

PROPOSED AMENDMENTS TO THE ANC CONSTITUTION
NOVEMBER 2007 ¹

AFRICAN NATIONAL CONGRESS
CONSTITUTION

As amended by and adopted at the [52nd](#) National Conference, December [2007](#).

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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 the white supremacist Union of South Africa; and

Whereas in the course of fulfilling this historic aim, the ANC 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 ANC 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;

Whereas the fundamental goal of the ANC 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 ANC in the 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 [51st] National Conference of the ANC, duly constituted and assembled, cognisant of the historic mission of the ANC and of the need to build a mass based democratic structure to enable it to fulfil its historic mission, hereby adopts this amended Constitution.

Rule 1 NAME

The name of the organisation is the African National Congress, hereinafter referred to as the ANC.

The logo and the colours of the ANC are as described in the attached schedule.

Rule 2 AIMS AND OBJECTIVES

The aims and objectives of the ANC are to:

2.1 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 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 and in pursuit of the national democratic revolution.

2.3 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' role.

2.4 Fight for social justice and to eliminate the vast inequalities created by apartheid and the system of national oppression.

2.5 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 Promote economic development for the benefit of all.

2.7 Support and advance the cause of women's emancipation.

2.8 Support and advance the cause of national liberation, development, world peace, disarmament and environmentally sustainable development.

2.9 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 **[, anti-racist]** and non-sexist and against any form of **racial**, tribalistic or ethnic **exclusivism or chauvinism**.

3.5 While striving for the maximum unity of purpose and functioning, the ANC will respect the linguistic, cultural and religious diversity of its members.

3.6 The ANC will 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 will operate within the ANC.

3.8 Membership of all bodies of the ANC will be open to all men and women in the organisation without regard to race, colour or creed.

3.9 The ANC co-operates closely with religious bodies in the country and provides, 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 are prepared to abide by its Constitution and rules.

4.2 Spouses or children of South Africans who have manifested a clear identification with the South African people and its struggle, may apply for membership.

4.3 All other persons who have manifested a clear identification with the South African people and their struggle and are resident in South Africa may apply for membership.

4.4 The National Executive Committee may, acting on its own or on the recommendation of branch or provincial executive committees, grant honorary membership to those men and women who do not qualify for membership under Rules 4.1, 4.2 or 4.3, but who have demonstrated an unwavering commitment to the ANC and its policies.

4.5 Applications for membership shall be considered by the branch executive committee where such exists, and by the regional executive committee, if no branch executive committee exists. The branch executive committee, the regional executive committee, or such interim structures as the Provincial Executive Committee or the NEC may create from time to time to decide on applications, may accept or refuse any application for membership provided such acceptance or refusal shall be subject to review by the next higher organ of the ANC.

4.6 Membership cards will be issued to registered members of the ANC and to persons whose application for membership has been accepted, subject to review as aforesaid, and, in all cases, subject to payment of the prescribed subscription. An applicant will be issued with an acknowledgement of provisional membership and the details of the branch and constituency/area in which the applicant resides and any available information about the local branch structures.

4.7 a) Provisional membership will apply to persons who wish to join the organisation for the first time or who wish to re-join the organisation after a considerable lapse of time.

b) Provisional membership rights commence from the date of production of acknowledgement following receipt of the application and the appropriate membership subscription. A provisional member may attend branch meetings only in a non-voting capacity.

4.8 Any objection to any application for membership may be made by **[the membership] any member of the ANC** to the branch, regional or provincial secretary within eight weeks of the notification.

4.9 At any time before the individual is accepted as a full member of the organisation, or in exceptional circumstances even after the member has been admitted, the Secretary-General may rule that the application or the membership may be rejected if it was invalidly obtained.

4.10 In the absence of any objection from the structures and/or any ruling by the Secretary-General, the applicant shall, on the expiry of eight weeks from the date of notification of provisional membership, become a full member. The provisional member will then be transferred to the national membership list as a full member as soon as is practicable.

4.11 The reasons for the rejection of an application for membership by the Secretary-General or the objection by the membership to the application for membership must be sent to the individual applicant in writing.

4.12 Membership cards will be issued to registered members of the ANC and to persons whose application for membership have been accepted, subject to review and subject to payment of the prescribed subscription in all cases.

4.13 Members shall pay an annual subscription fee as determined by the National Executive Committee.

4.14 Non-earning members or those on reduced incomes will pay such fees as are determined by the NEC.

4.15 On being accepted in the ANC, a new member shall, in a language he or she knows well, make the following solemn declaration to the body or person designated to administer such oaths:

I,, solemnly declare that I will abide by the aims and objectives of the African National Congress as set out in the Constitution, the Freedom Charter and other duly adopted policy positions, that I am joining the organisation voluntarily and without motives of material advantage or personal gain, that I agree to respect the Constitution and the structures and to work as a loyal member of the organisation, that I will place my energies and skills at the disposal of the organisation and carry out tasks given to me, that I will work towards making the ANC an even more effective instrument of liberation in the hands of the people, and that I will defend the unity and integrity of the organisation and its principles, and combat any tendency towards disruption and factionalism.

4.16 Members who fail to pay their subscriptions for three months and having being reminded of their lapse will not be regarded as members in good standing until they pay their arrears.

Rule 5 RIGHTS AND DUTIES OF THE MEMBERS

5.1 Rights:

A member of the ANC is entitled to:

- a. Take a full and active part in the discussion, formulation and implementation of the policy of the ANC.
- b. Receive and impart information on all aspects of ANC policy and activities.
- c. Offer constructive criticism of any member, official, policy programme or activity of the ANC within its structures.
- d. Take part in elections and be elected or appointed to any committee, structure, commission or delegation of the ANC.
- e. 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:

A member of the ANC will:

- a. Belong to and take an active part in the life of his or her branch.
- b. Take all necessary steps to understand and carry out the aims, policy and programme of the ANC.
- c. Explain the aims, policy and programme of the ANC to the people.
- d. Deepen his or her understanding of the social, cultural, political and economic problems of the country.
- e. Combat propaganda detrimental to the interests of the ANC and defend the policy, aims and programme of the ANC.
- f. Fight against racism, tribal chauvinism, sexism, religious and political intolerance or any other form of discrimination or chauvinism.
- g. Observe discipline, behave honestly and carry out loyally decisions of the majority and decisions of higher bodies.
- h. Inform his or her branch of movement to any other area and report to the branch committee secretary on arriving at any new area.
- i. Refrain from publishing and/or distributing any media without authorisation which purports to be the view of any organised grouping, faction or tendency within the ANC.
- j. All members shall ensure that they are registered as voters in the constituency where they live.
- k. 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 **[one-third (1/3)] fifty percent (50%) of women** in all **elected** structures to enable such effective participation.

