

The Constitution of the Afrikan Alliance of Social Democrats



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THE CONSTITUTION OF THE AFRIKAN ALLIANCE OF SOCIAL DEMOCRATS(AASD)

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PREAMBLE

- The Afrikan Alliance of Social Democrats (AASD), hereby affirms that South Africa is One Country, Under One Flag, Under God;
- Proud of our history of struggle and the achievement of freedom by the people of our country;
- Recognizing the progress and short comings of the past two decades of our democratic dispensation, and our responsibility to protect, and defend the Constitution of the Republic of South Africa;

- Determined to ensure that the hard-won freedoms of our country are defended and the values that are enshrined in the Constitution of the Republic of South Africa are deepened in our society;
- Convinced of the desire of our people for socio-economic justice and for a government of the People by the People;
- Believing in the empowerment and strengthening of civil society so as to enable an effective, vibrant and responsive citizen participation in governance at all levels;
- United in our resolve to establish a prosperous and inclusive Human Rights based society that is united, non-sexist, non-racial, and democratic;
- Committed to restoring the dignity of our people and serve them with all integrity;
- Hereby pledge to build a strong and cohesive social democratic society based on human solidarity, respect and dignity for all.

Values

We commit to uphold the following values:

1. Freedom and democracy
2. Fairness
3. Dignity for all
4. Respect
5. Integrity
6. Social solidarity
7. Freedom of association and speech

PRINCIPLES

Underpinned by an eclectic and pragmatic social democratic posture our principles are:

- i. The fundamental human rights and freedoms of every person - including the right to freedom of conscience, speech, association, and movement.
- ii. The fight against unfair discrimination on any grounds and redressing of past discrimination.

- iii. The supremacy of the South African Constitution and the rule of law.
- iv. Right to freedom of association and promotion of the language, cultural and religious rights of individuals and their communities.
- v. Equality before the law.
- vi. Representative, participative and accountable governance.
- vii. People-centered and People-driven developmental state rooted in human solidarity.
- viii. Robust and peaceful engagement in political activity.
- ix. The right of all people to private ownership and to participate freely in the market economy whilst ensuring adequate state support to the most vulnerable and needy.
- x. The concerted achievement of the right to adequate and humane shelter, health services and social safety net for people who are unable to help themselves.
- xi. The right to a safe and secure sustainable environment.
- xii. Empowerment through access to quality and affordable health care, education and skills development programs.

ARTICLE 1

NAME

The name of the organization is Afrikan Alliance of Social Democrats, hereinafter referred to as AASD.

The logo and the colors of AASD are as described in the schedule attached appendix

A.

ARTICLE 2

AIMS AND OBJECTIVES

The aims and objectives of AASD are to build a modern pragmatic social democratic political party, under the following guiding principles:

- 2.1. Unity of all South Africans for a humane, people-centered and democratic society and state.
- 2.2. Ensure effective participation and accountable governance through a government of the people by the people in all relevant spheres of government.
- 2.3. Redressing of the socio-economic ills and inequalities resultant from the past racist oppressive apartheid state and subsequent causatives.
- 2.4. Encourage a common patriotism and loyalty in which the cultural, linguistic and religious diversity of the people is respected.
- 2.5. To promote ideas of solidarity with the people of the World for a humane and caring society.

ARTICLE 3

THE CHARACTER OF AASD

(Each section of every article shall read harmoniously with the leading/opening statement when read individually)

AASD is a people-oriented mass formation with the express objective of ensuring a people-oriented participatory and accountable governance within all spheres of government in South Africa, and underpinned by the following ideals:

- 3.1. Non-racial and non-sexist social democratic movement.
- 3.2. Policies are determined by the membership with an accountable leadership as per the terms laid down in this Constitution.
- 3.3. Will contest elections as a registered political party drawing its electoral mandate from its members.
- 3.4. Unity in diversity, with respect to the linguistic, cultural and religious diversity of its members.
- 3.5. Equality before the law and freedom of speech.
- 3.6. Open membership to all qualifying men and women without regard to race, color

or creed.

- 3.7. Assert that all people are created equal by God and respect the right to freedom of association and religious affiliation.

ARTICLE 4

MEMBERSHIP

4.1 Ordinary Membership

4.1.1 Ordinary membership shall be issued upon the approval of duly designated signatory(ies).

4.1.2 Membership of AASD shall be open to all South Africans who are permanent South African residents and are above the age of 16 years, irrespective of race; color and creed, who accept its principles; policies as well as programs, and are prepared to abide by its Constitution and protocols.

4.2 Associate membership

4.2.1 Associate membership shall be issued upon the approval of duly designated signatory(ies).

4.2.2 The relevant executive committee may, acting on its own or on the recommendation of a relevant constitutional structure or nomination by current and recognized members, with 10 seconders, recommend to the membership panel review committee the granting of associate membership to those men and women who do not qualify for membership under Article 4.1.2 but who have demonstrated an unwavering commitment to AASD and its policies. Included in these criteria would be citizens who have demonstrable expertise and track record in programs for socio-economic justice and community development.

4.3 Applications for membership (Via submission of a valid membership form) shall be considered by the AASD Branch Committees (BEXCO) where such exist or by the Regional Executive Committee if no Branch Committee exists.

4.4 The BEXCO or the REXCO or such interim structures as may exist from time to time to decide on applications, may accept or refuse any application for

membership provided such acceptance or refusal shall be subject to review by the next higher structure of AASD or assigned committee.

- 4.5 Membership cards(digital or physical) will be issued to registered members of AASD 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 fee. An applicant will be issued with an acknowledgement of provisional membership and the details of the branch and constituency/area in which the applicant resides and any available information about the local branch structures.
- 4.6 The relevant constitutional structure shall award provisional Membership:
- a) Provisional membership shall apply to persons who wish to join the organization for the first time or who wish to re-join the organization after a considerable lapse of time not less than 9 months.
 - b) Provisional membership rights commence from the date of production of acknowledgement following receipt of the application form and the appropriate membership subscription fee.
 - c) Membership application will be processed within a reasonable period.
 - d) A provisional member may attend branch meetings only in a non-voting capacity, thereafter the member is deemed to have full voting rights within 3 months of membership acknowledgement.
- 4.7 Any objection to any application for membership may be made by any member of AASD to the branch OR regional secretary within eight weeks of their application.
- 4.8 At any time before the individual is accepted as a full member of the organization, or in exceptional circumstances even after the member has been admitted, the Regional/Provincial/National Executive Committee may on good course review, suspend or reject the awarding of such membership.

- 4.9 In the absence of any objection from the structures and/or any ruling by the relevant Executive Committee, the applicant shall, on the expiry of twelve weeks from the date of notification of provisional membership, become a full member. The provisional member will then be transferred to the integrated membership list as a full member as soon as it is practicable.
- 4.10 The reasons for the rejection of an application for membership by the relevant Executive Committee or the objection by any member to the application for membership may be given to the individual applicant in writing upon request.
- 4.11 Membership identification will be issued to registered members of AASD and to persons whose application for membership have been accepted, subject to review and subject to payment of the prescribed subscription fee in all cases.
- 4.12 Members shall pay an annual subscription fee as determined by duly convened national Congress of members of AASD.
- 4.13 Differential membership fee scale may be determined by the national Congress to enable broader membership subscription.
- 4.14 On being accepted in AASD, a new member shall, in a language he or she knows well, make the following solemn declaration to the body or person designated to

administer such declaration

I,, solemnly declare that I will abide by the aims and objectives of the Constitution (And the dictates of this constitution in its entirety) of Afrikan Alliance of Social Democrats, as well as its duly adopted policy positions. I am joining the organisation voluntarily and without motives of material advantage or personal gain, that I agree to respect the Constitution and the structures and to work as a loyal member of the organisation. That I will place all my abilities at the disposal of the organisation and diligently carry out tasks given to me. That I will work towards making AASD an effective PEOPLE-DRIVEN formation of socio-economic transformation, and that I will defend the unity and integrity of the organisation and its principles. That I will at all times uphold and respect the rights of others as well as observe the rule of law as enshrined in the Constitution of the Republic of South Africa..

