of close co-operation.

Let all people who love their people and their country now say, as we say here:

**These freedoms we will fight for,  
Side by side, throughout our lives,  
Until we have won our liberty.**

## **Appendix 3**

### **Procedure for the Conduct of Disciplinary Proceedings**

1. The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:
  - There is a formal procedure.
  - There is a just and fair procedure.
  - A member is presumed innocent until proven guilty.
  - A member has a chance to defend herself or himself.
  - A member has the right to appeal.
2. A charge must be made within a reasonable time after the violation or misconduct was allegedly committed.

#### **Starting Disciplinary Procedure**

1. Disciplinary proceedings are commenced with the service of a charge sheet on the charged member.

#### ***The charge sheet***

2. The charge sheet must:
  - 2.1 Be in writing;
  - 2.2 Set out sufficient details of description of the violation or act of misconduct;
  - 2.3 Provide the date and place of the offence;
  - 2.4 Identify the provision of the ANC Constitution, the Rule, Regulation, the Standing Order, Resolution and/or policy of the ANC that was allegedly breached;
  - 2.5 Inform the charged member of his or her right to be represented by a member of the ANC in good standing and who has been a member in good standing for a minimum period of 3 (three) months before the disciplinary enquiry commences, to call witnesses to make his or her defence and in mitigation of sanction and to produce supporting documents and to cross-examine witnesses called for the prosecution of the charge;
  - 2.6 Provide the date, time and venue for the hearing;
  - 2.7 Inform the charged member that the Disciplinary Proceedings will be a one-stage inquiry and that he or she will also be required to lead evidence in mitigation of sanction if so desired;
  - 2.8 Draw the attention of the charged member to the relevant provisions of the ANC Constitution pertaining to disciplinary proceedings; and
  - 2.9 Inform the charged member that if he or she does not appear at the venue on the date and time determined for such proceedings or does not remain in attendance when required to do so by the Chairperson of the Disciplinary Committee, the relevant Disciplinary Committee, if satisfied that such member was timeously notified of such venue, date and time, may order that the proceedings continue in the absence of the charged member.

#### ***Service of the charge sheet***

3. It is preferable that the charge sheet is served personally on the charged member by a member of the ANC so authorised.
4. If personal service is not possible, the charge sheet may be faxed or sent by registered post to the physical or postal address of the charged member.
5. Service of the charge sheet on the representative of the charged member shall be deemed to constitute service to the charged member.

#### ***Proof of service***

6. Documentary or oral evidence presented to the disciplinary committee concerned that the charge sheet, containing the information set out in 2 above, was served shall constitute sufficient proof.

#### ***Sufficient notice to charged member***

7. A charge sheet shall be served at least 14 (fourteen) calendar days before the date of the hearing.
8. To avoid postponements, the Presenter shall either simultaneously with service of the charge sheet or within a short time thereafter, provide the charged member or his or her representative with the documentary evidence, if available, that will be submitted in evidence by the prosecution.

### **Pre-hearing conference**

9. The Presenter and the representative of the charged member or if he or she is not represented, the charged member may convene a pre-hearing conference for the purpose of exchanging documents, determining the number of witnesses, recording admissions and estimating the duration of the disciplinary proceedings.
10. At the pre-hearing conference the charged member or his or her representative should provide details of any preliminary points that would be raised at the disciplinary proceedings.
11. The parties must convene a pre-hearing conference if requested by the Chairperson of the Disciplinary Committee concerned.
12. The parties shall draw a minute of the pre-hearing conference and forward it to the Chairperson of the Disciplinary Committee concerned at least 2 (two) days prior to the commencement of the disciplinary proceedings. If any preliminary points are to be raised, the pre-hearing minute should contain the written arguments of both parties.
13. If both parties seek a postponement of the disciplinary proceedings the Chairperson of the Disciplinary Committee concerned shall be informed immediately and shall make a ruling and inform the parties accordingly.

### **Forum and venue of disciplinary hearing**

14. Disciplinary proceedings will normally be conducted before a Disciplinary Committee at the level where the alleged violation or misconduct took place, namely the branch, region, provincial or national level.
15. Likewise, the venue for the hearing will normally be within the jurisdiction of the Disciplinary Committee concerned.
16. The Secretary General or Provincial Secretary concerned may direct that for the sake of convenience or out of safety concerns, the disciplinary hearing takes place at a venue outside the jurisdiction of the Disciplinary Committee concerned.

### **Persons eligible to be present at disciplinary proceedings**

17. The following persons should be present at a Disciplinary Proceeding:
  - 17.1 Such number of members of the Disciplinary Committee to quorate the Committee, one of whom shall act as Chairperson;
  - 17.2 The Presenter of the charge, who may be assisted by not more than 2 (two) additional persons who must be ANC members in good standing and who have been members in good standing for a minimum period of three (3) months before the commencement of the hearing;
  - 17.3 The charged member;
  - 17.4 The charged member's representative and/or interpreter, both of whom must be members of the ANC in good standing;
  - 17.5 The witnesses (if any); and
  - 17.6 The minute taker.