6.2 The method of such implementation will be addressed in all ANC structures immediately and on a continuing basis.

Rule 7 ORGANISATIONAL STRUCTURE

7.1 The ANC consist of the following organs:

- a. The National Conference which elects the National Executive Committee.
- b. The Provincial Conference which elects the Provincial Executive Committee.
- c. The Regional Conference which elects the Regional Executive Committee.
- d. The Branch Annual General Meeting which elects the Branch Executive Committee.

7.2 Branches may be grouped together in zones and may be subdivided into smaller units such as street committees, and zones may be grouped into sub-regions.

7.3 The ANC Women's League is open to women who are members of the ANC and has the same basic structure, namely, national, provincial and branch. 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 Women's League will function as an autonomous body within the overall structure of the ANC, of which it will 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.

7.4 The ANC Youth League is open to all persons between the ages of 14 and 35. It will operate 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 in ensuring that the youth make a full and rich contribution to the work of the ANC and the life of the nation. The Youth League will function as an autonomous body within the overall structure of the ANC, of which it will 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 Youth League over the age of 18 are expected to play a full part in the general political life of the ANC.

7.6 The ANC Veterans League is open to all ANC members 60 years of age or older, who have served the ANC and the movement over an unbroken period of 40 years.. It will operate on a national, provincial and branch basis. Its objectives are to ensure that veterans make a full and rich contribution to the work of the ANC, the movement and the life of the nation. The Veterans League will function as an autonomous body within the overall structure of the ANC, of which it will 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.

7.7 A member of the Youth League shall not be eligible for 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.

Rule 8 THE HEADQUARTERS

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

Rule 9 PROVINCES

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

Western Cape, Northern Cape, Eastern Cape, KwaZulu/Natal, Free State, Gauteng, Limpopo, Mpumalanga and North West.

9.2 The provincial headquarters will 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 composed of:

10.1.1 Voting delegates:

- a. At least 90% of the **[voting]** 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 its paid up membership, provided that each branch in good standing shall be entitled to at least one delegate.
- b. The number of delegates to be **[elected]** allocated to [National Conference by] each province to attend National Conference shall be fixed by the NEC in proportion to the paid up membership of each province.
- c. All members of the National Executive Committee shall attend ex-officio as full participants in and delegates at the Conference.
- d. The remainder of the **[10% of voting]** delegates at the Conference shall be allocated by the NEC from among the Provincial Executive Committees, the ANC Veterans League, the ANC Youth League and the ANC Women's League.

10.1.2 Non-Voting Delegates: 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 will appoint a conference preparatory committee which will circulate conference information in advance, determine the precise procedure for selection of delegates and indicate how the membership can then ensure their concerns are on the agenda.

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

10.3 Voting on key questions shall be by secret ballot if at least one third of the delegates at National Conference demand it.

10.4 The National Conference will be convened at least every five years.

National General Council

10.5 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 months after National Conference.

10.6 The NEC will, after consultation with Provinces, determine the composition of the National General Council.

10.7 The National General Council will:

- a. Subject to paragraph (d) below, determine and review the policies and programmes of the ANC;
- b. Receive and discuss reports of the NEC;
- c. Have the right to ratify, alter or rescind any decision taken by any of the constituent bodies, except National Conference, units or officials of the ANC, including the evaluation of the performance of members of the NEC;
- d. Have the power to discuss any issue it deems necessary taking into account policies and directives of the National Conference.
- e. Subject to Rule 12.3(g), it may fill vacancies that have arisen in the NEC provided that such vacancies do not exceed 50% of the **[Executive]** NEC.

Rule 11 DUTIES AND POWERS OF THE NATIONAL CONFERENCE

The National Conference shall:

- 11.1 Decide 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 [Veterans League](#), Women's League and 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 bodies, units 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 60 [additional](#) members of the NEC.

Alternative option:

11.4 Elect the President, the Deputy President, National Chairperson, the Secretary General, Deputy Secretary General, the Treasurer General and the remaining 80/90 additional members of the NEC.

- 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:

- a. Carry out the decisions and instructions of the National Conference [and the National General Council](#).
- b. Issue and send directives and instructions to and receive reports from the provinces.
- c. Supervise and direct the work of the ANC and all its organs, including national, provincial and local government caucuses.
- d. Ensure that the provincial, regional and branch structures of the ANC function democratically and effectively. The NEC may suspend or dissolve a PEC where necessary. A suspension of a PEC shall not exceed a period of three months. Elections for a PEC, which has been dissolved, shall be called within nine months from dissolution. The National Executive Committee may appoint an interim structure during the period of suspension or the dissolution of the PEC to fulfill the functions of the PEC.
- e. Oversee the work of the [Veterans League](#), Women's League and the Youth League.
- f. Establish departments and set up committees, as it considers appropriate.
- g. Manage and control all the national and international property and assets of the ANC.
- h. Receive reports, supervise the work of, and delegate such functions to the NWC, as it considers necessary.
- i. Issue documents and other policy directives as and when it deems fit.
- j. Confer such honors, as it may deem appropriate.
- k. Appoint annually a National List Committee of not fewer than five and not more than nine persons for the selection and adoption of candidates for the national Parliament. The NEC shall draw up regulations for the procedures to be followed in such a selection. The National List Committee shall report to the NEC prior to the implementation of its recommendations. Provincial structures for the adoption of candidates shall report to the National List Committee.
- l. [The NEC may convene a Policy Conference, as a recommendation-making body on any matter of policy, whenever it deems necessary, but the NEC must convene a National Policy Conference at least six \(6\) months before the National Conference to review policies of the movement and to recommend any new or to amend any present policy for consideration by the National Conference.](#)

Elections and composition of the NEC

12.3 The National Executive Committee, as a whole, shall not consist of less than fifty (50%) of women. The NEC, except where otherwise stipulated, shall be elected by secret ballot by the National Conference and shall hold office for five years and shall be constituted as follows:

- a. The President, Deputy President, National Chairperson, the Secretary General, Deputy Secretary General and the Treasurer General who will be elected separately by the National Conference.
- b. Sixty (60) additional members of the NEC.

Alternative option, but subject to adoption of alternative option at Rule 11.4:

b. Eighty or Ninety (80 or 90) additional members of the NEC.