4.15 Members who fail to pay their subscriptions within three months of its lapse shall forfeit their membership.

4.16 Membership shall be deemed to have lapsed after the expiry of one calendar year from its date of issue.

4.17 Members who in spite of being reminded of the lapse of their membership will not be regarded as members in good standing until they pay their arrears.

4.18 There is no obligation on the side of any of the committee members to remind individual members of lapse of membership.

ARTICLE 5

RIGHTS AND DUTIES OF MEMBERS

Rights

5.1 A member of AASD is entitled to:

- a) Fully participate in the discussion, formulation and implementation of the policies of AASD.
- b) Constructively critique and express views on any activity, action or program of AASD.

- c) Take part in elections and be co-opted, elected or appointed to any committee; structure; commission or delegation of the organization in line with relevant provisions.
- d) Submit proposals or statements to any of the structures of AASD, provided that such proposals or statements are submitted through the appropriate channels.

Duties

5.2 A member of AASD shall:

- a) Belong to and take an active part in the life of the organization.
- b) Protect and defend the ideals and objectives of AASD at the appropriate level.
- c) Undertake all tasks as assigned to them by the relevant structure or authority of the organization

ARTICLE 6

GENDER AND AFFIRMATIVE ACTION

- 6.1 AASD shall pursue all reasonable measures to ensure that all its representative structures reflect its demographic profile, as well as take measures to eliminate any discrimination, prejudice or bias based on race, gender, religion or sexual orientation.
- 6.2 AASD commits itself to an active program of eliminating any inequalities as a result of the continued legacy of apartheid and similarly oppressive post-apartheid regimes.
- 6.3 AASD will pursue all avenues to empower and create capable leadership and membership with a bias towards promotion of diversity, particularly to eliminate gender and race inequalities in all avenues of human life whether socially and economically.
- 6.4 No less than 30% of positions in structures of the organization will be occupied by females.

ARTICLE 7

ORGANISATIONAL STRUCTURE

AASD organizational structures will be the following:

- a) The National Congress which elects the National Executive Committee (NEXCO).
- b) Provincial Congress which elects the Provincial Executive Committee (PEXCO).
- c) The Regional Congress which elects the Regional Executive Committee (REXCO/REXCO).
- d) Branch congress which elects the Branch executive committee (BEXCO).
- e) There shall be functional committees such as a Finance Committee but not limited to the same. These committees shall be established out of necessity at every level and shall be headed by an elected Executive Committee member.

7.1 Youth Cadet Movement

The AASD Youth Cadet Movement (YCM) shall be established open to all persons between the ages of 14 and 30.

- a) It will operate on the same demarcation Structures as the mother body.
- b) A person shall be a member of AASD by following processes enshrined in article 4 and being a member of the youth cadet shall be for operational practicality and not as a result of a separate membership application or payment of an additional fee.
- c) The youth chapter shall be known as the AASD youth Cadet Movement (AASDYCM)
- d) Its objectives will be to serve as a preparatory structure to empower and nurture young people to be responsible, accountable and constructive future leaders of society.
- e) The YCM will function as a semi-autonomous body within the overall structure of AASD.
- f) It will operate on the basis of a Youth Charter with provisions and regulations that shall not be in conflict with the Constitution and policies of AASD as enshrined in this constitution.
- g) Members of the YCM over the age of 18 are expected to play a full part in the general political life of AASD.
- h) A member of the AASD YCM shall not be eligible for any position as office-

bearer of AASD or to attend its conference or meetings unless he or she is a full member of AASD and has completed at least 3 years of the cadet preparatory programmes conducted as per NEC guidelines.

7.2 Women's Movement

- a) A Women's chapter of the AASD shall be established that will also operate on the same demarcation structure as the mother body.
- b) It shall operate as a semi-autonomous movement of the AASD.
- c) It shall be known as the AASD women's movement (AASDWM).

7.3 EPAC

There shall be an Eminent Persons Advisory Council (EPAC).

- a) An Eminent Persons Advisory Council (EPAC), shall be constituted from amongst people nominated through a process to be adopted by the National Executive Committee. EPAC will have participatory status without voting rights at conferences of AASD or participate at all forums constituted from time to time to provide wise counselling and guidance to AASD.
- b) The EPAC will constitute at least 30% of the Electoral Steering Committee that will screen, recommend and assist in drawing the shortlist of candidates for organisational structure and public representatives. They will form part of the Electoral Steering Committee constituted by NEC from the guidelines drawn from time to time.

ARTICLE 8

THE HEADQUARTERS

- a. AASD will have its national offices based in Mangaung, Free-State in the Republic of South Africa.
- b. Provincial and regional offices shall be established as and when the need arise.

**ARTICLE 9
THE AASD CONGRESSES**

9.1 THE NATIONAL CONGRESS (NC)

National Congress is the supreme body of AASD. It shall be composed of:

9.1.1 Voting delegates:

- a) At least 50% of the delegates at Congress shall be proportionate to the regional membership, elected at a properly constituted regional conference of which no more than 10% should be regional office bearers.
- b) No branch or substructure shall be represented by more than two people in the delegation.
- c) The number of delegates (30%) to be allocated to each REXCO/REXCO to attend National Congress shall be determined by the NEXCO in proportion to the paid-up membership of each Region.
- d) The remainder of the voting delegates at the Congress shall be allocated by the National Executive Committee from among the Public Office bearers (5%), Youth Cadet Movement (5%) and Women's Movement (5%).

9.1.2 Non-Voting Delegates:

- a) EPAC members shall be non-voting delegates at all AASD congresses.
- b) EPAC members shall have a standing invitation to congresses of AASD from branch up to national without any voting rights.
- c) The NEXCO may extend invitation to recognized sectors and/or individuals, who have made a special contribution to the transformation agenda or who have special skills or experience, to attend the Congress as well as make contributions in commissions.

9.1.3 The NEXCO will appoint congress preparatory committee which will plan and circulate congress information in advance, determine the precise procedure for

selection of delegates and indicate how the membership can ensure their concerns are on the agenda.

9.1.4 The Congress shall adopt its own procedures in accordance with democratic principles.

9.1.5 Voting on key questions shall be by secret ballot if at least one quarter of the delegates at Congress demands it.

9.1.6 The National Congress will be convened at least every 5 years.

9.2 THE PROVINCIAL CONGRESS (PC) Voting delegates:

a) At least 50% of the delegates at Congress shall be proportionate to the regional membership, elected at a properly constituted regional conference of which no more than 10% should be regional office bearers.

b) No branch or substructure shall be represented by more than two people in the delegation. The number of delegates (30%) to be allocated to each REXCO to attend National Congress shall be determined by the NEXCO in proportion to the paid-up membership of each Region.

c) The remainder of the voting delegates at the Congress shall be allocated by the National Executive Committee from among the Public Office bearers (5%), Youth Cadet Movement (5%) and Women's Movement (5%).

ARTICLE 10

THE MID-TERM GENERAL COUNCIL (MTGC)

1. National Mid-Term General Council shall be convened between Congresses provided it takes place not later than 36 months after National Congress.

2. A MTGC will, be convened by the NEXCO upon the request of one-third (1/3) of the regions or regional membership if so desired before the due date. The notice of request should indicate the proposed agenda for the council.

3. The MTGC consists of all members of the NEC, EPAC, Regional committees and delegates representing branches in proportion to membership, with a minimum of one delegate per branch. The Women and Youth Cadet Movements will be represented by their Regional Executives one delegate per branch.

4. The MTGC will primarily take review progress on implementation of National Congress resolutions and may discuss and decide any issue it deems necessary, including any matter brought before it by the NEC, and may decide on any matter falling within its competence, subject always to the policies and directives of The National Congress.

