

# AFRICAN NATIONAL CONGRESS NATIONAL CONSULTATIVE CONFERENCE JUNE 1985

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## F. BACKGROUND MATERIAL

### F8: 1958 Constitution of the African National Congress

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#### 1958 CONSTITUTION OF THE AFRICAN NATIONAL CONGRESS

##### 1. Name:

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

##### 2. Aims and Objects:

The aims and objects of Congress shall be:

- a) To unite the African people in a powerful and effective instrument to secure their own complete liberation from all forms of discrimination and national oppression.
- b) To promote and protect the interests of the African people in all matters affecting them.
- c) To strive for the attainment of universal adult suffrage and the creation of a united, democratic South Africa on the principles outlined in the Freedom Charter.
- d) To support the cause of national liberation and the right to independence of nations in Africa and the rest of the world.

##### 3. Membership:

- a) Membership of the Congress shall be open to any person above the age of 18, who accepts its principles, policy and programme and is prepared to abide by its constitution and rules.
- b) Any person desiring to be a member of Congress shall apply to the secretary of the nearest branch or to any member of the Congress authorised to receive application for membership. Such secretary or member shall immediately submit the application for consideration by the local branch com-

mittee, or in the absence of a branch committee, such application shall be made to the provincial secretary who shall refer it to the provincial executive committee within whose jurisdiction the applicant resides.

- c) The branch committee, or provincial executive, as the case may be, shall have the power to accept or refuse any application for membership submitted to it, provided that the acceptance or refusal of any application by any organ of the Congress, shall be subject to review by the next higher organ.
- d) Upon any application for membership being granted by a branch committee or provincial executive committee, a membership card, signed by the Treasurer-General and endorsed by the secretary of such branch or provincial secretary, as the case may be, shall, on payment of the prescribed subscription and subject to the result of any review instituted in terms of sub-clause (c) above, be issued to the applicant.

##### 4. Organisational Structure:

The Congress shall consist of the following organs:

- a) The National Conference, which elects the National Executive Committee.
- b) The Provincial Conference, which elects the Provincial Executive Committees.
- c) The Regional Conference, which elects regional committees.
- d) The branch meetings, which elect a branch committee.

## 5. Decisions:

Subject to the rules and regulations of Congress:

- a) Decisions of the National Conference and those of the National Executive Committee shall be binding on all members and lower organs of Congress;
- b) Decisions of a provincial conference and those of the provincial executive committee shall be binding on all members and lower organs of Congress in the particular province concerned;
- c) Decisions of a regional committee shall be binding on those members and lower organs of Congress whose branches are constituent parts of that regional committee;
- d) Decisions of a branch meeting and of a branch committee shall be binding on all members and, generally;
- e) Decisions of the majority shall be binding on all members and those of higher organs shall be binding on lower organs.

## 6. Rights and Duties of Members:

### a) Rights:

A member shall have the right:

- i) To take part in the discussion and formulation of the policy of the Congress;
- ii) To criticise any official or decision of the Congress; such criticism shall be made to members of Congress or at properly convened meetings of the members of the Congress;
- iii) To take part in the elections and to be elected to any committee, commission or delegation of the Congress; and
- iv) To submit proposals or statements to his branch and to his provincial executive committee.

### b) Duties:

A member shall have the duty:

- i) To take an active part in the work of his branch;
- ii) To understand thoroughly and to carry out the policy, aims and programme of Congress;
- iii) To raise the level of his understanding of the political, economic and social problems of South Africa;
- iv) To explain the policy and programme of the Congress to the people;
- v) To combat any propaganda which is detrimental to the interests of the Congress;
- vi) To observe discipline and to submit loyally to the decision of the majority or to

decisions of the higher committee; and

- vii) To inform his branch committee before leaving his area and to report to the branch secretary of the area to which he has moved.

