



NATIONAL WORKING COMMITTEE

DOCUMENTS

20 OCTOBER 1993

AFRICAN NATIONAL CONGRESS

EXTENDED

NATIONAL WORKING COMMITTEE

DATE: *Wednesday, 20 October 1993*
VENUE: *Boardroom, 10th Floor*
TIME: *07:00 - 12:00*

DRAFT AGENDA

1. *Opening*
2. *Adoption of Agenda*
3. *Apologies*
4. **Negotiations Commission:**
 - 4.1. *The Structures of the TEC, IEC, IBC & IMC*
 - 4.2. *Referendum*
 - 4.3. *Report from bilaterals*
5. **Elections Commission:**
 - 5.1. *Rationalisation of current ANC regions for electoral purposes*
- 6.. **Organising Dept (DPE):**
 6. 1. *Code of Conduct*
7. *Identification of Human Resources - Process for Gov Structures*
8. *Report from President on trip*
9. *Closure*

CODE

OF

CONDUCT

**CODE OF CONDUCT FOR OFFICERS, ELECTED REPRESENTATIVES
AND MEMBERS OF THE AFRICAN NATIONAL CONGRESS**

1. Introduction

- 1.1. Except where otherwise expressly mentioned, this Code shall apply to all members and employees of the African National Congress. To ensure that members shall have complete confidence in the integrity of our Movement, every member shall respect and adhere to the fundamental principles of ethical and moral conduct and service as identified in the Constitution of the African National Congress adopted in July 1991 and in this Code.
- 1.2. The ANC is an instrument created by the people of South Africa to achieve their goal of a just and democratic South Africa, to build a society in which all our people live together as equals. In fighting for justice in our land, we must ensure that at all times that justice, fairness and equity exist inside our organisation; our members and the people of South Africa must know and feel that justice is not merely an ideal but the fundamental principle that governs all our actions.
- 1.3 Accordingly, we must at all times act justly in our own ranks, observe the rules and practices which enable us to act in a united fashion and establish a system of conduct which is in line with what we envisage for a liberated South Africa-democratic decision-making, answerability of officials and acceptance of decisions arrived at by the appropriate organ.

[Previous wording:1.3. Accordingly, we must at all times act justly in our own ranks, observe the rules and practices which enables us to act in a united fashion and establish the embryo of a system which we envisage for a liberated South Africa -democratic decision-making, answerability of officials and acceptance of decisions arrived at by the appropriate organ.]

1.4.

There are ties of solidarity and common purpose and endeavour which bind us. Respect for each other's views presupposes an acceptance of certain basic approaches to debate within our movement -the rejection of personal insult, respect for clearly identified and democratically arrived -at decisions and policies and the non -racist and non-sexist character of our movement.

[Previous version:1.4.

In addition, as the ANC is a movement and not a government, there are ties of solidarity and common purpose and endeavour which bind us. Respect for each other's views presupposes an acceptance of certain basic approaches to debate within our movement - the rejection of personal insult, respect for clearly identified and democratically arrived-at policies and the non-racist and non-sexist character of our movement.]

- 1.5. The Constitution (Article C6) states that the principles of freedom of speech and free circulation of ideas and information shall operate within the ANC and members have the right (Article 1c) to "offer constructive criticism of any member, official, policy programme or activity of the ANC within its structures".

Members are free to debate their differences within the organisation and to advance new positions which may change or enrich policies. Where a decision has been taken, however, it is the duty of all members to respect these and defend them publicly, where required.

Insofar as the ANC is still in the process of developing policy on any particular topic, members are free to engage in public debate with a view to clarifying and assisting in the resolution of the movement's position.

[A sentence in the previous draft replaced by the part in bold reads: 'The best interests of the movement are served by members respecting the need for debate within and not outside the movement.']

- 1.6. In order to ensure the best interests of the movement, every member should take all necessary steps to understand and carry out the aims, policy and programme of the ANC and explain these to the people. Under our Constitution, members must combat propaganda detrimental to the interests of the ANC and defend the policy aims and programmes of the ANC.

- 1.7. The substance of our national aims is reflected in Article Ef) of our Constitution which enjoins members to "fight against racism, tribalism, chauvinism, sexism, religious and political intolerance or any other form of discrimination or chauvinism". Members should not countenance any such manifestations within our structures.

1.8 The ANC recognises the right of members to caucus and mobilise support for positions in the course of debate, the development of policy and the election of office bearers at all levels.

