

**CONSTITUTION OF THE AFRICAN PEOPLE'S CONVENTION
(APC)**



THE ALTERNATIVE VOICE

CONSTITUTION OF THE AFRICAN PEOPLE'S CONVENTION.

RULE 1: THE NAME OF THE PARTY.

The name of the organisation shall be the African People's Convention, hereinafter referred to as the APC.

RULE 2: AIMS & OBJECTIVES.

- 2.1 To rally the people to defend and advance the right to national self determination.
- 2.2 To strive for an Africanist socialist democracy.
- 2.3 To strive for the advancement of the interests of the people, educationally, culturally and economically.
- 2.4 To promote projection of the African personality.
- 2.5 To strive and promote the ideal of the union of African states, including the African Diaspora.
- 2.6 To promote international solidarity among progressive forces.
- 2.7 To strive to win acceptance as a vanguard by democratic means and in ideological contest with other political parties.
- 2.8 At all times commit itself to a social order that will respect completely the cultural, language and religious rights of all sections of our society and the democratic rights to independence of all social organisations and political parties that function within the ambit of the South African constitution. This implies commitment to multiparty political framework in which there will be regular, open and free elections.

RULE 3: MEMBERSHIP.

- 3.1 All South Africans from the age of sixteen [16] who accept the goals, policies and programme of the APC, undertake to carry out its decisions and to be active in an APC structure and pay whichever dues decided on, are eligible for membership.

- 3.2 Provided that such person is not a member of any other political organisation in South Africa.
- 3.3 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 exist. The Branch Executive Committee; the Regional Executive Committee or such interim structure as the Provincial Executive Committee or the Central Executive Committee (CEC) may create from time to time to decide on applications shall have the power to accept or refuse any application for membership provided such acceptance or refusal shall be subject to review by the next higher organ of the APC.
- 3.4 Membership shall be issued to registered members of the APC 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 and shall remain valid for a period of twelve calendar months.
- 3.5 A person who does not qualify for citizenship or permanent residency in South Africa may be accepted as an associate member if his or her application is accepted by the Central Committee (CC) . An associate member has full constitutional rights and obligations but may not stand for election as a member of the Executive at any level of the APC.
- 3.6 Every member has a duty in his or her personal conduct to act in a manner which will bring credit to the APC and be a standard bearer of the highest socialist ethic and morality.
- 3.7 Members must strive constantly to improve their understanding of the APC guiding ideology and its application to our specific South African conditions.
- 3.8 Any member of the APC who stands in an election for local government, provincial or national government elections or acts as an election agent or canvasser of a person

standing for such elections in opposition to a candidate duly endorsed by the PEC or CEC shall be ineligible to be or remain a member.

- 3.9(a) Any member who joins a political organisation or party other than the APC or party in alliance with the APC shall be ineligible to be or remain a member.
- (b) Any member who support an organisation or other than an organisation in alliance with the APC in manner contrary to the aims, objectives and policy of the APC shall be liable to disciplinary action.
- 3.10 Members who fail to pay their subscriptions, for three (3) months and having been reminded of their laps shall not be regarded as members in good standing until they pay their arrears.

RULE 4: RIGHTS AND DUTIES OF THE MEMBERS.

4.1 Rights.

A member of the APC shall have the right to;

- (a) Take a full and active part in the discussion, formulation and Implementation of the policies of the APC.
- (b) Receive and impart information on all aspects of APC policy and activities.
- (c) Offer constructive criticism of any member, official, policy, programme or activity of the APC within its structures.
- (d) Take part in election and be elected or appointed to any committee, structure, commission or delegation of the APC.
- (e) Submit proposals or statements to the branch, region, province or CEC, provided such proposals or statements are submitted through the appropriate structures.