- c. The Chairperson and the Secretary of each elected ANC Provincial Executive Committee who shall be ex officio members of the NEC.
- d. The National President and Secretary of the ANC Women's League who shall be ex-officio members of the NEC.
- e. The National President and Secretary of the ANC Youth League who shall be ex- officio members of the NEC.
- f. The President and Secretary of the ANC Veterans League who shall be ex- officio members of the NEC.
- g. The NEC may co-opt not more than five (5) additional members at any time during its term of office in order to provide for a balanced representation that reflects the true character of the South African people.
- h. Should a vacancy occur on the NEC for any reason, the NEC shall have the power to fill the vacancy by appointing a replacement.
- i. The quorum for meetings of the NEC shall be 50%+1 of its total membership.
- j. A person must be a paid-up member of the ANC for at least five years before she or he can be nominated to the National Executive Committee of the ANC.

12.4 Nominations for the NEC members referred to in Rule 12.3(a) and 12.3(b) above shall be by the following procedure:

- a. (i) Subject to subrule (ii) below, nominations for the posts of:
 1. President
 2. Deputy President
 3. National Chairperson
 4. Secretary General
 5. Deputy Secretary General
 6. Treasurer General,

shall be made by any Province and placed before the National Conference.

ii. A delegate to the Conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a minimum of twenty five (25) percent (25%) of Conference delegates, then such nomination must be regarded as having been duly seconded, in which event the name of such nominees shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of conference delegates, such nomination shall fall away.

- b. Nominations of candidates for the National Executive Committee other than the above positions shall be carried out by the following procedure:
 - i. Subject to subrule (ii) below, only those candidates who have been proposed by a Province shall appear on the National Conference ballot paper.
 - ii. Subject to subrule (iii) below, a delegate to the conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a show of hands by a minimum of 25 percent (25%) of Conference delegates, then such nomination must be regarded as having been duly

- seconded, in which event the name of such nominee shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of delegates, such nomination shall fall away.
- iii. Not more than two persons per province may be successfully nominated in terms of b)(ii) above.

12.5 For purposes of the nomination procedures referred to in Rules 12.4 (a)(i) and (b)(i), [the Veterans League, as a whole](#), the Women's League, as a whole and the Youth League, as a whole, shall be regarded as a province.

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

12.7 In accordance with Rule 6, not less than **[one-third] fifty percent** of the directly elected and co-opted members of the NEC must be women.

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

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

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

12.11 **[The NEC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the NEC, but shall not vote on any issue.]** [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 can be given a specific assignment by the NEC, but cannot speak on behalf of the NEC. An invitee may speak and participate at such meeting, but shall not vote.](#)

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: The President, Deputy President, National Chairperson, Secretary General, Deputy Secretary General and 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 National Working Committee may not necessarily be full-time functionaries of the ANC. However, the NEC shall determine the extent to which the elected members will be full-time functionaries who may be allocated specific responsibilities.

13.5 The [ANC Veterans League](#), 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 **[one-third] fifty percent** of the members of the NWC must be women.

13.7 **[The NWC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the NWC, but shall not vote on any issue.]** [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 can be given a specific assignment by the NWC, but cannot 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 will:

- a. Carry out decisions and instructions of the **[National Conference and the] NEC**.
- b. 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.
- c. 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 three members whose task it will be:

- a. To prepare the ballot papers.
- b. To make provision for ballot boxes or other means of secret voting.
- c. To create machinery for the counting of ballot papers and the effective supervision of the counting of votes.
- d. To announce the results of all ballots and make known the number of votes received by each successful candidate.
- e. 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 the electoral commission whose work is to commence before Conference opens shall be submitted to the National Conference for endorsement and they will then be reinforced by a representative appointed by each Provincial and League delegation.

Rule 15 THE NATIONAL FINANCE COMMITTEE

15.1 The NEC will 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 will report to the NEC at least twice a year on the finances and budget of the ANC.

Rule 16 DUTIES AND FUNCTIONS OF OFFICIALS

16.1 The President

The President is the [political](#) head and chief directing officer of the ANC and the leader of the house at a National Conference [or National General Council](#). He or she will:

- a. Make pronouncements for and on behalf of the NEC outlining and explaining the policy or attitude of the ANC on any question.
- b. Present to the National Conference [and National General Council](#) a comprehensive statement of the state of the nation and the political situation generally.
- c. Under the overall supervision of the NEC, orient and direct the activities of the ANC.
- d. Be an ex-officio member of the NWC.
- [f. Preside over meetings of the NEC in conformity with the Constitution, by-laws and rules of procedure adopted by the NEC.]**

16.2 Deputy President

The Deputy President will assist the President, deputise for him or her when necessary and carry out whatever functions 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 and 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, Rule 16.6(e) shall apply.

16.4 The National Chairperson will:

- a. 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, National General Council, NEC and the NWC and operate within the parameters of policy set out by the National Conference, National General Council and the NEC.

- b. Preside over the National Conference, the National General Council, the NEC and the NWC.
- c. Carry out such additional tasks or functions, as are entrusted to him or her, by the Conference, Council, NEC or NWC. [may instruct].
- d. Be an ex-officio member of 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 will:

- a. Communicate the decisions of all national structures of the ANC on behalf of the NEC.
- b. Keep the minutes of the National Conference, the National General Council, the NEC, the NWC, as well as other records of the ANC.
- c. Conduct the correspondence of the NEC and the NWC and send out notices of all conferences and meetings at the national level.
- d. 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.
- e. 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.
- f. 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.
- g. In the absence of the President or the Deputy President, the Secretary General shall assume the functions of the President.
- h. MKMVA (as an association) and all departments [save those falling directly under the President.] shall report on their activities and be accountable to the Secretary General.
- i. Be an ex-officio member of the NWC.

16.7 Deputy Secretary General

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

16.8 Treasurer General

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

- a. Receive and bank all monies on behalf of the NEC and shall, together with any two members of the NEC, operate a banking account.
- b. Keep such books of account as may be necessary to record clearly the financial position of the ANC.
- c. 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.
- d. Be responsible, with the National Finance Committee, for working out and executing plans for fund raising.
- e. Present to the National Conference and National General Council a comprehensive statement of the state of the finances of the ANC.
- f. Be an ex-officio member of the NWC.

16.9 The National Chaplaincy

There will be a National Chaplaincy appointed by the NEC on an interfaith basis to provide spiritual guidance.

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 is the highest organ of the ANC in each Province.