But such a right needs to be balanced against the need to maintain the overall unity of the organisation. The establishment of caucuses as organised and permanent structures may be disruptive of such unity.

In addition, no member may organise any grouping to achieve any particular goal through the circumvention of constitutional structures. Decision making in the ANC must be through its established structures.

Nothing said here is intended to suppress legitimate debate that may enrich the policies and structures of the ANC, even if it may be substantially at variance with any existing policy.

[Previous clause, for which the above is a suggested replacement :1.8. No democratic movement can tolerate the existence of any organised grouping, faction or tendency within its structures or ranks. Members must utilise existing avenues for changes in policy and refrain from publishing and/or distributing any material without authorisation which purports to be the view of any such grouping "(Article Ei). In addition, members shall not engage in factional activity which goes outside the recognised norms of free debate inside the movement and which threatens its unity.]

2. Officials

2.1. All elected officials at branch, regional and national levels and all employees owe a special duty of respect to members. Consistent with the demands of their work, they must be accessible and available to members and must ensure that their behaviour is neither arrogant not intolerant towards members.

[The word **arrogant** is substituted for **officious**, although the meaning is not quite the same. The word **officious** is inaccessible and its meaning meddling, does not seem to fit well in the paragraph]

2.2. They shall provide an efficient service to members. Correspondence must be replied to as speedily as possible and they shall be accountable for all their acts and omissions to the appropriate organ in the movement.

2.3. Such officials shall not abuse their office or employment by using their position to obtain material, sexual or other undue advantages from members or others.

- 2.4 Members shall respect the authority and functions vested in officials under the Constitution and assist them in the fulfilment of their functions.

3. Property

- 3.1. Members, officials and employees shall recognise that they are trustees of the property which belongs to the movement. They shall recognise also that it is the sacrifice of the members that enables our movement to acquire the property to perform its functions.
- 3.2. They shall not make unauthorised use of the organisation's property for personal advantage and shall account to the organisation for any such advantage obtained.
- 3.3. They shall behave honestly in relation to the property of the organisation and shall at all times take appropriate measures to protect and maintain such property.
- 3.4 They shall not make negligent or careless use of the organisation's property and shall be responsible for any loss incurred through careless or negligent use.

4. Discipline

- 4.1. Members shall recognise that the best form of discipline is self-discipline, which holds the movement together.
- 4.2 However, they shall recognise further that the Constitution of the organisation provides for disciplinary proceedings to be taken for proven violations of the Constitution, principles, norms and decisions of the ANC, for any abuse of office, corruption, sexual harassment or misappropriation. [See also **Disciplinary Code**, attached to the conditions of Employment, in **African National Congress, Systems & Procedures Handbook**]
- 4.3 Proceedings may also be brought against member who behave in any manner that brings the organisation into disrepute or which manifests a flagrant violation of the moral integrity expected of members
- 4.4. 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. Neither should be used as a means of stifling debate or denying members their basic democratic rights (Article Y of the Constitution)

Nothing in the above paragraph should be construed as condoning or allowing any conduct in the private lives of members that contravenes the basic principles of nonracialism and nonsexism. It is within the rights of the organisation to protect any of its members against any form of abuse even if it occurs within the home

5. Members of the National Executive Committee

- 5.1. Members of the National Executive Committee, the second highest organ in our movement after the National Conference, owe a special responsibility to the organisation and members. They shall be available at all times to perform tasks as determined by the NEC and the National Working Committee.
- 5.2 All NEC members shall keep the Secretary General or his or her Deputy informed of tasks being carried out by them and shall (unless their duties make it impossible) report to Headquarters or the office in which they are involved on a regular basis.
- 5.3. No NEC member shall leave the country without the authority of the Secretary General or the Deputy. All such applications for foreign travel must be made in a timely fashion and must specify the purpose of the trip, the period of absence and contact points throughout the trip. When the journey is on the official business of the movement, a report shall be submitted to the Secretary General's office.
- 5.4. In the case of NEC members based in regions other than Headquarters, they shall inform the Region to which they are attached concerning the details of their internal travel.
- 5.5. Continued attendance for the full duration of the National Executive Committee and the National Working Committee is obligatory and shall take precedence over any other meeting or commitment. If a member is unable to attend because of any prior arrangement or engagement, he or she shall seek permission for absence from the Secretary General or his or her Deputy.
- 5.6. All members of the National Executive Committee shall be active members of a Branch
- 5.7. The proceedings of the NEC and the National Working Committee and other leading structures are confidential. No NEC member shall convey the contents of the proceedings of meetings to external agencies without express authorization.