4.2 Duties.

4.2.1 Member of the APC shall:

- (a) Ensure that they are registered as voters in the Constituency where they live.
- (b) Belong to and take part in the life of his or her branch.
- (c) Combat propaganda detrimental to the interests of the APC and defend the policy, aims and programme of the APC.
- (d) Deepen his/her understanding of the social, cultural, political and Economic issues of the country.
- (e) Explain the aims, policies and programmes of the APC to the people.
- (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 within the party.
- (h) Refrain from publishing and for distributing any media without authorisation which purports to be the views of any organised grouping, faction or tendency within the APC.
- (i) Take all necessary steps to understand and carry out the aims, policy and programme of the APC.

Rule 5: Component Structures.

- 5.1. Component structures are APC organs guided and bound by the APC constitution principles, policies, discipline and programmes.
- 5.2. Component structures shall have administrative independence.
- 5.3. Component structures shall be represented in all political structures and gatherings of the APC as shall be determined by the Central Executive Committee.
- 5.4. There shall be two component structures for the APC; viz;
 - 5.4.1 Women – APC Women’s League.
 - 5.4.2 Youth - APC Youth League.

Rules 6: Organisational structure.

6.1. There shall be structures to run the affairs of the organisation at different levels in line with the country's administrative system, i.e.

6.1.1. National (Central Executive Committee).

6.1.2. Province (Provincial Executive Committee).

6.1.3. Districts (Regional Executive Committee).

6.1.4. Municipal (Sub – Regional Executive Committee).

6.1.5. Wards (Branch Executive Committee).

6.2. There shall be a Politburo, composed of the following:

6.2.1. The National Office bearers.

6.2.2. Ten members elected from amongst members of the CEC as well as Presidents of component structures.

6.3. The following structures shall be composed as follows;

6.3.1. CEC (Central Executive Committee)

(a) President

(b) Deputy President

(c) Chairperson

(d) Secretary – General

(e) Deputy Secretary – General

(f) Treasurer – General

(g) Forty members who will be together with those in (a – f) above shall be elected by majority vote at the National Congress.

(h) The President and the Secretary General together with two other members of the component structures, determined by the respective component structures shall be part of the CEC.

(j) The Provincial Chairperson as well as the Provincial Secretary of each Province shall be part of the CEC.

6.2.3 PEC (Provincial Executive Committee).

(a) Chairperson.

(b) Deputy Chairperson

- (c) Secretary
- (d) Deputy Secretary
- (e) Treasurer
- (f) Twenty members elected by majority vote at a Provincial Conference.

6.2.4. REC; SUB – REC; BEC.

- (a) Chairperson
- (b) Deputy Chairperson
- (c) Secretary
- (d) Deputy Secretary
- (e) Treasurer
- (f) Ten members elected by majority vote at a Regional (REC), Sub-Regional (SUB-REC) or Branch (BEC) Conference.

Rule 7: National Congress.

7.1. The National Congress shall be the supreme ruling and controlling body of the APC.

It shall be composed of;

7.2. Voting Delegates.

- (a) The voting delegates at the Congress shall be from branches which shall be represented by elected delegates. The number of delegates shall be in proportion to the paid up membership; on the basis of one delegate for every fifty members in good standing with their subscription.
- (b) The number of delegates to be elected to National Congress by each Province shall be fixed by the CEC in proportion to the paid up membership of each Province.

(c) The Provincial Executive Committees of the APC and the National Executive Committees of the Women's League and the Youth League shall attend as full delegates.

(d) All members of the Central Executive Committee shall attend as full delegates in the Congress.

7.3 Non – Voting Delegates.

The CEC may invite individuals who have special contribution to the Party or who have special skills or experience, to attend the Congress.

7.4. The CEC shall appoint a Congress Organising Committee which will circulate Congress information in advance, determine the precise procedure for selection of the delegates and indicate how the membership can ensure their concerns are on the agenda.

7.5. The Congress determines its own procedures in accordance with democratic principles.

7.6 Voting on key issues shall be by secret ballot if at least one third of the delegates at National Congress demand it.

7.7 The National Congress shall be convened at least every three (3) years.

Rule 8: Duties and Powers of the National Congress.

The national congress shall:

8.1. Decide and determine the policy, programme and constitution of the APC.

8.2. Receive and discuss the reports of the CEC which shall include the President address; the Secretary General's report which shall include a

report on the work and activities of the Women's League and Youth League, and the Treasurer General's report.