17.2 The Provincial Conference will:

- a. Be held at least once every **[three] four** years and more often if requested by at least one third of all branches in the Province.
- b. Be composed of:

(i) Voting delegates, as follows:

aa. At least 90% of the **[voting]** 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 its paid up membership, provided that each branch in good standing shall be entitled to at least one delegate.

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

cc. The remaining **[10% of the]** voting delegates at Conference shall be from **[the Provincial Executive Committee and]** members of the ANC Veterans League, ANC Youth League and the ANC Women's League, as allocated by the PEC.

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

Provincial conference will:

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

17.3 The Provincial Conference will:

- a. Promote and implement the decisions and policies of the National Conference, the National General Council, the NEC and the NWC.
- b. 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 Veterans League, Women's League and Youth League in the province, and the Treasurer's report.
- c. Elect the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and the additional 20 members of the Provincial Executive Committee, who will hold office for **4 [3]** years. The Provincial Secretary shall be a full-time functionary of the organisation.
- d. Carry out and develop the policy and programme of the ANC in the Province.
- e. Have the right and power to review, ratify, confirm, alter or rescind any decision taken by any of the constituent bodies, units or officials of the ANC in the province.
- f. Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

Rule 18 THE PROVINCIAL GENERAL COUNCIL

18.1 A Provincial General Council shall be convened between Provincial Conferences.

18.2 The PGC shall meet at least once a year. A PGC will, on good cause shown, be convened by the PEC upon the request of one-third (1/3) of branches in the Province.

18.3 The Provincial General Council consists of all members of the Provincial Executive Committee and

delegates representing branches in proportion to membership, with a minimum of one delegate per branch. The [Veterans](#), Women's and Youth Leagues will be represented by their PECs. The RECs will be appropriately represented as determined by the PEC.

18.4 The Provincial General Council may discuss and decide any issue it deems necessary, including any matter brought before it by the PEC, and may decide on any matter falling within its competence, subject always to the policies and directives of the National Conference, National General Council, Provincial Conference or the NEC.

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

Rule 19 PROVINCIAL EXECUTIVE COMMITTEE

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

19.2 The Provincial Executive Committee will consist of elected, co-opted and ex officio members.

19.3 The elected members will consist of the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and not more than 20 other persons elected by the Provincial Conference. A person must be a member in good standing of the ANC for three years before she or he can be nominated to a Provincial Executive Committee of the ANC.

19.4 Each region in the province shall be equally represented in the PEC, by the Chair and/or the Secretary, as determined by the PEC, with ex officio status, provided that the number of regional representatives on the PEC does not exceed the number of elected members of the PEC.

19.5 The [Veterans](#), Women's League and the Youth League in the Province will be represented by the Chair and Secretary of the respective Leagues in the PEC, with ex officio status.

19.6 The PEC may co-opt not more than 3 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, not less than **[one-third] fifty percent (50%)** of the [directly](#) elected and co-opted members of the PEC must be women.

19.8 **[The PEC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the PEC, but shall not vote on any issue.]** [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 can be given a specific assignment by the PEC, but cannot speak on behalf of the PEC. An invitee may speak and participate at such meeting, but shall not vote.](#)

19.9 The PEC will:

- a. Meet as soon as possible after its election to elect the Provincial Working Committee (PWC) and thereafter at least once a month.
- b. Carry out the policy and programme of the ANC in the province and do all things necessary to further the interests, aims and objectives of the organisation.
- c. Carry out the decisions and instructions of the Provincial Conference, the Provincial General Council, NEC and the NWC.
- d. The PEC will provide broad political and organisational perspectives to the Provincial Working Committee. It will receive reports, supervise the work of and delegate such functions to the PWC, as it considers necessary.
- e. Manage and control the funds and assets of the ANC in the Province.
- f. Submit reports to the NEC, Provincial Conference and Provincial General Council, as often as is required, on the state of the organisation, the financial position of the province, and such other matters as may be specified.
- g. Issue and send directives and instructions to and receive reports from the regions, branches and other substructures in the province.
- h. Supervise and direct the work of the ANC and all its organs in the province, including the ANC provincial and local government caucuses.
- i. Oversee the work of the [Veterans League](#), Women's League and the Youth League in the province.
- j. Ensure that the provincial, regional, branch and other structures of the ANC in the province function democratically and effectively. To this end, organise, establish and service branches in the Province and supervise the work of the regions in the Province; suspend, dissolve, and re-launch branch executive committees and regional executive committees where necessary, subject to any directives from the provincial conference, provided that where a BEC or REC has been suspended or dissolved there shall be a right of appeal to the NEC. A suspension of a REC shall not exceed a period of two

months. Elections for a REC, which has been dissolved, shall be called within six months from dissolution. A suspension of a BEC shall not exceed a period of one month. Elections for a BEC, which has been dissolved, shall be called within three months from dissolution. The Provincial Executive Committee may appoint an interim structure during the period of suspension or the dissolution of the REC or BEC to fulfill the functions of such REC or BEC.

- k. Establish, wherever possible, provincial departments in line with national departments and establish committees, as it considers appropriate.
- l. Issue documents and other provincial policy directives, as and when it deems fit.
- m. Appoint the provincial and regional staff as required, subject to directions from the office of the Secretary-General.
- n. The quorum for any meeting of the PEC shall be 50% (fifty percent)+1 of its total membership.
- o. Have the duty to appoint annually a Provincial List and Candidates Committee, of not 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.

19.10 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

20.1 The Provincial Working Committee will consist of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer of the Province and the Chair or Secretary of the ANC Veterans League, 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 among the directly elected additional members of the PEC.

20.2 In accordance with Rule 6, not less than **[one-third] fifty percent (50%)** of the members of the PWC must be women.

20.3 The Provincial Working Committee will:

- a. Carry out decisions and instructions of the Provincial Conference, the NEC and the PEC.
- b. Conduct the current work of the ANC in the province and ensure that regions, branches and all other ANC structures, such as parliamentary caucuses, carry out the decisions of the ANC.
- c. Submit a report to each PEC meeting.

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

20.5 **[The PWC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the PWC, but shall not vote on any issue.]** 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 can be given a specific assignment by the PWC, but cannot 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, will divide the Province into regions for the more efficient and democratic functioning of the ANC.

21.2 Provincial Regions will be demarcated to correspond strictly to district and metro municipal boundaries in each province. **[The NEC will consider and issue directives with regards cross boundary municipal structures.]**

21.3 Each region shall hold a regional conference every **[two] three** years, which will elect the members of the Regional Executive Committee (REC), which shall comprise the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer and additional members not exceeding fifteen in number; in addition the Chair and Secretary of the ANC Veterans league, 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 be a member of the ANC for at least two years before she or he can be nominated to a Regional Executive Committee of the ANC. The Regional Secretary shall be a full-time functionary of the ANC.

