

ITEM/001/0004/15

THE ANC INTERIM CONSTITUTIONAL FRAMEWORK

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Whereas the ANC 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 fight of all democratic and patriotic forces to destroy the apartheid state and replace it with a united, non-racial 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; and

Whereas, pending the adoption of a new Constitution, duly adopted at a national conference on South African soil, reflecting its new role and responsibilities in the new South Africa that is being created, it is necessary to have a constitutional framework for the re-establishment of the ANC functioning legally in South Africa;

The National Executive Committee of the ANC, basing itself on the terms of the 1958 Constitution of the ANC, as updated by the Constitutional Guidelines adopted at the Kabwe National Consultative Conference in 1985, hereby adopts the following constitutional framework for the period of re-establishment leading up to the holding of a National Conference.

1. NAME

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

2. AIMS AND OBJECTS

The aims and objects of the ANC shall be:

1. To unite the people of South Africa, Africans in particular, for the complete liberation of the country from all forms of discrimination and national oppression.
2. To end apartheid in all its forms and transform South Africa as rapidly as possible into a united, non-racial and democratic country based on the principles of the Freedom Charter.
3. To defend the democratic gains of the people and 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.
4. To fight for social justice and eliminate the vast inequalities created by apartheid.
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.
6. To promote economic development for the benefit of all.
7. To support the cause of national liberation, development, world peace, disarmament and respect for the environment.

3. CHARACTER OF THE ANC

1. The ANC is a democratic organisation whose policies are determined by the membership and whose leadership is accountable to the members in terms of the procedures laid down in the Constitution.
2. The ANC shall in its composition and functioning be anti-racist and against any form of tribalistic exclusivism or ethnic chauvinism.
3. While striving for the maximum unity of purpose and functioning, the ANC shall respect the linguistic, cultural and religious diversity of its members.
4. The ANC shall support the emancipation of women and ensure that the voice of women is fully heard in the organisation and that women are properly represented at all levels.

5. The principles of free speech and full circulation of ideas and information shall operate within the ANC.

6. 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.

7. While the ANC is a secular organisation, it collaborates closely with religious bodies in the country and provides, on a non-denominational basis, for recognition of the spiritual needs of its many members who are believers.

MEMBERSHIP

1. Membership of the ANC shall be open to all South African men and women above the age of 18 years, irrespective of race, colour or creed, who accept its principles, policies and programme and are prepared to abide by its Constitution and rules.

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.

3. The National Executive Committee of the ANC (hereinafter referred to as the NEC), shall draw up a list of existing members of the ANC. This shall include men and women who have functioned in ANC units in the underground, in prison and in exile, as well as persons who were enrolled as members of the ANC at the time it was banned and who have maintained their links with the people's struggle.

4. The NEC shall appoint persons in all the regions of South Africa to receive applications for membership. Where branches have been established, such persons shall be members of the branch committee.

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

6. The NEC shall arrange for membership cards to 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.

7. On being accepted into the ANC, new members shall, in a language he or she knows well, make the following solemn declaration to the body or person who received the application:

"I,, solemnly declare that I will abide by the aims and objectives of the ANC as set out in the Constitution and the Freedom Charter, that I am joining the organisation voluntarily and without motives of personal gain or material advantage, and that I will participate in the life of the organisation as a loyal, active and disciplined member."

8. Members shall pay an annual subscription fee calculated as a percentage of income, as determined by the NEC. Non-earning members or those on reduced incomes will pay a flat fee at a low amount to be fixed by the NEC.

RIGHTS AND DUTIES OF MEMBERS

1. Rights

A member of the ANC shall have the right 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, decision policy, programme or activity of the ANC.

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, region or NEC.

2. Duties

A member of the ANC shall:

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 Movement and defend the policy and programme of the ANC.

f) Fight against racism, tribal chauvinism, sexism, religious 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.

ORGANISATIONAL STRUCTURE

1. The ANC shall consist of the following organs:

a) The National Conference which elects the NEC.

b) The Regional Conferences, which elect the regional executive committees.

c) The branch meetings, which elect the branch committees.

2. Branches may be grouped together into zones and may be subdivided into smaller units such as street committees.

3. Pending the re-establishment of regional committees and branches, the NEC may nominate temporary structures to carry out their functions.

4. The ANC Women's League shall have the same basic structure, namely national, regional and branch. Its objectives will be 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.