5. The MTGC may fill any vacancy on the NEC, condone coopted members by the NEC, and filling of vacancies that does not exceed 10% of the membership of the NEC.

ARTICLE 11

DUTIES AND POWERS OF THE NATIONAL CONGRESS

The National Congress shall:

1. Decide and determine the policy program and Constitution of AASD.
2. Receive and discuss the reports of the NEC which shall include the President's Address, Secretary's Report, which shall include a report on the work and activities of the EPAC, Women's Chapter and Youth Cadet Movement, and the National Treasurer's Report.
3. Have the right and power to review, ratify, alter or rescind any decision taken by any of the constituent structures, were taken in the immediate past 6 months taking due considerations of the implications of the consequences.
4. Elect the President, Deputy President, the Secretary, Deputy Secretary, Treasurer, the remaining 25 additional members of the NEC.
5. Provincial chairpersons and secretaries shall be ex-officio members of the NEC. Regional chairpersons and secretaries will be part of the Annual Iekgotla of the expanded NEC that will be held for annual review of the program of action.
6. The officials will be composed of the 5 elected office bearers. National management committee will be composed of the 5 office bearers plus 5 additional members, with no more than 1 additional member coming from the same province/ region (except in the initial founding term that will not exceed 3 years)
7. Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

8. AASD shall convene a National Congress every 5 years, and not later than 9 months before the national government elections for purposes of transitional leadership arrangements.
9. The National Congress shall be the highest authority of AASD
10. This Constitution shall take precedence in the event of conflict between any other guiding documents.
11. The National Congress shall be composed of delegates from regional structures. The delegates shall be chosen through processes which:
 - a) Ensure the members of AASD full, timely and equal opportunity to participate;
 - b) Ensure that delegations fairly reflect the membership base;

ARTICLE 12

NATIONAL EXECUTIVE COMMITTEE (NEC)

Powers of the NEC

- 12.1. NEC shall have general responsibility for the affairs of AASD between National Congress assemblies, subject to the provisions of this Constitution and to the resolutions or other sanctions of the National Congress
 - 12.1.1 The NEC shall be the highest decision-making organ between National Congresses.
 - 12.1.2 Quorum will be by simple majority
 - 12.1.3 The NEC shall be the final arbiter on interpretation of the provisions of this Constitution.
- 12.2. Without prejudice to the generality of its powers, the NEC shall:
 - 12.2.1 Carry out the decisions and resolutions of The National Congress and the National Mid-term General Council.
 - 12.2.2 Issue and send directives and instructions to and receive reports from the provinces, regions and branches.
 - 12.2.3 Supervise and direct the work of AASD and all its organs, including government caucuses.

- 12.2.4 Ensure that the Provincial, Regional and Zonal and branch structures of AASD function democratically and effectively. The NEC may suspend or dissolve a Provincial, Region, Zonal (ZC) or substructure where necessary. A suspension of a ZC OR BC shall not exceed a period of three months. Elections for a ZC or MC, which has been dissolved, shall be called within nine months from dissolution. The NEC may appoint an interim structure during the period of suspension or the dissolution of the Region, ZC or BC to fulfill its functions.
- 12.2.5 Oversee the work of the EPAC, recognized Sectors, Women's Forum and the Youth Cadre Movement.
- 12.2.6 Establish departments and set up committees, as it considers appropriate.
- 12.2.7 Manage and control all the property and assets of AASD.
- 12.2.8 Receive reports, supervise the work of, and delegate such functions to the Officials, as it considers necessary.
- 12.2.9 Issue documents and other policy directives as and when it deems fit.
- 12.2.10 Confer such honors, as it may deem appropriate.
- 12.2.11 Appoint biannually an Electoral College of not fewer than 5 persons for the selection and recommendation of candidates for vacancies in all government caucuses.
- 12.2.12 The NEC shall draw up regulations for the procedures to be followed in such a selection. The Electoral College shall forward its recommendation to the NEC for ratification.
- 12.2.13 The NEC may convene a National Policy Congress, as a recommendation-making body on any matter of policy, whenever it deems necessary, but the NEC must convene a Policy Congress at least six (9) months before The National Congress to review policies of AASD and to recommend any new or to amend any present policy for consideration by The National Congress.
- 12.2.14 Conducting the National List Committee program for public representatives.

12.2.15 Filling vacancies in the nominations lists for national, provincial and municipal elections and submitting such lists to the Independent Electoral Commission (“the IEC”) as required.

12.2.16 Implementing, formulating and disseminating statements of congress policy.

12.2.17 Appoint an EPAC comprising of a maximum of 15 members whose term shall run for 30 months where after new committee will be appointed within 6 months of its expiry.

The Officials

The officials, which comprises of the President, Deputy President, Secretary, Deputy Secretary and Treasurer will have the following duties and obligations

a. President

1. Will be the official representative of the organization at forums unless s/he delegates to someone else.
2. Will provide all strategic and programmatic direction in execution of the organizational policies and programs, including final say on who should serve in the executive of national government, province and regional after due advice from relevant national, provincial and regional structures, EPAC, other officials and NEC.
3. Will be the candidate president of the organization for purposes of national elections.
4. Shall with the assistance of the Deputy President chair all NEC meetings.
5. Will ensure that all decisions of the NEC are carried out.
6. Have signing and authorizing power on all banking and financial accounts of the organization.

b. Deputy President

1. Will assist the President on any delegated matters.
2. Will deputize the President in the chairing of organizational meetings at his or her request or absence.
3. May be seconded to serve as deputy in public office or delegated to run organizational matters under the delegation of the President.

4. Have signing and authorizing power on all banking and financial accounts of the organization.

c. Secretary

1. Will Serve as secretary of NEC unless otherwise delegated.
2. Will be accountable for administrative duties of the organization and take care of all assets of the organization.
3. Prepare Officials report for information and deliberations by the NEC.
4. Be responsible for overseeing full time administrative staff of the organization.
5. Coordinate and ensure proper communication, publicity and representation of organizational policy positions at all times
6. Coordinate and report on provincial and regional activities as well as communicate decisions of the higher structure.
7. Ensure proper recording and maintenance of membership information and decisions of the organization.
8. Have signing and authorizing power on all banking and financial accounts of the organization.
9. Coordinate and table for discussion recommendations of the EPAC and all other structures of the NEXCO.

d. Deputy Secretary

1. Will deputize the Secretary in her /his absence or as delegated.
2. Will primarily be the responsible person for ensuring administrative capacity of the provinces and regions.
3. Will primarily oversee the recording, safe keeping and maintenance of a credible membership system and its security.

e. Treasurer

Will be responsible for the financial sustainability of the organization through overseeing:

1. Fund raising and proper investments of resources.
2. Maintenance of proper financial management systems, budgets and reporting.
3. Compliance with party funding laws and regulations.

4. Primarily report regularly to the President and at each Finance Subcommittee.
5. Provide a summary financial report to the National Conference and NEC and National Congress.

f. National Management Committee (NMC)

Composition:

1. The NMC will be composed of the 5 officials and 5 additional members from amongst the NEC. Other than the officials no province will have more than one member nominated to the NMC (except in the initial founding of the organization).
2. The NMC will assist the President and officials to process matters for the NEC as well as receive feedback from the officials on execution of organizational decisions.

12.3 Elections and composition of the Region/Executive Committee (REXCO)

The REXCO, as a whole, shall not consist of less than thirty percent (30%) of women. The REXCO, except where otherwise stipulated, shall be elected by secret ballot by The Regional Congress and shall hold office for 3 years and shall be constituted as follows:

- a) The Regional Chairperson, Deputy Regional Chairperson, the Regional Secretary, Deputy Regional Secretary, Regional Treasurer.
- b) Five (5) additional members of the REXCO.
- c) The Convener and the Coordinator of a substructure, where applicable shall be appointed amongst members of the REXCO.
- d) The Regional Chairpersons and Regional Secretaries of the Women's Chapter and Youth Cadet Movement shall be members of the REXCO.
- e) The Regional Convener and Co-coordinator of the EPAC will be ex-officio invitees to the REXCO.
- f) The REXCO may co-opt not more than five (5) additional members at any time during its term of office in order to provide for a balanced representation of

skills, expertise, and gender, and reflects the demographic character of the support base.