21.4 Each branch in good standing within a region shall be entitled to send delegates to the biennial

regional conference in proportion to its members.

21.5 There shall be at least one regional council meeting in the course of each year with each branch being entitled to send at least one delegate. Additional regional council meetings may be convened by the regional executive committee or the PEC or on the request of at least one-third of the branches.

21.6 The regional executive committee shall be accountable to the PEC for its functioning. The powers of the regional executive committee are such powers as are delegated to it by the PEC. In addition, the REC may, subject to the directions and instructions of the PEC, exercise the following powers:

- a. Meet as soon as possible after its election to elect the Regional Working Committee and thereafter as and when necessary but at least once a month.
- b. Carry out the policy and programme of the ANC in the region and do all things necessary to further the interests, aims and objectives of the organisation.
- c. Carry out the decisions and instructions of the Provincial Conference, the Provincial General Council, the PEC, the Regional Conference and the Regional Council.
- d. The REC will provide broad political and organisational perspectives to the Regional Working Committee. It will further receive reports, supervise the work of, and delegate such functions to the RWC, as it considers necessary.
- e. Manage and control the funds and assets of the ANC in the Region.
- f. Submit reports to the PEC, Regional Conference and Regional General Council, as often as is required, on the state of the organisation, the financial position of the region, and such other matters as may be specified.
- g. Request and receive reports from the branches and other substructures in the region.
- h. Supervise and direct the work of the ANC and all its organs in the region, including the ANC local government caucuses.
- i. Recommend to the PEC the suspension or dissolution of a BEC, Zonal Committee or Sub-Regional Committees.

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

21.8 In accordance with Rule 6, not less than **[one-third] fifty percent (50%)** of the directly elected and co-opted members of the REC must be women.

21.9 **[The REC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the REC, but shall not vote on any issue.]** 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 can be given a specific assignment by the REC, but cannot speak on behalf of the REC. An invitee may speak or participate at such meeting, but shall not vote.

21.10 (a) 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 and the Chair or Secretary of the ANC Veterans League, ANC Women's League and the ANC Youth League in that Region. The REC shall elect the **[additional members of the]** RWC from among the directly elected additional members of the REC.

(b) The Regional Working Committee will:

- i. Carry out decisions and instructions of the NEC, PEC, REC, the Regional Conference and the Regional General Council.
- ii. Conduct the current work of the ANC in the region and ensure that branches and all other ANC structures, such as municipal council caucuses, carry out the decisions of the ANC.
- iii. Submit a report to each REC meeting.

(c) The RWC will meet as and when necessary but at least every two weeks.

(d) In accordance with Rule 6, not less than **[one-third] fifty percent (50%)** of the members of the RWC must be women.

(e) **[The RWC may invite any member of the ANC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the RWC, but shall not vote on any issue.]** 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 can be given a specific assignment

by the RWC, but cannot 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 shall 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

23.1 Every member of the ANC shall belong to a branch, which is the basic unit of the organisation.

23.2 The branch will:

- a. Be registered with the PEC and have a minimum of 100 members, provided that the PEC may confer special recognition, where due to exceptional circumstances, the branch has fewer than 100 members.
- b. Meet as provided for in the rules and regulations.
- c. Be the place where members exercise their basic democratic rights to discuss and formulate policy.
- d. Be the basic unit of activity for members.
- e. Branches covering an extensive geographical area, or in respect of which some special circumstance exists, may divide into smaller manageable units. Such units shall only be used as a co-coordinating and administrative tool by the branch and shall not possess any decision-making powers. These units must operate on the basis of acceptable democratic principles and practices.
- f. Elect at **[an annual branch meeting]** a branch general meeting, which shall be convened once in two years, a Branch Executive Committee (BEC) consisting of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and other committee members, consisting of not less than three and not more than ten persons. A person must be a member of the ANC for one year before she or he can be nominated to a Branch Executive Committee of the ANC, provided that where a new branch is being established, the PEC may waive this provision. The Veterans League, Women's League and the Youth League shall be represented on the BEC, by the chairperson and secretary of the Veterans League branch, Women's League branch and the Youth League branch within that branch, with ex officio status.
- g. In accordance with Rule 6, not less than **[one-third]** fifty percent (50%) of the directly elected and co-opted members of the BEC must be women.
- h. The branch will meet at least once per month in a general meeting.

23.3 The Branch Executive Committee (BEC) will:

- a. Meet as soon as possible after its election and allocate tasks and functions among its members to enable it to carry out the day-to-day activities of the Branch.
- b. Carry out the publicity and organisational work in its area in furtherance of the policy, programme and decisions of the ANC. (c) Meet at least once per fortnight.
- c. Submit reports on its work to the branch meeting and at least each month to the Regional Executive Committee.
- d. Co-opt not more than three persons, if it considers it necessary to ensure greater representation.
- e. The quorum for each meeting of the Branch Executive Committee shall be 50%+1 (fifty percent plus one) of the total BEC membership.

23.4 The quorum for the annual branch meeting and 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% plus one of the total paid-up members of the branch.

Rule 24 ZONAL AND SUB REGIONAL STRUCTURES

24.1 **[If circumstances warrant it,]** The PEC, under the guidance of the NEC, **[may]** must establish Sub-Regions within a Region. Sub-Regions **[, if formed,]** shall be demarcated to strictly correspond with B-type or metro sub-council municipal boundaries, depending on its location, with similar arrangements and powers as apply to Zones.

24.2 Any three (3) or more branches within a Region for the purpose of co-ordination of activities and better organisational efficiency, may be formed into a Zone at the instance of the Regional Executive Committee after consultation with the relevant branches, or on application to the PEC, by at least two branches within an area of a proposed Zone.

24.3 Whenever a Sub-Region or Zone has been established, the Branch Executive of constituent Branches, within that sub-region or zone, will 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 [one (1) representative elected per Branch] five (5) additional members elected from constituent branches in a meeting convened every two (2) years for that purpose [within the Zone].

24.4 Where Sub-Regional or Zonal structures of the Veterans League, Women's League and Youth League exist, they will be represented by one (1) member each, subject to the same provisions relating to the requirement for ANC membership.