- 8.3. 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 APC.
- 8.4. Elect the President, Deputy President, National Chairperson, and Secretary General Deputy Secretary General, Treasurer General and the remaining forty [40] members of the CEC.
- 8.5. Have the power to elect or appoint any Commission or Committee and assign specific tasks and duties to such Commission or Committee.

Rule 9: The Central Executive Committee.

Unless otherwise provided for in this constitution, the CEC shall have the power to direct the work of the APC, to determine all questions of policy, and to issue binding instructions and directives to all levels of the APC, ensure that any departure from major policy decision of the National Congress demanded by changing conditions shall only be made after full consultation with the membership.

The Central Executive Committee shall:

- 9.1 Consist of forty (40) members elected at the National Congress, the President, the Deputy President, National Chairperson, Secretary General, Deputy Secretary General, and Treasurer General. The Chairpersons and Provincial Secretary of each Province; as well as the President; Secretary General and two members from each component structure form part of the Central Executive Committee.
 - 9.1.1 Any Provincial Secretary or Chairperson elected to the Central Executive Committee in his or her own right shall forfeit his or her position in the PEC.
 - 9.1.2 The President shall have the right to appoint five (5) members into the Central executive Committee.

- 9.1.3 All nominations for the elected members of the Central Executive Committee shall be submitted by Provinces to the Central Executive Committee not later than two weeks before the National Congress. Nominations from the floor of the Congress shall be accepted if seconded by a minimum of 20% of Congress Delegates.
- 9.2 Meet at least every three months in plenary session. Any major draft political report to be considered by the plenary session shall be timeously circulated to the membership for comments and criticisms.
- 9.3 Decide who will be fulltime members of the Central Executive Committee.
- 9.4 Ensure that elected office bearers, Central Executive Committee members, Provincial Committees, other Party structures and members carry out their duties effectively.
- 9.5 Control and supervise all National APC media and set up the necessary structures for their effective functioning.
- 9.6 Stimulate and provide a flow of Political Education in Pan Africanism and Socialist Theory and its application to our conditions for all APC members, and promote cadre development.
- 9.7 Inform and guide the membership on current political developments and also provide regular information on APC organisational activities.
- 9.8 Represent APC nationally and internationally in its relations with other Political organisations and Parties.
- 9.9 Manage all APC property and funds.
- 9.10 Appoint from among its members the head of departments.
- 9.11 All Central Executive Committee members shall be obliged to attend all CEC meetings or tender written apologies. Elected cec members shall be obliged to work within a

department of APC as deployed by the CEC, failure to participate in the department shall be reported to the CEC by the head of the department.

Rule 10: political bureau [PB].

10.1 The CEC shall meet immediately after Congress and shall elect from its ranks ten (10) members, who together with the elected office bearers, shall constitute the political bureau [PB]. The presidents of the component structures shall be ex- officio members of the PB.

10.2 The PB shall conduct the current work of the APC and shall exercise all the powers and functions of the CEC between meetings of the CEC except those powers and functions which this constitution specifically reserved for plenary sessions of the CEC.

10.3 The PB shall meet at least once a month. It shall appoint whatever administrative structures it deems necessary to facilitate the carrying out of its decision between meetings of the PB.

10.4 The CEC shall constantly assess and evaluate the work of the PB and where necessary, recall members of the PB.

10.5 Any member of the CEC may, by invitation of the PB, attend any of its meetings.

10.6 The PB shall have the right by a two - thirds majority decision (excluding the comrade affected) to suspend any comrade from the PB for any serious misconduct detrimental to the APC.

10.6.1 Such a decision shall be enforced until the next plenary session of the CEC which shall either confirm or reverse the PB decision.

Rule 11: The Electoral Commission.

11.1. The CEC shall appoint an electoral commission of not fewer than three (3) members whose task it will be;

- (a) To prepare the ballot papers as directed by the constitution.
- (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.