## 7. Auxilliary Bodies

### A. Women's League

Women who are members shall enjoy equality of status in the Congress and shall be entitled to join ordinary branches and take part in elections for and be elected to any position or office in the Congress. However, in order to arouse the interest and assist the widespread organisation of women, there shall be established an auxilliary organisation to be known as the African National Congress Women's League. The League shall:

- a) Be under the political directions and control of the Congress, and shall follow the policy and programme of the Congress;
- b) Recruit and organise the African women into a strong organisation which shall act as an auxilliary force to the Congress in the struggle for national liberation;
- c) Take up special problems and issues affecting women;
- d) Carry on propaganda against apartheid and discriminatory laws among African women;
- e) Be entitled to have its own rules and regulations provided these shall not be in conflict with the policy of Congress.

### E. Organisation for Youth

For the purpose of drawing the youth into the struggle and preparing them for leadership the Congress shall organise the African youth into an organisation for the youth to be known as the African National Congress Youth League which shall be open to any person whose age does not exceed thirty years provided that such person upon reaching the qualification for Congress membership becomes a registered member of Congress subject to all the privileges and obligations of Congress membership in addition to such special privilege and duties of a member of the Youth League.

The League shall:

- a) Mobilise the African youth and mould their political and social outlook in accordance with the Congress principles;
- b) Promote social and cultural activities among the young people;
- c) Popularise the policy, programme and decisions of the Congress among the youth; and

d) The provisions of Clause 7A(c) shall *mutatis mutandis* apply to the Youth League.

### 8. National Conference:

The National Conference shall be the supreme ruling and controlling body in Congress.

It shall:

- a) Consist of delegates from the branches of Congress elected by branch general meetings on the basis of one delegate for every twenty members; provided that the numbers of delegates from any one branch shall not exceed ten; provided further that members of the National Executive Committee may attend *ex officio* and shall have the right to speak and vote.
- b) Be held once a year; provided that Special National Conferences may be convened by the National Executive Committee at its own instance at such times as it may deem fit and shall be convened upon requisitions addressed to it by not less than two provincial conferences.

### 9. Duties and Powers of the Annual National Conference:

The National Conference shall:

- a) Decide and determine the policy and programme of the Congress;
- b) Receive and discuss the reports of the National Executive which shall include the Presidential address and the Treasurer-General's report, the Provincial Executive Committee's reports, the African National Congress Women's League report;
- c) Lay down the basic principle and policy, examine and where necessary, revise the programme and constitution of Congress;
- d) Have the right and power to review, ratify, alter or veto any decision taken by any of its constituent bodies or units of the Congress;
- e) Elect the President-General, the Deputy President, the Secretary-General, the Treasurer General and eight other National Executive Committee members, who shall hold office for three years and be eligible for re-election. Nominations shall be by delegates at the Conference; and elections of all officials and members of the National Executive Committee shall be by ballot;
- f) Have the power to elect or appoint any Commission or Committee and assign specific tasks and duties to such Commission or Committee.

### 10. National Executive Committee

The National Executive Committee, which is elected by the National Conference once every three years, shall:

- a) Consist of the President-General, the Deputy President-General, the Treasurer-General, eight other members, the provincial presidents and secretaries of the Congress or their respective deputies, and the national presidents or national secretaries of the African National Congress Women's League and the African National Congress Youth League, who shall be *ex officio* members of the National Executive Committee;
- b) Meet on the day of its election to appoint the National Headquarters, the National Speaker, the Deputy National Speaker, the National Chaplain and shall thereafter meet at least twice a year. The National Speaker, the Deputy National Speaker and the National Chaplain need not be appointed from among the members of the National Executive Committee;
- c) Appoint from amongst its members the National Working Committee of not less than seven persons residing within a radius of 50 (fifty) miles of the National Headquarters;
- d) Appoint the National Organising Secretary;
- e) Carry out the decisions and instructions of the National Conference;
- f) Issue and send directives and instructions to and demand and receive reports from the provincial committees, regional committees and branches;
- g) Supervise, direct and control the work of the Congress generally;
- h) Be responsible for ensuring that provincial committees and other committees of the Congress discharge their duties and functions properly and efficiently;
- i) Supervise the work of the auxiliary bodies;
- j) Manage and control all the national property and funds of the Congress;
- k) Submit annual reports to the National Conference;
- l) Do all things necessary in furtherance of the policy and programme of the Congress.