- g) Should a vacancy occur on the REXCO for any reason, the REXCO shall have the power to fill the vacancy by co-option or appointing a replacement at a general council.
- h) The quorum for meetings of the REXCO shall be simple majority of its total membership.
- i) A person must be a paid-up member of AASD for at least 2 years before she or he can be nominated to the REXCO, (save for the initial 3-year period where after this clause shall strictly apply).

12.4 a) Nominations for the REXCO members referred to above shall be by the following procedure:

- i. Subject to sub Article (ii) below, nominations for the following posts shall be made by members submitted to the Electoral Steering Committee at any Zone/region and placed before Electoral Screening Committee that will then compile a list of nominees
 1. Regional Chairperson
 2. Deputy Regional Chairperson
 3. Regional Secretary
 4. Deputy Regional Secretary
 5. Treasurer
- ii. A delegate to the Congress shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a minimum of thirty percent (30%) of Congress delegates, then such nomination must be regarded as having been duly seconded, in which event the name of such nominees shall be placed on the ballot paper. If the nomination fails to secure the

support of a minimum of 30% of congress delegates, such nomination shall fall away.

- b) Nominations of candidates for the REXCO other than the above positions shall be carried out by the following procedure:
 - i. Subject to sub Article (ii) below, only those candidates who have been proposed by branches shall appear on The Regional Congress ballot paper.
 - ii. Subject to sub Article (iii) below, a delegate to the congress shall, however, have the right to nominate any person whose name has not been proposed in terms of sub- section (I) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a show of hands by a minimum of thirty percent (30%) of Congress delegates, then such nomination must be regarded as having been duly seconded, in which event the name of such nominee shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 30% of delegates, such nomination shall fall away.
 - iii. Not more than two persons per Zone may be successfully nominated in terms of (b) (ii) above.

12.5 For purposes of the nomination procedures referred to in Articles 12.4 (a) (I) and (b) (I), the Women's Chapter, as a whole and the Youth Cadet Movement, as a whole, shall be regarded as a branch/region for purposes of conferences.

12.6 Voting shall take place by secret ballot. Each voting delegate shall vote once in each ballot.

12.7 In accordance with Article 6, not less than thirty percent (30%) of the directly elected and co- opted members of the REXCO must be women.

12.8 If any Zonal Chairperson or Secretary is elected to the REXCO in his or her own right or as a REGIONAL official, such person shall vacate the Zonal position, provided that the ZC has the right to make representations to the REXCO, in a special case, where extraordinary circumstances may warrant an exception to this Article. However, when such a Zonal officer is allowed to retain his or her REXCO position, the Zone shall not be entitled to an additional member on the REXCO.

12.9 Subject to the provisions of this Constitution and depending on affordability, the Regional Secretary, the Deputy Regional Secretary and the Treasurer shall receive a stipend. It is desirable to ensure compliance with this provision within a period of five years. In the interim, and subject to affordability, part-time sessions will be considered for in particular the Regional Secretary and Deputy Regional Secretary.

12.10 The REXCO shall meet in plenary session at least once every SIX months.

12.11 The REXCO may invite any AASD member in good standing (including its employees and/or functionaries) to attend its meetings. An invitee can be given a specific assignment by the REXCO but cannot speak on behalf of the REXCO. An invitee may speak and participate at such meeting but shall not vote.

ARTICLE 13

REGIONAL OFFICIALS COMMITTEE(ROC)

13.1. The ROC shall be constituted as follows: The Regional Chairperson, Deputy Regional Chairperson, Regional Secretary, Deputy Regional Secretary, and Treasurer. Invitees to the ROC shall be the Secretaries and Co-Coordinator of the Women's Chapter, YCM and EPAC respectively.

13.2. The members of the REXCO may not necessarily be full-time functionaries of AASD. The REXCO shall determine the extent to which any of the elected Officials will be full-time functionaries whom may be allocated specific responsibilities.

13.3. Women's Forum and Congress YCM shall appoint one representative each to serve on the ROC.

13.4. The ROC may invite any member in good standing to attend its meetings. An invitee can be given a specific assignment by the ROC but cannot without proper authorization speak on behalf of the ROC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited but shall not vote.

13.5. The ROC will:

- a) Carry out decisions and instructions of the REXCO
- b) Conduct the current work of AASD and ensure that zones and all branches and other structures, such as regional caucuses, carry out the decisions of AASD.

- c) Submit a report to each REXCO meeting.

ARTICLE 14

THE ELECTORAL COMMITTEE

14.1. The NEXCO/REXCO shall appoint an Electoral Committee of not fewer than ten (10) members whose task it will be:

- a) To prepare the ballot papers.
- 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.
- f) The electoral committee may request assist in executing any of its responsibilities.

14.2. The names of the Electoral Committee whose work is to commence before Congress opens shall be submitted to The National/Regional Congress for endorsement and they will then be reinforced by a representative appointed by each YCM and Women's Chapter delegation.

14.3. Members of the Electoral Committee will not avail themselves for elected office, will not participate on decisions regarding the Mayoral Candidate for the Party as well as ward and municipal candidates. The duties of the Electoral Committee shall be to process nominations, vet and screen election candidates (using the services of external agencies as required) and compile candidate lists for recommendation to the NEC/REXCO.

ARTICLE 15

REGIONAL FINANCE COMMITTEE (RFC)

- 15.1. The NEC/REXCO will appoint the Finance Committee were ever applicable.
- 15.2. The RFC will be chaired by the Treasurer and deputized by a REXCO designated person with relevant fundraising and finance management skills were necessary.
- 15.3. The NEC/REXCO shall determine the composition and powers of the Finance Committee not superseding those assigned to the National Treasurer.
- 15.4. The Finance Committee will report to the relevant structure at least twice a year on the finances and budget of ASSD.

ARTICLE 16

DUTIES AND FUNCTIONS OF OFFICIALS

16.1 The Regional Chairperson

The Regional Chairperson is the political head and leader of government if elected into the region or at a Regional Congress or Mid-Term General Council. He or she will:

- a) Make pronouncements for and on behalf of the REXCO outlining and explaining the policy stance of AASD on any question.
- b) Present to the Regional Congress and Mid-Term General Council a comprehensive statement of the state of the region and the political situation generally within the region.
- c) Under the overall supervision of the REXCO, orient and direct the activities of ASSD.
- d) Be a leader of Regional Working Committee.
- e) Be a signatory to the bank accounts of the organization.

16.2 Deputy Regional Chairperson

- 16.2.1 Will assist the Regional Chairperson, deputize for him or her when necessary and carry out whatever functions are entrusted to him or her by the Regional Chairperson.

16.2.2 He or she shall be a member of the MWC.

16.2.3 He or she shall be primarily responsible for ensuring organizational effectiveness and efficiency through working with the responsible official for institutional strengthening.

16.2.4 In the event of death or permanent incapacity of the Regional Chairperson and the Deputy Regional Chairperson, the REXCO shall as soon as possible appoint an Acting Chairperson until such time as The Regional Congress meets. Until such appointment is made, the REGIONAL Secretary shall act for a period not exceeding 30 days.

16.2.5 Be a signatory to the bank accounts of the organization.

16.3 The Regional Secretary

The Regional Secretary is the chief administrative officer of AASD at the regional office.

He or she will:

- a) Communicate the decisions of all Regional structures of AASD on behalf of the REXCO.
- b) Keep the minutes of the Regional Congress, the Mid-Term General Council, the REXCO, the MMC, as well as other records of AASD.
- c) Conduct the correspondence of the REXCO and the MWC and send out notices of all Congress and meetings at the Regional level.
- d) Convey the decisions and instructions of The Regional Congress, the Mid-Term General Council, the REXCO and the MWC to the Zonal and branch Committees, as well as caucuses and see to it that all units of AASD carry out their duties properly.
- e) Prepare annual reports on the work of the REXCO and the ROC and such other documents which may, from time to time, be required by the REXCO and the MMC.
- f) Present to The Regional Congress and Mid-Term General Council a comprehensive statement of the state of the organization and the administrative situation of AASD.