24.5 The tasks of the Sub-Regional or Zonal Committee will include:

- a. To meet at least once a month.
- b. To co-ordinate the work and activities of the constituent branches and submit reports to the REC.
- c. To see to the implementation of the instructions of the NEC, PEC, PWC or the REC in the Sub-Region or Zone.
- d. To participate in the work of the Regional Council.
- e. To maintain effective links with all branches in the Sub-Region or Zone.

Rule 25 DISCIPLINE

25.1. (a). All members, without exception, must abide by the Constitution of the ANC, and the Rules and Regulations, the Standing Orders and Codes of Conduct, as adopted or amended from time to time, as well as all policies and decisions properly adopted or made in terms of the Constitution.

(b) Every candidate representing the ANC during an election at any level of government, must undertake, in writing, prior to the elections, to abide by the Constitution of the ANC and the relevant Code of Conduct for elected representatives, and to submit to and abide by any disciplinary proceedings instituted against her or him in terms of the Constitution or such Code, directly or indirectly arising from her or his conduct as a public representative of the ANC.

(c) All members and public representatives of the ANC, without exception, are subject to the discipline of the ANC and must submit to the provisions of the Constitution, Rules and Regulations, Standing Orders and Codes of Conduct with regard to the regulation of the conduct of members and public representatives, and the applicable disciplinary procedures, in particular Rule 25.

25.2 Disciplinary proceedings against a member and public representative shall be confined to violations of the ANC Constitution, Rules and Regulations, Standing Orders, Codes of Conduct and the policies and decisions of the ANC properly adopted or made in terms of the Constitution, or the misconduct referred to in Rule 25.5 or provided for in terms of Rule 25.13 (b) and shall not:

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

25.3 If the NEC, PEC, REC or BEC, as the case may be, or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, is satisfied that the institution of a disciplinary procedure is warranted against a member or public representative in respect of any conduct referred to in Rule 25.5 or any other misconduct prohibited in terms of the Constitution, it may decide to institute disciplinary proceedings against such member in respect of such misconduct and then refer the matter to the NDC, PDC, RDC or BDC, as the case may be, or any other body authorised in terms of the Constitution to conduct disciplinary proceedings, to proceed with such disciplinary hearing.

25.4 A disciplinary committee, which has conducted a disciplinary hearing in terms of this Constitution, may find any member or public representative guilty of any misconduct referred to in Rule 25.5 or any other misconduct prohibited in terms of the Constitution, only if it is satisfied that the evidence presented is of such a cogent and sufficient nature as to prove the guilt of such member or public representative on a balance of probabilities.

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

- a. Conviction in a court of law and being sentenced to a term of imprisonment without the option of a fine, for any serious non-political offence;
- b. Conviction in a court of law, for any serious non-political offence;
- c. Behavior which brings the organisation into disrepute or which manifests a flagrant violation of the moral integrity expected of members and public representatives or conduct unbecoming that of a member or public representative;
- d. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- e. Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
- f. Abuse of elected or employed office in the organisation or in the State to obtain any direct or indirect undue advantage or enrichment;
- g. Behaving corruptly in seeking or accepting any bribe for performing or not performing any task;
- h. Misappropriation of the funds of the organisation or destruction of its properties;
- i. Behaving in such a way as to provoke serious divisions or a break-down of unity in the organisation;
- j. Undermining the respect for or impeding the functioning of the structures of the organisation;
- k. Participating in organised factional activity that goes beyond the recognised norms of free debate inside the organisation and threatens its unity;
- l. 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;
- m. Standing in an election for local, provincial or national government or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the NEC or PEC;
- n. Joining a political organisation or party other than the ANC or a party in alliance with the ANC;
- o. Prejudicing the integrity or repute of the organisation, its personnel or its operational capacity by:
 - aa. Impeding the activities of the organisation;
 - bb. Creating division within its ranks or membership;
 - cc. Doing any other act, which undermines its effectiveness as an organisation; or
 - dd. Acting on behalf of or in collaboration with:
 - i. Counter-revolutionary forces;
 - ii. 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;
 - iii. Intelligence or the security services of other countries; or
 - iv. Any person or group who seriously interferes with the work of the organisation or prevents it from fulfilling its mission and objectives.
- p. Fighting or behaving in a grossly disorderly or unruly way;
- q. Deliberately disrupting meetings and interfering with the orderly functioning of the organisation;
- r. Payment of, or assisting or facilitating the payment of, membership subscription of the organisation for a person or persons or a group of persons who would otherwise be unwilling or unable to pay their own subscriptions;
- s. Offering a reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;
- t. Recruitment of members who do not reside at an address claimed, where this is done in order to manipulate branch meetings or the outcome of organisational votes; or
- u. Giving, collecting or raising of funds for campaigning activities within the ANC aimed at influencing the outcome of a conference or meeting.

25.6 (a) The NEC shall appoint a National Disciplinary Committee (NDC), from among its membership and from other structures of the ANC, which will consist of at least 5 but not more than 9 members. At least three members of the NDC shall constitute its quorum. The national officers, the NWC or the NEC may refer any violation or misconduct directly to the NDC for determination of a compliant.

(aA) In addition, the NEC shall appoint the National Disciplinary Committee of Appeal (NDCA), from among its membership and from other structures of the ANC, which will consist of at least 3, but

not more than 5 members, provided that its members may not serve in the NDC. At least three members of the NDCA shall constitute its quorum. The NDCA shall hear and determine appeals from the NDC and as provided for in Rule 25, or deal with any complaint or query of a disciplinary nature from a member or organ of the ANC or referred to it by the NEC or NWC

(aB) The decisions of the NDCA shall be final, except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the NEC.

(b) Each BEC shall appoint a Branch Disciplinary Committee (BDC). Each REC shall appoint a Regional Disciplinary Committee (RDC). Each PEC shall appoint a Provincial Disciplinary Committee (PDC). These respective Disciplinary Committees must be appointed as soon as possible after the election of the respective executive committees and will consist of at least 3 but not more than 5 members. At least three members of a disciplinary committee shall constitute its quorum.

(c) Disciplinary proceedings will normally be conducted at the level where the alleged violation or misconduct took place, namely the branch, region, province or national level, and may be heard by the relevant structure.

(d) Disciplinary proceedings may only be instituted at branch level if the relevant PWC has granted that branch written permission to do so.

(e) The NWC may direct that the disciplinary proceedings should be heard at a higher level than where the alleged violation or misconduct took place.