### 11. National Working Committee

The National Working Committee is a sub-committee of the National Executive Committee. It shall:

- a) Meet as provided for in the rules and regulations;
- b) Carry out decisions and instructions of the

National Conference and the National Executive Committee;

- c) Conduct the current work of the Congress and ensure that the provinces, regions and branches carry out decisions and instructions of the Congress;
- d) Issue propaganda and educational material to the provinces; and
- e) Submit a report to every National Executive Committee meeting.

## 12. Duties and Functions of Officials

### (1) President-General

The President-General is the head and chief directing officer of the Congress and the leader of the house in a National Conference.

He shall:

- a) Present to the Annual Conference a comprehensive statement of the state of the nation and the political situation generally;
- b) Make pronouncements for and on behalf of the National Executive Committee outlining and explaining the policy or attitude of the Congress on any question;
- c) Preside over meetings of the National Executive Committee and conduct the business in conformity with the Constitution, by-laws and rules of procedure adopted by the National Executive Committee;
- d) Be an *ex officio* member of the National Working Committee;
- e) Have a casting vote only;

### (2) Deputy President General

The Deputy President General shall assist the President-General and deputise for him whenever necessary.

### (3) Secretary-General

The Secretary-General is the chief administrative officer of the Congress. He shall:

- a) Keep the minutes of the National Conference, the National Executive Committee and the National Working Committee, as well as other records of the Congress;
- b) Conduct the correspondence of the National Executive Committee and the National Working Committee and send out notices of all conferences, National Executive and National Working Committee meetings;
- c) Convey the decisions and instructions of the National Conference, and the National Executive Committee and the National

Working Committee to the Provincial Committees, regional committees and shall see to it that all units of the Congress carry out their duties properly; and

- d) Prepare yearly reports on the work of the National Executive Committee and the National Working Committee and such other documents which may from time to time be required by the National Executive Committee and the National Working Committee.

### (4) Treasurer-General

The Treasurer-General is the chief custodian of the funds and property of the Congress.

He shall:

- a) Receive and bank all monies on behalf of the National Executive Committee, and shall, together with any two National Executive Committee members, operate a bank account;
- b) Keep such books of account as may be necessary to record clearly the financial position of Congress;
- c) Submit annually to the National Conference a report showing the Income and Expenditure Account and the Balance Sheet of the Congress for the past year, and shall submit periodical reports to the National Executive Committee and the National Working Committee; and
- d) Be responsible, together with the President-General and the Secretary-General, for working out plans and schemes for the raising of funds for the Congress, and shall direct and take an active part in a campaign for the raising of funds.

### (5) National Speaker

The National Speaker shall preside over and sign minutes of all National Conferences. In his absence the Deputy Speaker shall preside at such Conference.

### (6) National Chaplain

The National Chaplain shall lead the delegates in prayer at National Conferences and shall conduct the National Service or otherwise provide spiritual leadership for the organisation.

### (7) National Organising Secretary

It shall be the duty of the National Organising Secretary acting in consultation with and under the direction of the Secretary-General,

to organise the Congress nationally and to strengthen the organisational machinery throughout.

### 13. Province:

For organisational purposes the country shall be divided into provinces. A province shall be determined and defined by the Congress.

### 14. Provincial Conference:

The Provincial Conference shall:

- a) Be the highest organ, subject to Clause 8 and 10, of the Congress in each province;
- b) Be held annually in each province. Special provincial conferences may be convened at such times as the Provincial Committee may deem fit, and shall be convened upon the requisition addressed to the Provincial Executive Committee by at least one third of all branches or one Regional Committee;
- c) i) Delegates from local branches of the Congress in the provinces who shall be elected by local branch meetings on the basis of one delegate for every twenty members, provided that no branch shall be represented by more than 10 delegates, shall attend;  
ii) Members of the Provincial Executive Committee who shall attend *ex officio* and shall have the right to speak and vote;
- d) Carry out the decisions and instructions of the National Conference, the National Executive Committee and the National Working Committee;
- e) Receive and consider reports submitted by the Provincial Executive Committee;
- f) Elect the Provincial President, Secretary, Treasurer and eight other members of the Provincial Executive Committee; and
- g) Carry out the policy and programme of the Congress in the Province.