5. The ANC Youth League shall be open to persons between the ages of 14 and 30. It will operate on a national, regional and branch basis. Its objectives will be 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 to the life of the nation. The Youth League will function as an autonomous body within the overall structure of the ANC, of which it shall be an autonomous part.

6. Members of the Women's League and Youth League over the age of 18 shall be expected to play a full part in the general political life of the ANC.

7. This interim constitutional framework shall serve as the basis for the convening of the next national conference of the ANC at which a new Constitution for the ANC will be adopted.

HEADQUARTERS

National Headquarters will be established in Johannesburg.

REGIONAL STRUCTURES

The country will be divided into the following regions:

Western Cape, Northern Cape, Eastern Cape, Border, Transkei, Southern Natal, Midlands, Northern Natal, Northern OFS, Southern OFS, Northern Transvaal, PWV, Western Transvaal, Eastern Transvaal.

The regional headquarters will respectively be:

Cape Town, Kimberley, Port Elizabeth, East London, Umtata, Durban, Pietermaritzburg, Empangeni, Welkom, Bloemfontein, Pietersburg, Johannesburg, Rustenburg, Nelspruit.

THE NATIONAL CONFERENCE

The National Conference shall be the supreme ruling and controlling body of the ANC. It shall be composed as follows:

a) At least 90% of delegates shall be chosen directly by branches in proportion to their membership, save that special provision can be made to ensure adequate representation of areas where membership is reduced.

b) The NEC may invite individuals who have made a special contribution to the struggle or who have special skills or experience to offer the conference, their total number not to exceed 10% of delegates.

c) All members of the NEC will attend ex-officio as full participants in the conference.

d) The NEC shall appoint a conference organising committee which will circulate conference information in advance, determine the precise procedure for selection of delegates and indicate how the membership can ensure that their concerns are on the agenda.

e) The conference shall determine its own procedures in accordance with democratic principles.

f) Voting on key questions, including election of office-bearers and members of the NEC, shall be by secret ballot.

DUTIES AND POWERS OF THE NATIONAL CONFERENCE

The National Conference shall:

- a) Decide and determine the policy, programme and Constitution of the ANC.
- b) Receive and discuss the reports of the NEC which shall include the Presidential address, the Secretary General's Report, the Treasurer General's report, and reports from the regions and from the Women's League and the Youth League.
- c) 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.
- d) Elect the President General, the Deputy President, the Secretary General, the Treasurer General and the remaining 40 members of the NEC; nomination shall be by delegates at the Conference.
- e) Have the power to elect or appoint any Commission or committee and assign specific tasks and duties to such Commission or committee.

NATIONAL EXECUTIVE COMMITTEE

1. The National Executive Committee shall be elected by the National Conference and shall hold office for three (3) years.
2. The NEC shall be constituted as follows:
 - a) President General, Deputy President General, Secretary General, Treasurer General and the remaining forty (40) members elected at the National Conference.
 - b) The president and secretary of each region, or their respective deputies, who shall be ex-officio members of the NEC.
 - c) The president of the Women's League and the president of the Youth League, or their respective deputies, who shall be ex-officio members of the NEC.
3. The NEC shall have the power to co-opt new members to replace persons who cease to be members.
4. The NEC shall meet on the day of its election and thereafter at least four times a year.
5. The NEC shall appoint from amongst its members a National Working Committee of not less than seven (7) members residing within a radius of fifty miles of the National Headquarters, who shall constitute a permanent core responsible for the activities of the NEC in between meetings.
6. The NEC shall appoint the National Organising Secretary.

7. The NEC shall appoint the National Finance and Control Committee.

8. The NEC shall:

- a) Carry out the decisions and instructions of the National Conference.
- b) Issue and send directives and instructions to and demand and receive reports from regional committees and branches.
- c) Supervise and direct the work of the ANC generally.
- d) Ensure that the regional and branch structures of the ANC function democratically and effectively.
- e) Supervise the work of the Women's League and the Youth League.
- f) Manage and control all the national property and funds of the ANC.
- g) Submit reports to the National Conference.
- h) Do all things necessary in furtherance of the policy and programme of the ANC.

THE NATIONAL WORKING COMMITTEE

The National Working Committee (NWC) shall:

- a) Carry out decisions and instructions of the National Conference and the NEC.
- b) Conduct the current work of the ANC and ensure that regions and branches carry out decisions of ANC.
- c) Submit a report to each NEC meeting.