11.2. The names of the electoral commission whose work shall commence before Congress opens shall be submitted to the Congress for endorsement and they shall then be reinforced by a representative appointed by each provincial delegation.

Rule 12: The National Finance Committee.

12.1. There shall be a National Finance Committee of the Party which shall consist of the following;

- (a) No fewer than three (3) members appointed by the Central Executive Committee from among its members.
- (b) Treasures of each Province.
- (c) National Treasurer of the APC Women’s League.
- (d) National Treasurer of the APC Youth League.
- (e) Treasurer General; and
- (f) Secretary General.

12.2 The National Finance Committee shall perform the following duties;

- (a) Formulate policy with regard to revenue and expenditure of the Party’s funds.
- (b) Ensure that there is equity and fairness in the distribution of resources among the structures and organs of the party.
- (c) Formulate broad guidelines to govern fundraising activities at all levels

of the Party.

- (d) Monitor adherence by all structures and organs of the Party to agreed policy and guidelines of financial matters.
- (e) Ensure adherence by all structures and organs of the party to high standards on financial matters.
- (f) Act as clearing house for all investment business and financial proposals and advise the CEC accordingly.
- (g) Meet on a regular basis and to submit reports to the Central Executive Committee at least on a quarterly basis.

12.3 Each level of party organisation may inspect and make recommendations with respect to an administrative and financial matter related to a structure immediately below it. National and Provincial organs of the party shall be fiscally and financial autonomous. All party organs shall follow fiscal and financial guidelines as determined by the National Finance Committee.

Rule 13: Duties and Functions of Officials.

13.1. The President.

The President is the head and chief directing officer of the APC and the leader of the house at a National Congress he or she shall:

- (a) Present to the National Congress a comprehensive statement of the state of the nation and the political situation generally;
- (b) Make pronouncements for and on behalf of the CEC outlining and explaining the policy or attitude of the APC on any question;
- (c) Preside over meetings of the CEC in conformity with the constitution, by-laws and rules of procedure adopted by the CEC;
- (d) Under the overall supervision of the CEC, orient and direct the activities of the APC;
- (e) Be an ex-officio member of the PB.

13.2. Deputy President.

The deputy president shall assist the president, deputise for him or her when necessary and carry out whatever functions entrusted to him or her by National Congress, the President or the CEC. He or she will be an ex-officio of the PB.

13.3. In the event of death or permanent incapacity of the President and the Deputy, the CEC shall as soon as possible appoint an acting President until such time as the National Congress meets.

13.4 The National Chairperson.

- (a) Preside over the National Congress;
- (b) Remain the custodian of the decisions made by the national congress and ensure that all organs of the APC implement these decisions and operate within the parameters of policy set out by congress;
- (c) Carry out such additional tasks as Congress or CEC may instruct;
- (d) Be an ex-officio member of the PB;

13.5 In the absence or incapacity of the National Chairperson, the President shall assume his or her functions;

13.6. The Secretary General.

The Secretary General is the chief administrative officer of the APC he or she shall:

- (a) Keep the minutes of the National Congress, the CEC, PB as well as other records of the APC.
- (b) Conduct all correspondence of the APC, CEC, and PB and send out notices of all Congress and meeting at National level.
- (c) Convey the decision and instructions of the National Congress, CEC and PB to Provincial Executive Committees and see to it that all units of the APC carry out their duties properly.

- (d) Prepare annual reports on the work of the CEC, PB and such other documents which may from time to time be required by the CEC and the PB.
- (e) In the absence of the Deputy President the Secretary General shall assume the functions of the President.
- (f) All departments falling directly under the President shall report on their activities to the Secretary General.
- (g) Be an ex-officio member of the PB.

13.7 Deputy Secretary.

The Deputy Secretary shall assist the Secretary General, deputise for him or her when necessary and carry out functions entrusted to him or her by the National Congress or the CEC and shall be an Ex-Officio member of the PB.

