

MCH 91-18-2-3

VC/9001/VC/NEC

CODE OF CONDUCT

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AFRICAN NATIONAL CONGRESS OF SOUTH AFRICA

CODE OF DISCIPLINE

"All Shall Be Equal Before The Law

No-one shall be imprisoned, deported or restricted without a fair trial;

No-one shall be condemned by the order of any government official;

The courts shall be representative of all the people;

Imprisonment shall only be for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on the grounds of race, colour or belief shall be repealed."

ANC CODE OF DISCIPLINE

Introduction

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The ANC is the instrument created by the people of South Africa to achieve their goal of a just and democratic society, to build a world in which all our people live together as equals, countrymen and brothers. In fighting for justice in our land, we must ensure at all times that justice exists inside our own organisation - our members, the people of South Africa, and the people of the world must know and feel that for us justice is not merely an ideal but the fundamental principle that governs all our actions. Accordingly, we must at all times act justly in our own ranks, train our people in the procedures of justice and establish the embryo of the new justice system we envisage for a liberated South Africa.

Justice in a revolutionary organisation has two inter-connected dimensions: it means defending the revolutionary process, defending the integrity of the organisation which leads it, and it means defending the rights of individual members. There should be no contradiction between the two. The ANC is an organisation of people who, out of a common desire for liberating our country and build a new society, have voluntarily joined together and accepted a common discipline. The basic rights and duties of our members

are therefore set out in the basic documents of the organisation, and their enforcement is essentially achieved by political methods and not by disciplinary proceedings. This document must therefore be seen as complementing and re-inforcing rather than replacing or modifying any of the fundamental principles of the organisation.

The ANC is fighting for people's power, and in the last analysis, it is the same power of the people that all the organs of the ANC, including the judicial organs express. The people want justice and the people want to be protected both against external exploiters and against abuses within their own ranks. Accordingly, the people want proper institutions to guarantee the just exercise of their power.

The judicial function has a specialised sphere with its own specific mode of operation and rules, but it takes its place alongside and acts in harmony with, rather than against all the other organs of the ANC, and to achieve the same objectives.

The ANC is a political organisation, the spearhead of a people's movement, it is not a State, nor is it a Government, nor is it yet a political organisation that directs and inspires a government. We do not have the vast apparatus of a state, nor is it correct that a political organisation should try to act like a mini-state. At the same time, the nature of our struggle calls upon us to exercise in appropriate forms some of the functions of an embryonic state. We have our Army, we have our security, and the time is ripe for us to have proper instruments to guarantee justice in our ranks.

In developing our own internal legal system, in strengthening revolutionary legality in our ranks, we certainly do not look to the judicial apparatus of the apartheid state as a model. Only when the people have established their power will the conditions exist for the true exercise of justice in our country, and only then will it be possible to give real content and meaning to the many principles of justice which exist on paper but which are mocked by the daily practice of the apartheid legal system. We know from harsh experience, that despite its immense formalism and technicality, apartheid justice is no justice at all, that it is not neutral, that it is

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used to divide, oppress and exploit our people, that it defends privilege, that it legitimises the theft of our land and of the fruits of our labour; that it protects the unjust and punishes the just; that it is used by the rich against the poor, so that whoever can afford the best lawyer is the one who can expect to win; that it condones torture and violence, and demands the blood of our noblest and most courageous fighters. Its norms, its personnel, its procedures, its style of operation, its atmosphere are all part of a system designed to perpetuate injustice and maintain the colonial and dominated nature of our society. The fact that there are individuals within the system who may be honest in no way alters the basic character of the racist legal system, since it is not they who determine its basic functioning, it is not they who are in control.

Our norms, our personnel, our procedures, our style of work, our relationships are not only not a copy of those in the society from which we have come - they are the exact opposite. While racist justice is prejudiced, dishonest, cruel, elitist, pompous, ultra-technical and dedicated to serving the interests of the minority, our justice must be fair, humane, honest, comradely, democratic, accessible, popular, equal for all members, and dedicated to serving the interests of the people as a whole. We do not take our standards from the enemy; we do not simply turn the glove inside out; we create our own standard within the traditions of our struggle and in the light of our goals for the future.

This document sets out a number of principles and procedures which correspond to the needs of our organisation at this stage. These principles and procedures grow out of a long tradition of popular and democratic ways of settling disputes which apartheid society has never managed to stamp out amongst our people; they grow out of the thinking and styles of work of revolutionary and democratic lawyers who have fought and died in our ranks and of those who are still dedicating all their energies and skills to the liberation of our country; and above all, they grow from the practical experience we have had in recent years in dealing with problems of justice and discipline.

This document represents the first step in codifying our experience. We must keep it constantly under review, making the necessary amendments as we gain experience. In the meanwhile, it is a document which by its nature needs to be studied and understood by the whole membership, for in the last resort, it is the high political consciousness and the voluntary assumption of rights and duties by the members, which lies at the heart of all discipline.