### **Chairperson's discretion**

18. The Chairperson shall have the discretion:
  - 18.1 to make interim Rulings during the proceedings;
  - 18.2 to disallow the calling of any witness or production of any documentary evidence which is not relevant to the proceedings;
  - 18.3 to allow the parties to raise any preliminary point;
  - 18.4 to intervene in the proceedings to ensure that the proceedings are held in a fair and equitable manner;
  - 18.5 to determine which party bears the onus of proof;
  - 18.6 to determine whether the argument of both parties should be presented orally or in writing;
  - 18.7 to determine the time to be allocated to the parties to present their evidence, including that of witnesses; and

- 18.8 to investigate such information as contemplated in rule 25.6 of the ANC Constitution and, if necessary, refer the matter for further investigation prior to the commencement of disciplinary proceedings or put an immediate stop to such disciplinary proceedings.

**Charged member must be a member of the ANC and representative must be a member in good standing**

19. At the outset the Chairperson of the disciplinary committee shall satisfy himself or herself that the charged member is a member of the ANC and that his or her representative, if applicable, is a member in good standing of the ANC.
20. If the disciplinary committee has engaged the services of a legal adviser or minute taker, that person shall be introduced by the chairperson.
21. If the charged member is not a member of the ANC, the proceedings will be halted and the charged member will be informed that he or she is free to leave because the Disciplinary Committee does not have jurisdiction over him or her.
22. If the representative is not a member in good standing, the representative will be asked to leave the proceedings and the proceedings will continue. The charged member, if he or she so elects, may engage another representative. However, such engagement may occur at any stage of the proceedings and does not preclude the continuation of the proceedings.
23. Any preliminary point raised by the charged member shall be dealt with at the outset of the proceedings and the Chairperson shall make a ruling.
24. Once the preliminary point has been dealt with and if the matter is to be proceeded with, the Presenter shall read out the charge if required and the charged member shall be required to plead to the charge.

**Plea of guilty**

25. If a charged member pleads guilty, the Chairperson shall ask the representative if the plea is in accordance with his instructions from the charged member.
26. If the representative answers in the affirmative, the Chairperson shall record a plea of guilty.
27. The Chairperson should question the charged member or the representative about the alleged violation or misconduct to establish whether the charged member understands the nature and consequences of his or her plea of guilty. The Chairperson shall also consider the minute of the pre-hearing conference, if held, to satisfy himself or herself that the charged member understands the nature and consequences of his plea of guilty.
28. The Chairperson, if satisfied, shall record a plea of guilty.
29. If not satisfied, the chairperson shall record a plea of not guilty.

**Mitigation proceedings following plea of guilty**

30. The charged member shall have the opportunity to lead evidence in mitigation of sanction and call witnesses or submit documents for that purpose.
31. Before any oral evidence is led, the Chairperson shall ask the witness, be it the charged member or any of his or her witnesses, whether they wish to take an oath or make an affirmation.
32. If the witness wishes to take an oath, the Chairperson should administer the oath and ask the witness to repeat after him or her as follows:  
*“Do you swear that the evidence you are about to give is the truth, the whole truth and nothing but the truth? Raise your right hand and say “So Help Me God”.*
33. After the witness is sworn in, he or she may give evidence.
34. If a witness does not wish to take the oath but wants to make an affirmation, the Chairperson shall ask the witness to repeat after him or her the following:  
*“Do you affirm that the evidence you are about to give is true?”*
35. After the witness has made an affirmation, he or she may give evidence.

36. The Presenter shall be permitted to cross examine the charged member and submit documentary evidence in aggravation of sanction.
37. The Presenter may also call witnesses to testify in aggravation of sanction.
38. Witnesses of the Presenter shall be sworn in or affirmed as above.
39. After all the evidence has been led, the Disciplinary Committee shall deliberate the issues in private and impose an appropriate sanction.
40. The Disciplinary Committee shall, in writing, report the outcome to the Secretary General or relevant Provincial Secretary and then publicly announce its finding.
41. The charged member shall be informed of his or her right to appeal if the relevant Disciplinary Committee sat as a tribunal of first instance.

**Proceedings following plea of not guilty**

42. If a charged member pleads not guilty, the Chairperson shall confirm with the representative whether the plea of not guilty is in accordance with his or her instructions from the charged member.
43. If so confirmed, the Chairperson shall record a plea of not guilty.
44. If the representative does not confirm, then the chairperson shall adjourn the proceedings to give the representative an opportunity to consult with the charged member before resuming.
45. The Chairperson shall request the charged member to disclose the basis of his or her defence to the charge. The charged member may, but is not obliged, to do so.