13.8 Treasurers General.

The Treasurer General is the chief custodian of the funds of the APC. He or she shall:

- (a) Receive and bank monies on behalf of the CEC and shall together with any two members of the CEC operate a banking account;
- (b) Keep such books of account as may be necessary to record clearly the financial position of the Party;
- (c) Submit to the National Congress a report showing the income and expenditure account and balance sheet of the party for the period since the previous National Congress, and shall submit periodic reports to the CEC and PB;
- (d) Be responsible with the National Finance Committee for working out and executing plans for fundraising;
- (e) Be an Ex-Officio member of the PB;

Rule 14: Provincial Congress.

14.1 Subject to the overall guidance of CEC, the Provincial Congress shall be the highest organ of APC in each province.

14.2 The Provincial Congress shall:

- (a) Be held at least once every three [3] years and more often if requested by at least one third of all Branches in the Province.
- (b) Be a Congress attended by delegates chosen on a democratic basis by all Branches in the Province with representation in proportion to membership, with attention being paid in ensuring representation of areas where membership is reduced.
- (c) Be attended by members of the Provincial Executive Committee who shall have full voting and speaking rights as ex-officio participants.
- (d) Be attended by the PEC 's of the Women and Youth League as well as the PEC's of the APC in that Province with full voting and speaking rights.
- (e) Carry out the decision of the National Congress, CEC and the PB.
- (f) Receive and consider reports by the Provincial Executive Committee.
- (g) Elect the Provincial Chairperson, Deputy Chairperson, Secretary, and Deputy Secretary, Treasurer, and other members of the Provincial Executive Committee who will hold office for three [3] years.
- (h) Carry out and develop policy and programmes of APC in the Province.

Rule 15: The Provincial Council.

15.1. The Provincial Council shall be convened between Provincial Congresses.

15.2. The Provincial Council consist of all members of the Provincial Executive Committee and delegates representing branches in proportion to membership with a minimum of one (1) delegate per Branch. The Women's and the Youth League shall be represented by their PEC's. The REC's shall be represented.

15.3. The PC shall meet at least twice a year. A PC shall for a good cause shown, be convened by PEC upon a request of one third of Branches in the Province.

15.4. The Provincial 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 competency, subject always to the policies and direction of the National Congress or the CEC.

15.5. The PC may fill any vacancy on the PEC provided that the filling of vacancies does not exceed fifty 50 % of the membership of the PEC.

Rule 16: Provincial Executive Committee.

The Provincial Executive Committee shall be responsible for carrying out the decision of the Provincial Congress and Provincial Council. The Provincial Executive Committee (PEC) shall comprise those elected in terms of rule 14.2 (g) and the Secretary and the Chairperson of each region (REC). The Chairperson and the Secretary of component structures shall be Ex -Officio members of the PEC. The PEC shall:

16.1 Meet immediately after its election to elect a Provincial Working Committee (PWC) the PWC shall consist of not less than ten (10) members of the PEC including all the Provincial Office Bearers. Both Chairpersons of component structures shall be ex-officio members of the PWC. The PWC shall meet at least once every fortnight and implement all decision of the PEC.

16.2 Meet at least once per month.

16.3 Submit reports to the CEC, the Provincial Congress and Provincial Council as often as is required.

16.4 Organise, establish and service the Regions; Sub-Regions and/or Branches in its Province.

16.5 Establish appropriate Provincial Structures consistent with National guidelines to carry out political organisational, financial and campaign tasks.

Rule 17: Regional Congress.

- 17.1 The CEC shall divide the Province into Regions for more efficient and democratic functioning of APC.
- 17.2 The maximum number of Regions in the Province shall be determined by the district demarcation in line with the constitution of the country.
- 17.3 Each Region shall hold a Regional Congress every three (3) years which shall elect the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and a Committee of ten additional members; in addition the chairperson and secretary of the component structures in that Region shall be members of the Regional Executive Committee.
- 17.4 Each Branch within a Region shall be entitled to send delegates to the Triennial Regional Congress in proportion to its members.
- 17.5 There shall be at least two regional council meetings 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.
- 17.6 The Regional Executive Committee shall be accountable to the PEC for its functioning. The powers of the regional executive committee are such Powers delegated to it by the PEC.
- 17.7 The Regional Executive Committee must ensure that subscription is collected.
- 17.8 The Regional Executive Committee must ensure full participation of APC Branches in Party activities and in the National democratic and Socialist Struggles.
- 17.9 The Regional Executive Committee must initiate co-ordinate and support campaigns at local level.