THE NATIONAL FINANCE AND CONTROL COMMITTEE

The National Finance and Control Committee shall consist of senior cadres of proven reliability and experience in handling financial matters, who shall be responsible for monitoring the collection, receipt, allocation and spending of funds. It shall have under it the Treasury and Fundraising Committee, and shall report to the NEC on the state of the organisation's funds and resources before each NEC meeting.

DUTIES AND FUNCTIONS OF OFFICIALS

1. The President General:

The President General is the head and chief directing officer of the ANC and the leader of the house in a national conference. He or she shall:

- a) Present to the National Conference a comprehensive statement of the state of the nation and the political situation generally.

b) Make pronouncements for and on behalf of the NEC outlining and explaining the policy or attitude of the ANC on any question.

c) Preside over meetings of the NEC in conformity with the Constitution, by-laws and rules of procedure adopted by the NEC.

d) Be an ex-officio member of the NWC.

e) Be Commander-in-Chief of Umkhonto we Sizwe.

f) In carrying out his or her functions, the President General shall be assisted by a Presidential Council consisting of the Deputy President General, the Secretary General, the Treasurer General and such other members as the NEC may appoint.

g) The President General shall, under the overall supervision of the NEC, orient and direct the activities of the Constitutional Committee of the ANC.

2. Deputy President General

The Deputy President General shall assist the President General, deputise for him or her when necessary and carry out whatever functions are entrusted to him or her by the National Conference, the President General or the NEC.

3. The Secretary General

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

a) Keep the minutes of the National Conference, the NEC, the NWC as well as other records of the ANC.

b) Conduct the correspondence of the NEC and the NWC and send out notices of all conferences and meetings at the national level.

c) Convey the decisions and instructions of the National Conference, the NEC and the NWC to the regional committees, and see to it that all units of the ANC carry out their duties properly.

d) 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.

e) In the absence of the President General or the Deputy President General, the Secretary General shall assume the functions of the President. In the event of death or permanent incapacity of the President General and the Deputy President General, the NEC shall as soon as possible appoint an Acting President until such time as the National Conference meets.

3. Treasurer General

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

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 and Control Committee, for working out and executing plans for fund raising.

4. The Auditor General

The NEC shall establish the office of Auditor General with the task of ensuring strict control of the assets of the ANC and accountability of members concerned with financial matters. The Auditor General's office shall:

a) Be headed by a member of the NEC and shall consist of three members chosen on the basis of proven integrity and standing in the movement.

b) Have all the powers necessary to act as permanent financial watchdog of the ANC.

c) Normally function collectively, but may on an ad hoc basis entrust specific tasks to its members.

d) Act as a supervisory financial inspectorate with access to all books and financial documents of the ANC and the right to make such reports and recommendations as it sees fit.

e) Be accountable to the NEC through the National Finance and Control Committee, and be independent of the Treasury.

5. The National Organising Secretary

The National Organising Secretary shall be appointed by the NEC with the task of organising the ANC nationally, recruiting new members and generally strengthening the organisational machinery of the ANC.

6. The National Chaplain

The National Chaplain shall be appointed by the NEC on a non-denominational basis to provide such spiritual leadership as believers in the ANC might wish to have, including the saying of prayers at the National Conference.

REGIONAL STRUCTURES

Subject to the overall guidance of the national leadership, the Regional Conference shall be the highest organ of the ANC in each region. The Regional Conference shall:

- a) Be held at least once a year and more often if requested by at least one third of all branches in the region.
- b) Be a delegates conference attended by delegates chosen on a democratic basis by all branches in the region, with special attention being paid to securing adequate representation of areas where membership is reduced.
- c) Be attended by members of the Regional Executive Committee who shall have full voting and speaking rights as ex-officio participants.
- d) Carry out the decisions of the National Conference, the NEC and the NWC.
- e) Receive and consider reports by the Regional Executive Committee.
- f) Elect the Regional President, Secretary, Treasurer and eight (8) other members of the Regional Executive Committee; and
- g) Carry out and develop the policy and programme of the ANC in the region.
- h) Pending the creation of branches and the holding of a Regional Conference in any region, the NEC shall appoint an interim Regional Executive Committee for that area.

REGIONAL EXECUTIVE COMMITTEE

The Regional Executive Committee shall be the body responsible for carrying out the decisions of the Regional Conference. It shall consist of the Regional Chairperson, Deputy Chairperson, Secretary, Treasurer and eight other men and women elected by the Regional Conference. The Regional Chairpersons of the Women's League and the Youth League shall be ex-officio members with full voting and speaking rights. The REC shall:

- a) Meet on the day of its election to elect the Regional Working Committee and thereafter at least once every three months.
- b) Carry out the decisions of the Regional Conference and of the national leadership.
- c) Manage and control the funds of the ANC in the region.
- d) Submit reports to the NEC 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.
- e) Appoint the regional organiser, who need not be

a member of the REC.