- g) In the absence of the Regional Chairperson and the Deputy Regional Chairperson, the Regional Secretary shall assume the functions of the Acting Chairperson.
- h) All departments shall report on their activities and be accountable to the Regional Secretary
- i) Be a member of the REXCO and MWC.
- j) Be a signatory to the bank account of the organization.

16.4 Deputy Regional Secretary

The Deputy Regional Secretary will assist the Regional Secretary, deputize for him or her when necessary and carry out the functions entrusted to him or her by The Regional Congress, the Mid-Term General Council, the REXCO, or MWC.

16.5 Regional Treasurer

The Regional Treasurer is the chief finance official and is entrusted with safe keeping and management of the funds and property of AASD. He or she will:

- a) Receive and bank all monies on behalf of the REXCO and shall, together with any two members authorized by resolution of the REXCO, operate a banking account.
- b) Keep such books of account as may be necessary to record clearly the financial position of AASD.
- c) Submit to The Regional Congress a financial report showing at least the Income and Expenditure Account and Balance Sheet of AASD for the period since the previous Regional Congress and shall submit periodic reports to the REXCO and the MMC.
- d) Be responsible, with the Regional Finance Committee, for working out and executing plans for fund raising.

- e) Present to The Regional Congress and Mid-Term General Council a comprehensive financial report.
- f) Be a member of the MMC.
- g) Signatory to the bank accounts of the company

16.6 The Regional Governance Leader:(RGL)

The Regional Governance Leader is the administrative political head of AASD public representatives in metropolitan council subject to enabling legislation and REXCO supervision, he or she will:

- a) Liaise with and be under the direction of the Regional Chairperson if serving as a public officer or Executive Political Head.
- b) Make pronouncements for and on behalf of AASD representatives in any applicable legislative forum and outlining and explaining the caucus position of AASD on any question.
- c) Present to the REXCO a comprehensive statement of the state of affairs in legislature and the political situation generally therein.
- d) Be an ex-officio member of the MWC if not an elected member of REXCO.
- e) Will be assisted by shadow-sectoral leaders in the council or legislature appointed on recommendation by REXCO.

ARTICLE 17

ZONAL CONGRESS

17.1. Subject to the decisions of the Regional Congress and the Mid-Term General Council, and the overall guidance of the REXCO, this is the consultation and coordinating structure in each established zone.

17.2. The Zonal Consultative Forum will:

- a) Be Convened and conducted by the REXCO or its designated representative.

- b) Be held at least twice a year and more often if requested by at least one third of all branches in the Province.
- c) Be composed of:
 - (i) Member delegate, as follows:
 - A registered member in good standing.
 - All current members of the Zonal Committee shall attend as full participants and voting delegates at the Congress.
 - Women's Chapter and YCM will have full participating rights.
 - (ii) Non-voting delegates, as follows: The ZC may invite individuals, who are making a special contribution to community development and the struggles of communities or who have special skills or experience, to attend the Consultative conference. In addition, they shall permit representation of recognized sectors as non-voting delegates to structures, which do not have the minimum requirement to form a branch.
- d) Determine its own procedures in accordance with democratic principles and practices;
- e) Vote on all key questions by show of hand that need to be recommended to higher structures.
- f) Vote for the election of the ZC Representatives. Each voting delegate shall vote once in each ballot.

ARTICLE 18
ZONAL COMMITTEE

A Zonal Committee consisting of 3 officials appointed by the REXCO and 10 additional members elected at the Zonal Consultative Congress.

The following officials will be elected:

1. Convener
2. Coordinator
3. Treasurer

4. 10 additional members in alignment with ward clusters.

The Zonal Committee shall consist of at least 30% women

Duties and Functions of Zonal Committees

The ZC shall have duties and functions as determined by the Regional Congress or as assigned from time to time by the REXCO. The Zonal Committee shall primarily be a coordinating and mobilizing structure in support of branch.

The ZC shall form sectoral committees that will ensure development of the local community under the guidance of AASD partners and non-profit organizations.

ARTICLE 19 BRANCHES

19.1 Every member of AASD shall be a direct affiliate though for convenience will be located at the area of fulltime residence.

19.2 The unit coordinating structure will:

- a) Be registered with the REXCO and have a minimum of 50 members, provided that the REXCO may confer special recognition, where due to exceptional circumstances, the structure has fewer than 50 members.
- b) Meet as provided for in the Articles and regulations.
- c) Be the place where members exercise their basic democratic rights to discuss and propose policy.
- d) Be designated in line with the demarcation of wards or other convenient spatial consideration.
- e) Be basic unit of activity for members.
- f) Extensive geographical area, or in respect of which some special circumstance exists, may divide into smaller manageable units. Such units shall only be used as a co-coordinating and administrative tools. These units must operate on the basis of acceptable democratic principles and practices.

- g) Elect at a biannual general meeting a Convener, Coordinator and additional members of not less than three and nor more than 5 persons. A person must be a member of AASD or affiliated Forum for one year before she or he can be nominated. The Women's Chapter and the Youth Cadet Movement shall also establish such community-based unit structures to deal with special sectoral matters.
- h) Not less than thirty percent (30%) of the directly elected or nominated members must be female.
- i) The unit will meet at least once a quarter in a general meeting.

19.3 The Unit Coordinating Structure will:

19.3.1 Meet as soon as possible after its election and allocate tasks and functions among its members to enable it to carry out the day-to-day activities.

19.3.2 Carry out the publicity and organizational work in its area in furtherance of the policy, program and decisions in the interest of members.

19.3.3 Meet at least once every two months.

19.3.4 Submit reports on its work every quarter to the Zonal Committee and REXCO.

19.3.5 Co-opt not more than two persons, if it considers it necessary to ensure greater representation.

19.3.6 The quorum for each meeting of the Unit Committee shall be simple majority of the total membership or at least 30 members for purposes of discussing and providing feedback without any binding voting decisions.

19.4 Branches shall be established according to the demarcations of wards by the Demarcation Board or any convenient spatial configuration agreed by the local community.

19.4.1 A unit Bi-Annual General Meeting (AGM) shall be held every two years to assess progress and promote accountability.

19.4.2 The Branch Bi-Annual General Meeting shall recognize all members in good standing, entitled to participate in the branch affairs of the AASD and its allies.

19.4.3 The Branch Bi-Annual General Meeting shall elect the Unit Committee, and act upon such other matters as it deems appropriate.

19.4.4 The Branch Bi-Annual General Meeting shall be composed of all branch members of which at least a simple majority will form a quorum.

ARTICLE 20

AASD BRANCH COMMITTEES

20.1 The Branch Committee shall have general responsibility for coordinating the affairs of the AASD and its ally Forum within all Voting Districts making up the ward, subject to the provisions of this Constitution and to the resolutions or other actions of the Regional Congress. This responsibility shall include;

20.1.1 Issuing notice of and convening the Branch Public Meetings

20.1.1.1 Conducting the election campaign in the Voting District;

20.1.1.2 All other actions necessary or appropriate in order to carry out the provisions of this Constitution and the objectives of AASD within the voting district.

20.1.2 UNIT Committee (FBC) shall be composed of the branch Convener and Coordinator as well as the branch Conveners and coordinators of the Women's Chapter and the YCM, who shall be ex official members ;and the five additional members.

20.1.3 Rules relating to the removal of the Branch Committee shall be formulated, drawn and published to the members.

20.1.4 The Branch Committee shall meet at least once a month. Meetings shall be convened by notice issued by the Branch Coordinator in accordance with the rules.