17.10 The Regional Executive Committee must spearhead and support Programmes for Socialist Education.

Rule 18: Branches.

The basic structure of the APC is the branch, to be formed at a residential area or industrial location and every member shall be obliged to belong to a branch. After consultation with the PEC, the CEC shall draw up a policy framework for the determination of the boundaries of branches. This policy framework shall take into account the ward branches within a municipality. The branch shall:

18.1 Consist of a minimum of fifty members.

18.2 Ensure that its members are given every opportunity to exercise their basic democratic right to discuss and formulate policies.

18.3 Ensure that it acts as a basic unit of activity for members by elaborating strategic, tactical and organisational tasks for the branch, fully participating in the national democratic and socialist struggles initiating and co-ordinating campaigns, conducting programmes of socialist education.

18.4 Meet at least once a month.

18.5 Elect a BEC at a Biennial Branch Meeting consisting of a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and ten other Committee members. The BEC shall submit regular reports to the Sub-REC.

18.6 Where a vacancy arises among the office bearers of the Branch, the next Branch General Meeting shall elect an interim office bear, who will serve for the remainder of the period until the next BGM.

Rule 19: Sub – Regions.

A Sub-region shall be formed by a single municipality.

19.1 Sub-Regional structures of the Women's League and Youth League exist; they shall be represented by one {1} member each subjected to the same provisions relating to the requirements for APC membership.

19.4 The task of Sub-Regions will include;

- (a) To meet at least once a month.
- (b) To co-ordinate the work and activities of the constituent Branches and submit report to the REC.
- (c) To see to the implementation of the CEC, PEC, and REC decisions in the sub-region.
- (d) To participate in the work of the Regional Council.
- (e) To maintain effective links with all Branches in the Sub-Region.

Rule 20: Party Units.

20.1 Units of the APC, consisting of minimum of five {5} members may be formed in circumstances where a Branch cannot be formed. This Unit should be represented by one person on the nearest BEC. All the members of such a Unit shall have all the responsibility and duties of APC members but do not have voting rights at Branch Meetings or Regional or Provincial Congress. Such Unit shall be allowed to exist and function for not more than one year without launching as a full Branch, unless otherwise authorised by the REC or PEC where a REC does not exist or is not functional.

20.2 Units of the APC consisting of a minimum of five members may also be formed to facilitate in a Branch which covers a wide geographical area. The formation of such Units within a Branch must be approved at a Branch General Meeting.

20.3 Sectoral Units of the APC consisting of a minimum of five members may also be formed to advance APC goals within different spheres of society. The formation and role of these units shall be determined by the CEC or PEC, as appropriate.

20.4 Consistent with these provisions on Party Units, the CEC may provide guidelines on party Units.

Rule 21: Quorums.

21.1 The launch of new Branches, Branch AGM's and Branch General Meetings: more than 50% of the members.

21.2 Units; more than 50% of the members.

21.3 Regional Congress & Regional Council; more than 50% of the Branches.

21.4 Provincial Congress and Provincial Council; more than 50% of the Branches.

21.5 National Congress; more than 50% of the Branches.

21.6 BEC, REC, PEC, PWC, CEC, PB: more than 50% of the elected members on each of these structures.

21.7 If after an hour, the relevant constitutional structure has not quorated, the meeting is regarded as non- quorate.

21.8 Meetings which do not Quorate shall re-convene between 2 and 14 days later. Delegates present at the said meeting shall form a Quorum.

Rule 22: Disciplinary tribunal.

22.1. All members without exception must abide by the constitution of the APC, the rules and codes of conduct as adopted or amended from time to time.

22.2. Disciplinary proceedings against a member shall be confirm to violations of the APC constitution, rules codes of conduct or the commission of offences as set out in Rule 22.3, and shall not;

- (a) Be used as a means of stifling debate or denying members their basic democratic rights;
- (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.