- f) Organise and establish branches in the region.
- g) Carry out the policy and programme of the ANC and do all things necessary to further the interests, aims and objects of the organisation.

REGIONAL WORKING COMMITTEE

The Regional Working Committee shall be a core group of the REC and shall consist of not less than one quarter of its members, all of whom shall reside within fifty miles of the regional headquarters. It shall perform the duties and functions of the REC to which it shall report.

FUNCTIONING OF THE REGIONAL EXECUTIVE COMMITTEE

1. Pending the holding of Regional Conferences, the NEC may appoint interim members of the RECs.
2. Regional offices shall, with due allowance for differences of detail, perform the same functions as their national counterparts.
3. Any three or more branches within a region may be grouped into zones, with appropriate organisational structure.

BRANCHES

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

The branch shall:

1. Be registered with the REC.
2. Meet as provided for in the rules and regulations.
3. Be the place where members exercise their basic democratic rights to discuss and formulate policy.
4. Be the basic unit of activity for members.
5. Elect at an annual branch meeting a chairperson, secretary, treasurer and six other committee members.
6. The branch committee shall:
 - a) Meet on the day of its election and choose a branch sub-committee to carry on the day-to-day affairs 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) Submit reports on its work to the branch meeting and at least each quarter to the REC.
 - d) Look after the funds of the branch.

DISCIPLINE

1. The NEC shall review all cases presently falling under the Code of Conduct and take such decisions as may be necessary to benefit persons affected by the Code.

2. In the light of experience gained in the period of re-establishment of the ANC a new Code of Conduct shall be drafted for presentation to the National Conference.

3. In the interim, the existing Code of Conduct will operate insofar as it is relevant, and will progressively be replaced by disciplinary proceedings to be exercised according to the following principles:

a) Disciplinary proceedings should be confined to violations of the basic principles and norms of the ANC, and not be used as a means for stifling debate or denying members their basic democratic rights.
b) Proceedings shall normally be conducted at the level where the alleged violations took place, namely branch, region or national, and shall be heard by the relevant structure.

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

d) Any person adversely affected by the outcome of any hearing shall have the right to have the matter reviewed by the next higher body of the ANC.

e) Penalties for proven violations of the Constitution, principles, norms and decisions of the ANC shall include reprimand, suspension, expulsion, payment of compensation, the performance of useful tasks, and demotion.

f) Matters shall be attended to expeditiously.

g) In addition to misconduct which directly violates the norms of the ANC, any abuse of office, corruption, sexual harassment or misappropriation of funds shall give rise to proceedings.

h) Proceedings may also be brought against members who behave in a disgraceful way that brings the organisation into disrepute or manifests a flagrant violation of the moral integrity expected of members.

i) Disciplinary proceedings shall not be brought 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.

j) Members who fail to pay their subscriptions for six months or who fail without just cause to attend branch meetings for three consecutive months, and

who have been reminded of their lapse and not responded appropriately, shall be lapsed from membership.

FUNDS

The NEC shall adopt a document entitled **ANC Funds** which, in the light of constitutional provisions, will set out the manner in which funds will be raised and utilised and which will in particular indicate how funds shall be distributed at the branch, regional and national levels. Proper records shall be kept of all receipts and expenditures and regular evaluations made of all assets.

RULES AND REGULATIONS

1. The NEC shall have the power to adopt rules and regulations for the better carrying out of the activities of the ANC, and in particular to deal with transitional situations brought about by the changing political position in South Africa.

2. The REC's shall have the power to adopt rules and regulations for the better functioning of the ANC in their respective regions and, in particular, to deal with transitional situations as referred to above.

3. All such rules and regulations shall be consistent with the constitutional norms of the ANC, and rules and regulations framed by a REC shall only become operative when approved by the NEC, or, on a provisional basis pending approval by the NEC, by the NWC.

AMENDMENTS

This constitutional framework is intended to be operative in the period leading up to the holding of a National Conference, when a new Constitution will be adopted or the groundwork laid for the adoption of a new Constitution. Any new proposed Constitution shall be submitted to the membership who shall be given a reasonable opportunity to study it and propose amendments.

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, property and reputation.