20.1.5 The duties and functions of the Branch Office Bearers will be those delegated by the Zonal Office Bearers.

20.2 The quorum for the bi-annual branch meeting and any other branch meetings where the branch makes nominations of candidates for elections of AASD public representatives or takes decisions relating to policy matters, shall be simple majority of the total paid-up members in good standing of the branch.

Branches might be clustered into Zones and substructures by the REXCO for purposed of ease of coordination and effectiveness.

ARTICLE 21 DISCIPLINE

21.1 (a) All members, without exception, must abide by the Constitution of ASSD, and the Articles and Regulations, the Standing Orders and Codes of Conduct, as adopted or amended from time to time, as well as all policies and decisions properly adopted or made in terms of the Constitution.

(b) Every candidate representing AASD during an election at any level of government, must undertake, in writing, prior to the elections, to abide by the Constitution of AASD and the relevant Code of Conduct for elected representatives, and to submit to and abide by any disciplinary proceedings instituted against her or him in terms of the Constitution or such Code, directly or indirectly arising from her or his conduct as a public representative of AASD.

(c) All members and public representatives of AASD, without exception, are subject to the discipline of AASD and must submit to the provisions of the Constitution, Articles and Regulations, Standing Orders and Codes of Conduct with regard to the regulation of the conduct of members and public representatives, and the applicable disciplinary procedures, in particular Article 21.

21.2 (a) Disciplinary proceedings against a member and public representative shall be confined to violations of Afrikan Alliance of Social Democrats Constitution, Articles and Regulations, Standing Orders, Codes of Conduct and the policies and decisions of AASD properly adopted or made in terms of the Constitution, or the misconduct referred to in Article 21.6 or provided for in terms of Article 21.13 (b) and shall not:

21.2.1 Be used as a means of stifling debate or denying members their basic democratic rights; or

21.2.2 Be instituted as a means of solving private personal problems or as a means of interfering in the private lives of members where the norms of the organization are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organization.

21.2.3 Be instituted against members for not adhering to an unlawful or unconstitutional order that is in conflict with the law, any oath of office or the Constitution of the Republic of South Africa.

21.3 If any of the structures, as the case may be, or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, is satisfied that the institution of a disciplinary procedure is warranted against a member or public representative in respect of any conduct referred to or any other misconduct prohibited in terms of the Constitution, it may decide to institute disciplinary proceedings against such member in respect of such misconduct and then refer the matter to the next higher level or a duly authorized body.

21.4 A disciplinary committee, which has conducted a disciplinary hearing in terms of this Constitution, may find any member or public representative guilty of any misconduct referred to in Article 21.6 or any other misconduct prohibited in terms of the Constitution, only if it is satisfied that the evidence presented is of such a cogent and sufficient nature as to prove the guilt of such member or public representative on a balance of probabilities.

21.5 The following conduct by a member or public representative shall constitute misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her:

- a) Conviction in a court of law and being sentenced to a term of imprisonment longer than twelve months without the option of a fine, for any serious non-political offence;
- b) Behavior which brings the organization into disrepute or which manifests a flagrant violation of the moral integrity expected of members and public representatives or conduct unbecoming that of a member or public representative;

- c) Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- 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 organization or in the State to obtain any direct or indirect undue advantage or enrichment;
- f) Behaving corruptly in seeking or accepting any bribe for performing or not performing any task;
- g) Misappropriation of the funds of the organization or destruction of its properties;
- h) Behaving in such a way as to provoke serious divisions or a break-down of unity in the organization;
- i) Undermining the respect for or impeding the functioning of the structures of the organization;
- j) Participating in organized factional activity that goes beyond the recognized norms of free debate inside the organization and threatens its unity;
- k) Abdicating responsibility and not fulfilling the duties and obligations of a public representative as objectively defined by the role of the office and or party directives on accountable governance.
- l) Supporting a political organization or party other than an organization in alliance with AASD in a manner contrary to the aims, objectives and policy of AASD;
- m) Standing in an election for any government sphere or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the REXCO;
- n) Joining a political organization or party other than AASD or a party in alliance with it;
- o) Prejudicing the integrity or repute of the organization, its personnel or 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; or
- D. Acting on behalf of or in collaboration with:
 - i. Counter development and counter-people's democratic rights;
 - ii. A political organisation or party other than an organisation or party in alliance with AASD in a manner contrary to the aims, policies and objectives of AASD;
 - iii. Any person or group who seriously interferes with the work of the organisation or prevents it from fulfilling its mission and objectives.
- p) Fighting or behaving in a grossly disorderly or unruly way;
- q) Deliberately disrupting meetings and interfering with the orderly functioning of the organization;
- r) Payment of, or assisting or facilitating the payment of, membership subscription of the organization for a person or persons or a group of persons who would otherwise be unwilling or unable to pay their own subscriptions with intent to abuse or manipulate their membership for selfish interest;
- s) Offering a reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;
- t) Recruitment of members who do not reside at an address claimed, where this is done in order to manipulate organizational meetings or the outcome of organizational votes; or
- u) Giving, collecting or raising of funds for campaigning activities within AASD aimed at influencing the outcome of a Congress or meeting in a manner that is not reflective of due free will and democratic processes but amounts to corrupting and hijacking the organization for nefarious intentions

21.6 (a) The NEC/REXCO shall appoint a Disciplinary Committee (NDC/MDC), from among its membership and from other structures of AASD, which will consist of at least 5 but not more than 7 members. At least three members of the DC shall constitute its quorum. The Regional officers, the REXCO or the MMC may refer any violation or misconduct directly to the NDC for determination of a complaint.

(a)(1) In addition, the NEC/REXCO shall appoint the Disciplinary Appeals Committee (DAC), from among its membership and from other structures of AASD, which will consist of at least 3, but not more than 5 members, provided that its members may not serve in the MDC. At least three members of the DAC shall constitute its quorum. The DAC shall hear cases of appeal where the DC heard the case as a structure of first instance.

21.6 (b) the decisions of the DAC shall be final, except that the National/ Regional Congress may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the Congress.

21.6 (c) Each Unit Coordinating Substructure shall not have Disciplinary Committee but shall refer all its disciplinary complaints to the Zonal Disciplinary Committee (RDC). These respective Disciplinary Committees must be appointed as soon as possible after the election of the respective committees and will consist of at least 3 but not more than 5 members. At least three members of a disciplinary committee shall constitute its quorum.

21.6 (d) Disciplinary proceedings will normally be conducted at the level where the alleged violation or misconduct took place, namely the branch, zone, regional, and national and may be heard by the relevant structure.

21.6 (e) Disciplinary proceedings may only be instituted at unit level if the relevant Regional/Zonal has granted that branch written permission to do so.

21.6 (f) The Zonal Committee may direct that the disciplinary proceedings should be heard at a higher level than where the alleged violation or misconduct took place. As soon as possible, after the election of the respective committees at any level of the organization, the:

(i) NEC/ REXCO shall appoint a Lead National /Regional Presenter, to be assisted by no more than 3 other suitably competent members, to represent and present the case of AASD, in any DC and DAC hearing;

(ii) ZC shall appoint a Zonal Presenter, to be assisted by no more than 3 other suitably competent members, to represent and present the case of AASD, in any ZDC hearing;

21.6 (g) No member of a disciplinary committee may participate in a decision to institute disciplinary proceedings against a member and such member of the disciplinary committee should recuse himself or herself from such discussion and decision, save in the exceptional circumstances contained in Article 21.6(g). However, this does not prohibit such member from participating in any political discussion on any issue, which later becomes the subject of a discussion and decision to institute such disciplinary proceedings against a member.

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

(b) Any person faced with disciplinary proceedings is entitled to be represented by a member in good standing and who is a paid-up member for at least three months prior to the receipt of such written notice referred to in Article 21.7(a).