22.3 A serious offence shall be committed by any member who;

22.3.1 Prejudices the integrity or repute of the organisation, its operational capacity by;

- (a) Impeding the activities of the organisation;
- (b) Creating division within its ranks or membership;
- (c) Doing any other act which undermines its effectiveness as an organisation;
- (d) Acting on behalf of or in collaboration with;
 1. Counter-revolutionary forces;
 2. A Political Organisation or Party other than an Organisation or Party in alliance with the APC in a manner contrary to the aims, policies and objectives of the
 3. Intelligence or the security services of other countries
 4. Any person or group who seriously interferes with the work of the organisation or prevents it from fulfilling its mission and objective.

22.3.2. The following shall be regarded as serious offences, without prejudice to the generality of this provision and the right of the CEC to add to this category of offences;

- (a) Conviction in a court of law and sentenced to a term of imprisonment without the option of a fine for any serious non political offence.
- (b) Misappropriation of the funds of the organisation or destruction of its properties.
- (c) Behaving corruptly in seeking or accepting any bribe for performing or for not performing any task.
- (d) Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others.
- (e) Abuse of elected or employed office in the organisation or in the state to obtain any direct or indirect undue advantage or enrichment.
- (f) Fighting or behaving in a grossly disorderly or unruly way.

(g) Deliberately disrupting meetings and interfering with the orderly functioning of the organisation.

22.3.3 If, in the opinion of the CEC or the relevant body exercising its right to invoke disciplinary proceedings under this constitution, a member is guilty of the following offences, disciplinary proceedings may follow;

- (a) Behaviour which brings the organisation into disrepute or which manifests a violation of the moral integrity expected of members or conduct unbecoming that of a member.
- (b) Solving racism, sexism, tribal chauvinism, religions and political intolerance, regionalism or any form of discrimination;
- (c) Behaving in such a way as to provoke serious divisions or a break-down of unity in the organisation;
- (d) Undermining the respect for or impeding the functioning of the structures of the organisation;
- (e) Participating in organised factional activity that goes beyond the organisation norms of free debate inside the organisation and threatens its Unity.

22.4 (a) Disciplinary proceedings shall normally be conducted at the level where the alleged violation or offence took place namely the Branch, Region, Province or National.

(b) A BEC, REC or PEC shall where necessary establish a disciplinary Committee to hear disciplinary cases.

(c) The CEC shall appoint;

1. A standing disciplinary committee consisting of five (5) members to hear Disciplinary cases.

2. A National Appeals Committee whose composition shall include members of the APC who are not members of the CEC to hear appeals.

(d) The CEC may direct that the disciplinary proceedings should be heard at a higher level than where the alleged violation took place.

22.5 (a) Any person facing disciplinary proceedings shall receive at least two week's written notice of any hearing, as well as the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defence.

- (b) The disciplinary proceedings shall be completed within ninety (90) days of the member receiving the notice of hearing.
- (c) No member shall, judge or disciplined without a proper hearing.
- (d) The CEC shall draw up rules of procedure to be followed during a hearing process.

22.6 Refusal to participate in a disciplinary hearing or to accept the authority of the relevant APC structure to impose disciplinary action shall constitute a serious offence, requiring immediate suspension for a period of at least thirty (30) days. At the end of this period, the disciplinary hearing will be restarted, and should the member repeat such a refusal, the member shall be expelled from the party by the CEC.

22.7 (a) Penalties for violations in terms of subsection shall include a reprimand, payment of compensation, the performance of useful tasks, suspension or expulsion.

(b) The penalties imposed by a Branch or Regional Disciplinary Committee shall be immediately reported to the PEC for approval before they come into effect.

(c) The PEC shall have the power to suspend members or impose lesser forms of punishment, which shall come into effect without prior approval of the CEC, but such measures shall be immediately reported to the CEC, which has the power to amend or reverse them.

(d) Expulsion shall be imposed only by the CEC acting either on its own initiative or after receiving a fully documented recommendation from the PEC.