Formal statements on behalf of the organisation shall only be made by the national officers or those authorised to do so.

It shall be the duty of NEC members to ensure the safety of all documents in their possession.

- 5.8. All NEC members shall strictly adhere to the letter and spirit of decisions of the NEC.
- 5.9. Except in cases of genuine urgency, all requests by regions and other structures for NEC speakers or their participation in conferences and meetings in any of the movement's structures shall be transmitted through the appropriate Headquarter's organ in charge of allocating such speakers.
- 5.10. NEC members shall periodically keep the Secretary General or his or her Deputy informed, with written reports where necessary, of meetings and assignments carried out with embassies and other officials of governments.
- 5.11. Departmental heads shall regularly report on the progress of their departments to the NEC and seek guidance on the broad thrust of their work.

6. Disclosure of Interests by members of the National Executive Committee, Regional Executive Committees, candidates for local, regional and national elections and employees of the ANC

- 6.1 The regulations that follow are meant to mark a break with the debasement and devaluation of ethical standards in public life, established through 45 years of NP rule

In line with the practice of democratic countries, it is necessary to develop rules concerning the disclosure of financial interests and material benefits of leading officials.

The object of such disclosure is not to violate privacy nor to pry into any individual's previous business or other practices. The need is for the establishment of high standards of conduct and remove possible perceptions of any conflict of interests.

- 6.2. The National Executive Committee shall establish a Committee on the Declaration of Financial Interests which shall maintain a Register of Financial Interests which shall be updated from time to time. The Committee shall draft comprehensive rules for the topics covered here but shall be bound by these provisions.

6.3. General Disclosure of Financial Interests

Every member of the NEC and the other categories mentioned above shall make a general disclosure of financial interests which shall be entered in the Register. Such a statement shall cover (i) the name of employer or whether self-employed (ii) salary or income (iii) real property interests (iv) pensions (v) directorships and consultancies (vi) personal economic interests i.e. ownership or interest in stocks, shares, bonds or any business.

6.4. Directorship and Consultancies

Every person in the above categories shall register any directorships or consultancies with the Committee. In addition, if any member in these categories is offered a directorship of any company in future, such an invitation shall be reported to the Committee, which may recommend whether or not the acceptance of such a directorship is in the best interests of the organisation.

6.5. The obligation to report arises regardless of whether the directorship is paid or unpaid or whether it is a state, para-statal or private company.

6.6 Gifts

In order to avoid any outside body or individual from exercising any undue influence or the perception that that may be the case, it is necessary to develop a system of recording and control of gifts made to individuals in the organisation. The regulations are not concerned with family matters, but relate purely to gifts, as defined below, which are given to an individual by virtue of the position that he or she holds in the organisation.

whether directly or in disguised fashion,

For the purpose of this Code of Conduct, a gift refers, *inter alia*, to:

- (i) Any item of value supplied free of charge or at a reduced rate to the organisation for the use of an individual;
- (ii) Any item of value given to an individual official or person in the categories identified above;
- (iii) Any form of subsidisation of the ordinary expenses of an individual official or category of persons identified above, for example, the payment of rent, purchase of flats or houses, provision of clothing, meeting the expenses incurred by members of the individual's family (which would otherwise be borne by that individual official of the organisation) such as payment of school fees.

provision of leisure facilities, holidays,
overseas travel, etc.;

- 6.7. Any member in the above categories who is offered or receives a gift over the value of R100 shall immediately report it to the Committee on Financial Interests. The Committee shall make recommendations to the National Working Committee as to whether the receipt of any such gift is in the best interests of the organisation. The details concerning the gift shall be recorded in the Register maintained by the committee.

7. **Payment for Activities carried out on behalf of the Organisation**

Any payment received in cash or kind, above the value of R100, for services rendered as a representative of the ANC, such as speaking as a member or employee of the organisation, shall be reported to the Committee and handed over to the organisation. This provision shall not apply to the payment of travel and accommodation expenses incurred by and paid for by the individuals in the course of their work.

8. **Register of Interests**

The Committee on Financial Interests shall periodically update the register by seeking and obtaining the necessary information from the individuals concerned. Such an updating shall occur after a period of three months following the drawing up of the initial Register and every six months thereafter. In the case of election candidates, the Register shall be reviewed once the candidates have been chosen. The Register shall be open for inspection by any member of the National Executive Committee who shall have reasonable access to the Register.

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