(c) If disciplinary proceedings are instituted against a member and such member does not appear at the venue and at the time determined for such proceedings or does not remain in attendance when required to do so, the relevant disciplinary committee, if satisfied that such member was properly and timeously notified of such venue and time, may order that the proceedings continue in the absence of such member. The disciplinary committee may form an opinion of the evidence led, after applying the test provided for in Article 21.4, and it may proceed and make a finding of guilty or not guilty, as the case may be, even if such member was absent from part or the whole of the proceedings.

21.8 (a) Penalties or sanctions, which may be imposed by a disciplinary committee, for proven violations of the Constitution, other relevant instruments, principles, norms, policies and decisions of AASD, will include

21.8.1 reprimand,

21.8.2 payment of compensation and/or the performance of useful tasks, remedial action

21.8.3 suspension of membership for a period not exceeding 3 years

21.8.4 expulsion from AASD,

21.8.5 and in the case of a public representative also the removal from any list or instrument which entitles such person to represent AASD at any level of government.

21.8.6 A disciplinary committee may suspend the imposition of any of the above penalties or sanctions, with or without certain conditions for a period to be determined by such disciplinary committee.

(b) Any member found guilty of the misconduct referred to in Article 21.5 (m) and (n), shall be ineligible to be or remain a member, and shall be immediately expelled from the organization.

21.9(a) A decision of a disciplinary committee only takes effect once the internal appeal procedures and remedies provided for in terms of Article 19 have been exhausted. Any person found guilty during a disciplinary proceeding, or the complainant, has the right, within 14 days from the date of sentencing, to appeal against the conviction or sentence, to the disciplinary committee of the next highest body of AASD. A member is only entitled to one appeal to such next highest disciplinary body, whose decision shall, subject to paragraph (b), be final and binding, provided that the DAC may, upon application to it and if it deems it necessary, grant a further appeal to be heard by itself. The ROC may direct that a body higher than the one to which the appeal has been made should hear any appeal. An appeal against the decision of a branch disciplinary committee should be heard directly by the REXCO Disciplinary Committee.

(b) Where a disciplinary committee arrives at a decision to suspend or expel a local government councilor such a decision shall be suspended pending the outcome of an automatic appeal to the National Disciplinary Appeals Committee. The National Disciplinary Appeals Committee must commence with such an appeal within 14 days of the notification of the decision of such disciplinary committee.

21.10 All disciplinary proceedings shall be disposed of expeditiously, but within 6 months from the date that notice of the charge has been delivered to the member, provided that the DAC may, upon application from the relevant disciplinary committee, in writing, at any stage before or after the expiry of such period extend this period in a particular case, if it deems it necessary.

21.11 The relevant Disciplinary Committee shall in writing report the outcome of each disciplinary proceeding to the secretary of the executive structure which established it and then the decision shall be publicly announced by the relevant Disciplinary Committee.

21.12 Temporary Suspension

21.12 (a) The Regional Disciplinary Committee may after approval by the REXCO, summarily suspend the membership of any member, by acting in accordance with the procedures prescribed in Article 21.12(b).

(b) Before any of the above structures make such a decision, it must have due regard to the nature and seriousness of an alleged violation or misconduct by a member and/or public representative only after the accusations have been put to him or her for response by the person or body tasked with such duty by the relevant structure, and he or she has had an opportunity to respond, provided that if such member has been given proper and timeous notice of such opportunity and does not avail himself or herself of such opportunity, and/or does not attend or does not stay in attendance, the matter may be proceeded with in his or her absence.

(c) Exceptional circumstances, as determined by the NEC, REXCO or Disciplinary Committee, as the case may be, may warrant an immediate decision of temporary suspension of a member without eliciting the comment of such member, as provided for in paragraph (b).

(d) The member or public representative shall immediately be informed of such suspension.

(e) In the case of the suspension of an elected public representative, the relevant structure making the decision must also provide for any terms and conditions, which will regulate his or her participation and conduct as a public representative during the period of suspension.

(f) The member or public representative shall immediately be informed of such terms and conditions.

(g) When a REXCO or MDC imposes a temporary suspension on a member or a public representative, it must immediately forward a report of such suspension and the reasons for it, to the DAC and the DAC may, if circumstances warrant it, at any stage set aside such suspension.

(h) The temporary suspension shall lapse if a notice of a charge relating to such suspension is not delivered to the member within 30 days of the date of the commencement of the temporary suspension.

(i) Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

(j) The temporary suspension shall, subject to paragraph (g), remain in force until the finalization of the disciplinary proceedings, including any appeals, provided that the DAC may, upon application and if the circumstances so warrant, at any stage set aside such suspension.

(k) The temporary suspension may at any stage be set aside by the structure, which imposed it, if it deems it necessary.

21.13(a) The National Congress must adopt Articles and Regulations for the regulation of the effective and appropriate implementation and functioning of Article 21 dealing with disciplinary proceedings in AASD.

(b) Without prejudice to the generality of Article 21.6, the National Congress may, in regulations, prescribe further conduct by a member or public representative, constituting misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her

(c) The National Congress shall adopt guidelines for the interpretation of Article 21 and for the Articles of procedure applicable during disciplinary proceedings, including time limits to be followed before, during and after a hearing.

(d) The Articles, Regulations and guidelines referred to in this sub Article must be adopted by the NEC within six (6) months from the conclusion of the inaugural Congress.

(e) The National Congress may:

- (i) authorize other structures of the organization to institute disciplinary proceedings; and
- (ii) establish appropriate structures to implement or make the appropriate arrangements to apply the provisions of Article 25.

ARTICLE 22

ARTICLES AND REGULATIONS

22.1 The National Congress or if delegated to NEC may adopt Articles and regulations for the better carrying out of the activities of AASD at all levels.

22.2 The NEC may frame a code of conduct to cover all structures, officials, public representatives, office bearers and members.

ARTICLE 23

GENERAL

Afrikan Alliance of Social Democrats shall be a legal persona that can sue and be sued on its behalf. It shall have perpetual succession and power, apart from its individual members, to acquire, hold and alienate property, enter into agreements and do all things necessary to carry out its aims and objects and defend its members, its property and its reputation.

ARTICLE 24

AMENDMENTS

Any amendments to this Constitution shall be by a two-thirds majority of delegates present and voting at the National or Special Congress. Notice of intent to propose any amendments to the Constitution should be forwarded to the Office of the National Secretary at least six months before the National or Special Congress. The NEC shall give at least two months' notice for any Constitutional amendment

ARTICLE 25

SPECIAL CONGRESS

25.1 A special Congress of Afrikan Alliance of Social Democrats may be convened by the NEC at any time or at the request of at least 1/3 of its paid-up membership. The

purpose of the congress will be explicitly stated, and no other matters will be attended to at such a congress.

- a) Not less than three months' notice of such Congress shall be given.
- b) Participation at the Congress shall be determined by the NEC, provided that regions are represented at such a Congress in proportion to their membership with at least one delegate per 200 members in good standing and a maximum of 5 delegates per region.

ARTICLE 26 CONTRACTUAL LIABILITY

Only the National Officials shall have the authority to bind Afrikan Alliance of Social Democrats or to create any legal relationship. Any other person purporting to bind AASD must produce a written authorization from the President or the General Secretary, which must clearly indicate the extent of that person's authority.

ARTICLE 27 BORROWING POWER

The NEC may from time to time borrow any amount of money, on such terms and conditions as the NEC considers fit, with the power from time to time to alter the terms of any such borrowing, and to secure such borrowing or any other obligations of Afrikan Alliance of Social Democrats by the mortgage or pledge, either generally or specifically, of the assets of AASD. Such borrowing power needs to be in line with good corporate governance and with due regards to the liquidity and solvency of AASD.

ARTICLE 28 TRANSITIONAL ARRANGEMENTS

The NEC is authorized to make consequential changes to the content and style of these Articles following these amendments and to make such transitional arrangements as necessary.