### 15. Provincial Executive Committee

The Provincial Executive Committee which is elected annually by the Provincial Conference shall be the administrative body of the Provincial Conference. It shall:

- a) Consist of the Provincial President, the Provincial Vice-President, the Provincial Secretary, the Provincial Treasurer, the Provincial President or Secretary of the African National Congress Women's League and the African National Congress Youth League,

and eight other members of the Provincial Committee;

- b) Meet on the day of its election to elect the Provincial Working Committee, and shall thereafter meet at least once every three months;
- c) Carry out the decisions and instructions of the Provincial Conference and the National Executive Committee or the National Working Committee;
- d) Manage and control the funds and property of the Congress in the Province;
- e) Submit reports to the National Executive as often as required on the state of organisation, the financial position of the province and such other matters as may be specified;
- f) Appoint the Provincial Organiser, the Provincial Speaker and the Provincial Chaplain all who need not be members of the Provincial Executive Committee;
- g) Organise and establish Branches and Regions in the Province;
- h) Enforce the Constitution of the Congress in the Province;
- i) Give members of the Congress in the Province political education; and
- j) Carry out the policy and programme of the Congress and do all things necessary to further the interests, aims and objects of the Congress.

### 16. Provincial Working Committee

The Provincial Working Committee is the sub-committee of the Provincial Executive Committee. It shall consist of not less than seven members who reside within a radius of 100 miles of the Provincial Headquarters, and shall:

- a) Perform the duties and functions of the Provincial Executive Committee; and
- b) Submit reports to the Provincial Executive Committee.

### 17. Duties and Functions of Provincial Officials

With the exception of Clause 7, provisions of Section 12 shall, with necessary alteration of detail, apply to the duties and functions of the provincial officials of the Congress.

### 18. Region

Any three or more branches in a given area may, for the purpose of co-ordination of activities and better organisational efficiency, be formed into a region at the instance of the Provincial Executive Committee or on appli-

cation to the Provincial Executive Committee, by at least two branches within an area of a proposed region.

### 19. Regional Committee

Whenever a region has been established the branch executive of such region shall at a properly convened meeting, elect a regional committee, which shall consist of a Chairman, Secretary, Treasurer, two members, and a member from each branch within the region.

The duty of the Regional Committee shall be:

- a) To meet as provided for in the rules and regulations;
- b) To co-ordinate the work and activities of the constituent branches and submit reports to the Provincial Executive Committee; and
- c) To see to the implementation of the instructions of the National Executive Committee, Provincial Executive Committee or the Provincial Working Committee.

### 20. Branches

- a) The basic unit of organisation in the Congress shall be the branch;
- b) The branch shall consist of a minimum of twenty members, provided that the National Executive Committee or Provincial Executive Committee may establish a provisional committee as provided by the rules and regulations;
- c) Every new branch shall apply to the Provincial Executive Committee for registration
- d) The branch shall:
  - (i) Meet as provided for in the rules and regulations;
  - (ii) Elect at an annual branch general meeting a branch Chairman, Secretary, Treasurer and six other branch committee members.

### 21. Branch Committee

The branch committee shall:

- a) Meet on the day of its election to elect the branch sub-committee and thereafter shall meet as provided for in the rules and regulations;
- b) Carry out propaganda and organisational work among the people in its area in pursuance of the policy, programme and decisions of the Congress;
- c) Build and increase the numerical and political strength of the Congress within its area;
- d) Submit annual reports on its work to the branch meeting, to the Regional Commit-

tee periodically as provided in the rules and regulations and to the Provincial Executive Committee every quarter; and

- e) Carry out such instructions as may from time to time be issued by the Provincial Committee or the Provincial Working Committee.