(e) A suspended member shall not be allowed to attend meetings of any APC structure during the period of suspension except by special invitation.

22.8 (a) Any person found guilty in a disciplinary proceeding shall have the right to appeal to the National Appeals Committee. All appeals shall be submitted through the Provincial Council concerned or in the case of a matter heard by the standing Disciplinary Committee, through the CEC, within thirty (30) days of the person being notified of the decision. The Provincial Council or CEC shall forward the appeal together with all other relevant documentation to the National Appeals Committee.

(b) The lodging of an appeal shall not postpone the operation of the penalty.

(c) Any member of the APC whose appeal has been rejected by the National Appeals Committee shall have the right to appeal against such a decision in writing to the next Congress. The written appeal shall be submitted to the PB within three (3) months of the date the member is informed of the National Appeals Committee decision.

Rule 23:Headquarters.

The site of the National Headquarters of the APC shall be at a place to be determined by the CEC from time to time.

Rule 24:Amendments to the Constitution.

24.1 Any amendments to this Constitution shall be by a two-thirds majority of Delegates present and voting at the National or Special Congress.

24.2 All proposed amendments to the constitution shall be submitted in writing to the CEC not less than three (3) months prior to the National or Special Congress. The CEC shall ensure that all Provinces, Regions and Branch structures receive such amendments or any other amendments proposed by the CEC not less than two (2) months prior to the National Special Congress and all comments received shall be tabled at the National or Special Congress.

Rule 25: Special Congress.

25.1 A Special Congress of the APC may be convened by the CEC at any time or at the request of a majority of the Provinces for a stated purpose or purposes.

25.2 Not less than one {1} month's notice of such Congress shall be given.

25.3 Participation at the Congress shall be determined by the CEC, provided those Branches shall be represented at such a Congress in proportion to their membership.

Rule 26: Relationship with International Organisations.

The Party shall foster friendly relations and maintain bonds internationally with Organisations and Political Parties that could promote the aims and objectives of the Party.

Rule 27: Agreements with other Parties.

An election or any other agreement with any Political Party or Independent Candidate may not be entered into by;

27.1 Any member, aspirant candidate or public representative.

27.2 A Branch constituency, Sub-Region, Regional Structure or Provincial Structure.

27.3 Any group of members of the Party:

Without the prior consent of the central executive committee {CEC} and disregard of this provision, is deemed to be an act against the interests of the party.

Rule 28: Contractual Liability.

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

Rule 29: APC Logo and Colours.



29.1 The APC logo shall have two (2) circles.

29.2 The outer circle Shall be black and the inner circle shall be gold.

29.3 Inside the circle, there shall be a black line that splits the inside of the circle in half (1/2).

29.4 The top half (1/2) shall be green with a gold rising sun that has only nine (9) rays, the nine (9) rays shall represent the 9 Province of South Africa.

29.5 The bottom half (1/2) of the circles shall be white with the letters APC in black capital letters.

29.6 The Official colours of the APC shall be Green, Gold, Black and White.

Green – Shall symbolise the progressiveness of APC policies and programmes.

Gold – Shall symbolise the rich legacy of APC Ideology and resourcefulness of our Country.

Black – APC is a Party steeped firmly on the values and traditions of a liberation movement and black shall symbolise the dark days of apartheid colonialism.

White – Shall symbolise APC as a credible and viable alternative.

Rules 30: APC Flag:

30.1 The APC flag shall have the APC logo. With the full name Africa People's Convention bordering the logo on top.

30.2 The background of the APC flag shall be white.

Rule 31:Dissolution:

The National Congress or any Special Congress may dissolve the Organisation by a two-third majority of delegates present and voting and transfer the assets and liabilities of the movement in such a manner as determined by the Congress.

Signed by:

Themba Godi.
APC President.



COMRADE THEMBA GODI
APC PRESIDENT

APC VISION:

To be a viable, credible and progressive alternative governing party.

APC MISSION

Meeting the Economic, Social, Political and Cultural needs of our people through mass mobilisation.