**Onus**

46. Generally, the onus shall be on the prosecution to prove its case on a balance of probabilities.
47. In certain cases or during the disciplinary proceedings, the onus may shift to the charged member.
48. The Chairperson of the disciplinary proceedings shall be the final arbiter in determining which party bears the onus of proof for the entire case or when any matter is raised during the disciplinary proceedings.

**Calling of witnesses and production of documents, video material and photographs**

49. The Chairperson shall request the presenter to call its witnesses and, if it wishes to do so, submit in evidence any documents including video material and photographs, in support of its case.
50. It shall not be necessary for either the Presenter or the charged member to call any witness to confirm the authenticity of any document, video or photograph submitted in evidence.
51. Witnesses called by the Presenter shall be required to take the oath or make an affirmation.
52. The charged member or his or her representative may cross examine any witnesses called by the Presenter and question the relevance and evidentiary value of any other evidence produced.
53. The Presenter may re-examine any witness after the cross-examination.

**Close of prosecution case**

54. The prosecution shall close its case after presenting the evidence of its witnesses and documentary evidence and shall inform the Chairperson of the disciplinary proceedings accordingly.

**Opening of charged member's case**

55. The charged member shall call his or her witnesses and produce documentary evidence video material and photographs in defence of his or her case or in mitigation of sanction.
56. The prosecution may cross examine any witness called and question the relevance and evidentiary value of any documentary evidence produced.
57. The charged member or his or her representative may re-examine any defence witness.

**Close of charged member's case**

58. The charged member shall close his or her case after presenting the evidence of witnesses and documentary evidence and shall inform the Chairperson of the disciplinary proceedings accordingly.

**Argument**

59. Both parties shall be afforded an opportunity to present argument, orally or in writing, which may include argument in aggravation and/or mitigation of sanction.

**Adjudication**

60. After both parties have closed their respective cases, the Chairperson of the Disciplinary Committee must ensure that:
  - 60.1 The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private, immediately after all the evidence has led or during an appropriate period of adjournment;
  - 60.2 Make a finding based on the facts and evidence of the case and make a ruling.

**Ruling and sanction**

61. If a charged member is found guilty, such ruling shall include a sanction as provided for in the ANC Constitution.

**Announcement and rights of appeal**

62. The Disciplinary Committee shall inform the Secretary General or the relevant Provincial Secretary of the ruling and sanction.
63. The charged member must be advised of the ruling and the sanction of the Disciplinary Committee together with reasons and of his or her right to appeal.
64. The ruling and sanction must be publicly announced.

## **Appendix 4**

# **National Dispute Resolution Committee**

### **1. Name**

National Dispute Resolution Committee (“NDRC”) and the NDRC Appeal Committee.

### **2. Terms of reference**

The jurisdiction and terms of reference of the NDRC shall be:

#### **2.1 *Parties who may declare a dispute***

2.1.1 Any branch, sub-region, region or zonal structure (referred to as “the complainant”) which is aggrieved or directly affected by the functioning of the ANC or any of its structures may declare a dispute with the ANC in the manner prescribed in these rules.

#### **2.2 *Definition of a dispute***

2.2.1 A dispute shall mean:

2.2.1.1 The failure by a branch to properly convene its Annual General and Biennial General Meetings in terms of the ANC Constitution and/or the NEC Guidelines provided by the ANC;

2.2.1.2 The failure or refusal to recognise a member, duly elected by his/her branch, to represent it as a delegate at any properly-constituted Conference of the ANC; and

2.2.1.3 Any action taken by a branch to satisfy the requirements for a quorum at meetings in any manner not provided for in the ANC Constitution.

#### **2.3 *Hearing of dispute***

2.3.1 The NDRC, if satisfied, shall have the power to resolve a dispute on the information before it without the necessity of convening a formal hearing.

2.3.2 Should the NDRC decide to convene a formal hearing to resolve the dispute, the relevant parties shall be informed of the date and venue for the hearing.

#### **2.4 *Powers of NDRC***

2.4.1 The NDRC shall make its best endeavours to resolve the dispute.

2.4.2 At the conclusion of the hearing the NDRC shall file a written report with the Secretary General.

#### **2.5 *Implementation of a NDRC decision***

2.5.1 A decision of the NDRC shall be implemented by the Secretary General.

#### **2.6 *Right of appeal and procedure***

2.6.1 Any party (complainant or ANC structure) to the dispute shall have the right to appeal against or apply to review a decision of the NDRC to the NDRC Appeal Committee within 5 (five) days from the date of decision of the NDRC.

2.6.2 The opposing party shall have the right to file a cross appeal within 3 (three) days from the date on which the original appeal was lodged.

2.6.3 These time limits may be dispensed with in the case of urgent proceedings.

2.6.4 Appeals and cross appeals shall be lodged with the Office of the Secretary General.

#### **2.7 *Decision***

2.7.1 A decision of the NDRC Appeal Committee shall be final and binding on the parties and neither party shall have any further recourse to a court of law or other structure or office of the ANC.











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