(eA) As soon as possible, after the election of the respective executive committees at any level of the organisation, the:

(i) NEC shall appoint a Chief National Presenter, to be assisted by no more than 3 other suitably competent members, to represent and present the case of the ANC, in any NDC and NDCA hearing;

(ii) PEC shall appoint a Chief Provincial Presenter, to be assisted by no more than 3 other suitably competent members, to represent and present the case of the ANC, in any PDC hearing;

(iii) REC shall appoint a Chief Regional Presenter, to be assisted by no more than 5 other suitably competent members, to represent and present the case of the ANC, in any RDC hearing or any BDC hearing within its region.

(f) No member of a disciplinary committee may participate in a decision to institute disciplinary proceedings against a member and such member of the disciplinary committee should recuse himself or herself from such discussion and decision, save in the exceptional circumstances contained in Rule 25.6 (a). However, this does not prohibit such member from participating in any political discussion on any issue, which later becomes the subject of a discussion and decision to institute such disciplinary proceedings against a member.

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

(b) Any person faced with disciplinary proceedings is entitled to be represented by a member in good standing and who is a paid up member for at least three months prior to the receipt of such written notice referred to in Rule 25.7 (a).

(c) If disciplinary proceedings are instituted against a member and such member does not appear at the venue and at the time determined for such proceedings or does not remain in attendance when required to do so, the relevant disciplinary committee, if satisfied that such member was properly and timeously notified of such venue and time, may order that the proceedings continue in the absence of such member. The disciplinary committee may form an opinion of the evidence led, after applying the test provided for in Rule 25.4, and it may proceed and make a finding of guilty or not guilty, as the case may be, even if such member was absent from part or the whole of the proceedings.

25.8 (a) Penalties or sanctions, which may be imposed by a disciplinary committee, for proven violations of the Constitution, other relevant instruments, principles, norms, policies and decisions of the ANC, will include reprimand, payment of compensation and/or the performance of useful tasks, remedial action, and

suspension of membership or expulsion from the ANC, and in the case of a public representative also the removal from any list or instrument which entitles such person to represent the ANC at any level of government.

(b) A disciplinary committee may suspend the imposition of any of the above penalties or sanctions, with or without certain conditions for a period to be determined by such disciplinary committee.

(c) Any member found guilty of the misconduct referred to in Rule 25.5.(m) and (n), shall be ineligible to be or remain a member, and shall be expelled from the organisation.

25.9. (a) A decision of a disciplinary committee only takes effect once the internal appeal procedures and remedies provided for in terms of Rule 25 have been exhausted. Any person found guilty during a disciplinary proceeding, or the complainant, has the right, within 14 days from the date of sentencing, to appeal against the conviction or sentence, to the disciplinary committee of the next highest body of the ANC. A member is only entitled to one appeal to such next highest disciplinary body, whose decision shall, subject to paragraph (b), be final and binding, provided that the NDCA may, upon application to it and if it deems it necessary, grant a further appeal to be heard by itself. The NWC may direct that a body higher than the one to which the appeal has been made should hear any appeal. An appeal against the decision of a branch disciplinary committee should be heard directly by the Provincial Disciplinary Committee.

(b) Where a disciplinary committee arrives at a decision to suspend or expel a local government councillor or a member of a provincial legislature or Parliament, such a decision shall be suspended pending the outcome of an automatic appeal to the National Disciplinary Committee of Appeal. The National Disciplinary Committee of Appeal must commence with such an appeal within 14 days of the notification of the decision of such disciplinary committee.

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

25.11 The relevant Disciplinary Committee shall in writing report the outcome of each disciplinary proceeding to the secretary of the executive structure which established it and then the decision shall be publicly announced by the relevant Disciplinary Committee.

25.12 Temporary Suspension

(a) The Provincial Disciplinary Committee or the PWC with regard to disciplinary matters not being dealt with at a national level, and the National Disciplinary Committee or the NWC, may summarily suspend the membership of any member, by acting in accordance with the procedures prescribed in Rule 25.12.

(b) Before any of the above structures make such a decision, it must have due regard to the nature and seriousness of an alleged violation or misconduct by a member and/or public representative only after the accusations have been put to him or her for comment by the person or body tasked with such duty by the relevant structure, and he or she has had an opportunity to respond, provided that if such member has been given proper and timeous notice of such opportunity and does not avail himself or herself of such opportunity, and/or does not attend or does not stay in attendance, the matter may be proceeded with in his or her absence.

(c) Exceptional circumstances, as determined by the NWC or National Disciplinary Committee or PWC, as the case may be, may warrant an immediate decision of temporary suspension of a member without eliciting the comment of such member, as provided for in paragraph (b).

(d) The member or public representative shall immediately be informed of such suspension.

(e) In the case of the suspension of an elected public representative, the relevant structure making the decision must also provide for any terms and conditions, which will regulate his or her participation and conduct as a public representative during the period of suspension.

(f) The member or public representative shall immediately be informed of such terms and conditions.

(g) When a PWC or PDC imposes a temporary suspension on a member or a public representative, it must immediately forward a report of such suspension and the reasons for it, to the NDCA and the NDCA may, if circumstances warrant it, at any stage set aside such suspension.

(h) The temporary suspension shall lapse if a notice of a charge relating to such suspension is not delivered to the member within 30 days of the date of the commencement of the temporary suspension.

(i) Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

(j) The temporary suspension shall, subject to paragraph (g), remain in force until the finalisation of the disciplinary proceedings, including any appeals, provided that the NDCA may, upon application and if the circumstances so warrant, at any stage set aside such suspension.

(k) The temporary suspension may at any stage be set aside by the structure, which imposed it, if it deems it necessary.

25.13 (a) The NEC must adopt Rules and Regulations for the regulation of the effective and appropriate implementation and functioning of rule 25 dealing with disciplinary proceedings in the ANC.

(b) Without prejudice to the generality of Rule 25.5, the NEC may, in regulations, prescribe further conduct by a member or public representative, constituting misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her.

(c) The **[National Disciplinary Committee]** **NEC** shall **[draw up]** **adopt** guidelines for the interpretation of Rule 25 and for the rules of procedure applicable during disciplinary proceedings, including time limits to be followed before, during and after a hearing.

(d) The Rules, Regulations and guidelines referred to in this subrule must be adopted by the NEC within six (6) months from the conclusion of the 2007 National Conference.

(e) The NEC may:

- i. authorise other structures of the ANC to institute disciplinary proceedings; and
- ii. establish appropriate structures to implement or make the appropriate arrangements to apply the provisions of Rule 25, including a proper and appropriate investigative capacity at all levels of the organisation to investigate all complaints received, **as contemplated in Rule 25.6(eA)**, which may lead to disciplinary proceedings being instituted.