### 22. Congress Funds

- a) The basic membership for Congress shall be two shillings and sixpence (2s.6d.);
- b) All subscriptions shall be payable in advance;
- c) The National Executive Committee may impose a national levy on all members of the Congress and all such money derived from a national levy shall be paid into the national treasury;
- d) The Provincial Executive Committee may with the prior approval of and subject to such conditions as may be laid down by the National Executive Committee, impose levies on all members of the Congress in their respective provinces. All money from Provincial levies shall be paid into the provincial treasuries;
- e) All levies, national and provincial, shall be for stated periods and specific amounts;
- f) The branch Treasurer shall pay to the Provincial Treasurer and National Treasurer respectively, one third of the total subscriptions;
- g) The Provincial Executive Committee shall pay to the National Executive Committee an agreed proportion of all monies received by them through donations, collections, concerts, functions etc;
- h) Proper records shall be kept of all money received and expended by branch committees, regional committees, Provincial Executive Committees and the National Executive Committee.

### 23. Discipline

- a) A branch committee, Regional, Provincial and National Executive Committee shall have the power to reprimand, suspend, expel or take any other disciplinary action against a member for breach of the Constitution or conduct detrimental to the interests of the Congress or the African people;
- b) Any higher organ of the Congress shall have the power to investigate, reprimand, reorganise, suspend, dissolve, dismiss or take any other appropriate disciplinary action against any lower organ under its jurisdic-

tion for breach of the Constitution or conduct detrimental to the interests of the Congress or the African people;

- c) Before any disciplinary action is taken against any member or organ in terms of Clause (a) and/or Clause (b) of this section (Section 23), such member or organ shall, in the absence of extraordinary circumstances justifying the contrary, be given an opportunity to appear before the relevant tribunal and there admit, deny or otherwise account for the conduct complained of;
- d) Any member or body of members against whom disciplinary action has been taken by any organ of the Congress, shall have the right to appeal to the next higher organ and the National Conference shall be the final court of appeal;
- e) When a member is suspended, the committee suspending him shall state the period and conditions of such suspension;
- f) A member who fails to pay his subscriptions for a period of six months and who does not pay his subscriptions after he has been personally spoken to about the matter, by a representative of his branch committee, shall be lapsed from membership;
- g) All cases of suspension, dismissal, expulsion or dissolution by way of disciplinary action shall be fully reported to the Provincial Executive Committee and the National Executive Committee;
- h) No case of expulsion by a branch or region shall be published in the press without the consent of the Provincial Executive Committee.

#### 24. Quorum

- a) A third of the members shall form a quorum;
- b) Fifteen members or 50% of the branch membership, whichever is the lesser, shall form a quorum of all meetings of a local branch;
- c) Delegates from 40% of the total number of branches in a province shall form a quorum for all provincial conferences;
- d) In the case of a National Conference, delegates from two provinces, representing at least thirty three and one-third percent of the total membership of the Congress, shall constitute a quorum;

#### 25. Vacancies

The office of any member of a committee of the Congress shall be vacated by resignation,

suspension, expulsion or absence from meetings for a period prescribed in the rules and regulations.

#### 26. Rules and Regulations

- a) The National Executive shall have the power to frame rules and regulations relating to the control and administration of the affairs of the Congress;
- b) Each Provincial Executive Committee may frame rules and regulations for the conduct and management of the affairs of Congress organisation within its jurisdiction, provided that any rules and regulations so framed shall not become operative until they have been approved by the National Executive Committee;
- c) Rules and regulations framed in terms of Clause (a) and Clause (b) of this section (Section 26), shall not be inconsistent with the provisions of this Constitution.

#### 27. Amendment of Constitution

This Constitution may be amended by resolution passed by a two-thirds majority of the delegates present and voting at a National Conference. Notice of such resolution shall be submitted in writing to the Secretary General not later than six months before the date of the National Conference. The National Executive Committee shall circulate all proposed amendments to the Constitution to the Provincial Executive Committees and all branches of the Congress at least two months before the National Conference.

#### 28. General

The Congress 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.

*(signed) A.J. Lutuli*      *President-General*

*(signed) O.R. Tambo*      *Secretary-General*