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 rules and regulations framed by the PEC shall only become operative when 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 or Special Conference. Notice of intent to propose any amendments to the Constitution should 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 a 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 National 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 National Officials, which must indicate the extent of that person's authority.

Rule 31 BORROWING POWER

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

Rule 32 TRANSITIONAL ARRANGEMENTS

34. 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 necessary.

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 [two-thirds] seventy five percent (75%) majority of duly accredited delegates in good standing who are present and voting, provided that headquarters received notice of such resolution at least 12 months before it was voted on by such conference.

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, floutant 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.

GLOSSARY

EXPLANATION OF TERMS USED IN THE CONSTITUTION

Accountable: To answer for, or explain, one's conduct, decisions or acts.

Additional Members: NEC Members who are elected.

Annual subscription fee: The NEC decides the annual subscription fee.

Appeal: A resort or an application to a higher authority for a decision.

Assign: To give out as a task.

Autonomous: The Leagues operate independently, next to and in addition to ANC structures and within the framework of the Constitution and policies of the ANC.

Bribe: A bribe includes any promise or offer to give something, usually money, to procure services or gain influences in an improper manner.

Candidate duly endorsed: 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.

Chaplaincy: Does not have the usual meaning which necessarily refers to one faith only, and it is therefore qualified by the word "interfaith" in the next line.

Consistent with: Agreeing, compatible, not contradictory.

Constitution: The Constitution of the ANC contains the rules and principles that prescribes the rights and duties of its official structures and members. It is the basic law of the movement which must be observed by all members.

Contractual liability: The effect of this is to protect the ANC against being held responsible by outsiders (e.g. a money lender) for the actions of an individual member who may have been acting on his or her own account.

Co-opt: This is an option whereby an elected body appoints further (non-elected) members to itself.

Deemed [necessary]: Considered, regarded as a subjective opinion; indicates a state of affairs which does not necessarily or in fact exist, but is taken or regarded to exist.

Designated to administer...oaths: The ANC designates someone within the organisation to administer the oath.

Direct: To conduct the affairs of, manage, regulate. Directive: An order or instruction, especially one issued by a central authority.

Disrepute: The absence or loss of reputation; discredit; disgrace.

Elective office: Refers to an office held as Councillor, Member of the Provincial Legislature or Member of Parliament.

Electoral Commission: The ANC appoints from among its members a body to constitute an Electoral Commission.

Election agent: Representative of a candidate contesting an election and who represents the interests of the candidate.

Ex officio: Means by virtue of his or her position or office.

Eligible/Ineligible [for membership]: These are the rules that determine which persons are eligible for (qualified for or worthy to be) members of the organisation. A person qualified for membership is not necessarily entitled to membership.

Endorsed: Approved or supported

Ethnic chauvinism: 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).

Freedom Charter: The document containing the essential philosophy of the ANC, adopted by the (then) alliance in 1955 and ratified by the ANC in April 1956.

Good cause shown: Sufficient reasons. Any fact or circumstance that would make it just and fair between the parties. Good cause should not merely be alleged, but must be able to be shown.

Honorary membership: Membership given as a mark of honour without the usual requirements or privileges of membership.

Impeding [activities]: Obstruct the way of, hinder the progress of. Incapacity: Lack of strength or ability; disability, helplessness.

Invalidly obtained [membership] Membership obtained falsely, not in accordance with the Constitution, and therefore legally ineffective.

Legal relationship: A relationship, like for example a contract, from which legal rights, obligations (like debts) and duties flow.

Logo and Colours: The ANC is the sole copyright holder of its logo and colours.

Member: A person who has applied for and being accepted as a paid up member of the ANC. South African citizens over 18 years of age may apply for membership.

Members not in good standing: A member who fails to pay his or her subscriptions for three months and whose membership has lapsed.

Misappropriation: To use money or funds wrongly or dishonestly, especially for one's own use.

National Democratic Revolution: Refers to 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: This is appointed annually by the NEC and which is responsible for drawing up regulations and procedures to be used in the selection of candidates for National Parliament. It shall consist of at least five members and not more than nine members.

Nominate: To propose by name as candidate.

Official: One who holds an office or position of authority in the organisation.

Party in alliance: Includes our alliance partners: SACP, COSATU, and others as decided by the NEC.

Perpetual succession and power: Rule 27 confers legal personality on the ANC, by which it exists in law as an entity with rights and duties independent from the change in its members or officials from time to time, and these rights vests indefinitely in the organisation as a legal person.

Provincial List and Candidates Committee: Refers to the Committee in each province responsible for the compilation of elections lists and ward candidates.

Provisional membership: Refers to a member whose membership has not yet been confirmed, but who may participate in the activities of the organisation except election onto any committee, structure, commission or delegation of the ANC.

Quorum: The minimum number of officials or members of a structure, committee or assembly, usually a majority, who must be present for the valid transaction of the business of the meeting.

Ratify: Approve, give formal sanction to.

Reasonable Period: The NEC may declare a time frame as to when an appeal may be lodged (see Rule 25.9).

Region: This means the geographic area of the Province, and not the "region" as defined in Rule 22.

Registered political party: This refers to registration in terms of the Electoral Act, 1993.

Rescind: To void or repeal.

Review [of membership application]: The reconsideration of an acceptance or refusal of membership.

Rules and Regulations: In addition to the Rules contained in this constitution, the NEC may also adopt subordinate Rules for the better carrying out of the activities of the ANC.

Second: An utterance or show of endorsement of a proposal or nomination.

Shall/may [convene, etc]: 'Shall' normally means 'must' (obligatory, no discretion). 'May' is permissive, and usually confers a discretionary power or function.

Supervise: To direct and inspect the performance of work, to oversee.

Suspend/suspension: To bar for a period from a privilege, office or position; to render temporarily ineffective or inoperative under certain conditions.

Tied vote: A state of equality of votes; a draw Tribalistic exclusivism: To prevent persons from certain tribes to play a role in the organisation, or to admit only persons from certain tribal backgrounds to memberships or participation.

Undermines: To weaken, injure or ruin insidiously or secretly.

Universal Suffrage: The right of all persons to vote.

Voting and speaking rights [at meetings]: The right to vote is a matter that is regulated in the Constitution of the organisation. The reason why non-members of a structure are afforded speaking rights (when they do not have voting rights) is to ensure that the non-members have spoken at the meeting and

by virtue of their forceful character possibly unduly influenced the meeting or inhibited free discussion or decision.

Zones: A (geographical) area distinguished from adjacent parts by some distinctive feature or character.