ARTICLE 29 DISSOLUTION

The National Congress or any Special Congress may dissolve Afrikan Alliance of Social Democrats and transfer its assets and liabilities in such a manner as determined by the Congress, by way of a resolution passed by a seventy five percent (75%) majority of duly accredited delegates in good standing who are present and voting, provided that the NEC received notice of such resolution from a structure of Afrikan Alliance of Social Democrats at least 12 months before it was tabled at such a congress.

SCHEDULE 'A'

Afrikan Alliance of Social Democrats- Logo and Description



AASD Logo and Colors

- ❖ Circular chain clasped by two hands
 - ❖ Afrikan mystic bird-The Sankofa
 - ❖ colors: black, green, orange
-
- ❖ The circular chain of the logo represents unity and strength with the two hands complementing and emulating “People’s Power”,
 - ❖ The Sankofa bird is an Afrikan mystical bird representative of and having a posture of ‘building of the new and modern by appreciation of our history or past indigenous knowledge’
 - ❖ Black represents the courage, power and strength we derive from our human solidarity and Afrikan soil
 - ❖ the green represents life and renewal representative of reclaiming our heritage within the country and world order as part of Humane Society
 - ❖ The orange color represents and signifies our vibrancy, enthusiasm, creativity and determination to contribute towards a prosperous and humane society underpinned by our social democratic orientation and accountability to the community. It signifies our values of human freedom and a caring and warm society that embraces individual freedoms and rights.

APPENDIX A

DISCIPLINARY PROCEDURE

1. Introduction

Article 21 of the Constitution deals with discipline. This disciplinary procedure prescribes how the disciplinary procedure is to be undertaken and how disciplinary proceedings are to be conducted.

2. Objective of Disciplinary Procedure

The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

- a) There is a formal procedure.
- b) There is a just and fair procedure.
- c) A member is presumed innocent until proven otherwise.
- d) A member has a chance to defend herself or himself.
- e) A member has the right to appeal.
- f) It is corrective rather than punitive

3. Starting Disciplinary Procedure

Disciplinary Proceedings may be instituted-

1. Only for violations or offences of AASD Constitution, the Articles and Regulations, the Standing Orders, Codes of Conduct, all policies and decisions properly adopted or made in terms of the Constitution, or the violations and offences set out in Article 21.5 or Article 21.13(b) [See Article 21.5. of the AASD Constitution.]
2. By any organ or official of Zonal, National or Regional level. However, the NEC may direct that the disciplinary proceedings should take place at a higher level than where a violation or offence was committed [Article 21.6(e)].
3. By the RELEVANT Structure's Disciplinary Committee which can hear and decide cases:
 - Referred to it by Officials, NEC/ Provincial or Regional/Zonal EXCO, or the Congress through the presenter.
4. Substructure, Zonal or Regional level by a Disciplinary Committee unless:
 - The NEC directs that the disciplinary proceedings should take place at a higher level than where a violation or offence was allegedly committed [Article 21.6(e)].
 - The Regional Disciplinary Committee institutes disciplinary proceedings referred by Regional Officials, ZC, or the Regional Congress [Article 21.6(a)]
 - The Regional Disciplinary Committee institutes disciplinary proceedings itself for very serious violations or offences. [Article 21.6(a)]

Holding Disciplinary Proceedings

1. A charge sheet must be compiled within reasonable time of the violation or offence. [Article 21.7]
2. A charge must be prepared by the presenter on behalf of the organ or officials of AASD instituting the disciplinary proceedings. The charge must:
 - Be in writing
 - Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail.
 - Identify the:
 - Provision of the AASD Constitution, the Articles, the Standing Orders, and Codes of Conduct alleged to have been violated.
 - Violations and offences set out in Article 25.5 alleged to have been committed.
 - Advise the charged member of her or his right to be represented by a member of AASD in good standing, to have an interpreter present, to call witnesses for defense of the charge, and to recall and question witnesses called for prosecution of the charge.
 - Specify the time and place of the disciplinary proceedings.
 - Be delivered to the charged member seven days before the disciplinary proceedings or sooner if this is necessary in certain serious circumstances.
3. The following persons must be present at a Disciplinary Proceeding:
 - The Chairperson and members of the Disciplinary Committee.
 - The presenter of the charge.
 - The charged member, who can be tried in her or his absence if she or he does not appear.
 - The charged member's representative and/ or interpreter who is a member of AASD in good standing.
 - The witnesses.
 - A minute taker.
4. The Chairperson of the Disciplinary Committee must ensure that:
 - The disciplinary proceedings are held in a fair impartial manner. He or she will arbitrate on all matters that may arise and ensure order is

maintained.

- The charged member is informed of the charge, is informed of her or his rights and is asked to plead guilty or not guilty to the charge.
- The presenter of the charge details the charged member's alleged violation or offence and may call witnesses in support of the charge and may produce relevant documentation in support of the charge.
- The charged member or her or his representative presents the defense to the charge and may call witnesses and may request the recall of and question witnesses called in support of the charge and may produce relevant documentation.

4. Adjudication

At the end of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

1. The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling.
2. The Chairperson and the members of the Disciplinary Committee decide a penalty. The penalties are:
 - Reprimand
 - Payment of compensation and/or performance of useful tasks
 - Suspension
 - Expulsion.
3. The charged member is advised of the ruling and after mitigation, if any, the penalty imposed by the Disciplinary Committee with the reasons for these and is advised of her or his right to appeal. The ruling may be made and announced immediately or depending on complexity may be finalized later. The final decision must be communicated in writing within 5 days of the sitting of the hearing.
4. That the ruling and penalty are publicly announced in internal communications. (Article 25.11) to the general membership.

5. Appeal

1. An appeal may be lodged by:
 - The charged person against whom a finding has been made or a penalty imposed by the Disciplinary Committee.
 - The organ and/or officials who laid the charge against a finding or a penalty imposed by the Disciplinary Committee.
2. An Appeal Hearing must be held by the next higher level unless:
 - The Zonal Committee directs that any appeal from a Substructure Disciplinary Committee appeal should be heard by the Regional Disciplinary Committee.
 - The REXCO directs that any appeal should be heard by a higher level than the next higher level
3. The National Disciplinary Appeals Committee is the final structure for appeals to be heard. However, the National Congress may at its discretion review a decision of the Regional Disciplinary Committee and the Regional Disciplinary Appeals Committee in accordance with standing orders adopted by the NEC [Article 21.6(a)]

6. Appeal Procedure

The following procedure must be followed for appeals:

1. The appeal must be made at the next higher level or the level which the REXCO directs to hear the appeal.
2. The appeal must: be made within fourteen days of the charged member being informed of the ruling and penalty with the reasons for these.
 - Be in writing.
 - Set out the reason for the appeal in reasonable detail.
 - Set out the grounds for the appeal in reasonable detail.
3. Except in exceptional circumstances determined by the Chairperson of the Disciplinary Committee hearing the Appeal, no new evidence may be presented or considered at the appeal. No new charges may be brought at the appeal.

4. The Chairperson and the members of the Disciplinary Appeals Committee must discuss the issues raised at the appeal hearing and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling and/or penalty.
5. The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty.
6. Any further appeal will need the permission of the next higher level.
7. Any such further appeal must follow the above appeal procedure.
8. Appeals on the decisions of the MDC, where the MDC acts as a committee of instance, shall be referred to the MDAC in accordance with the procedures above.

GLOSSARY

Explanation of terms used in the Constitution

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| Accountable | To answer for, or explain, one's conduct, decisions or acts. |
| Additional Members | Members who are elected at a conference in addition to the five officials. |
| Annual subscription fee | The NEC decides the annual subscription fee. |
| Appeal | A resort or an application to a higher authority for a review of a disciplinary hearing decision. |
| Assign | To give out as a task. |
| Semi-Autonomous | The Women's Chapter and/or Youth Cadet Movement operate autonomously, within the framework of the Constitution and in conformity with policies of AASD mother body, with the mother body reserving its right of intervention in exceptional circumstances, that might include policy, legal, financial implication, integrity and reputation of the organization |
| Bribe | A bribe includes any promise, inducement or offer to give something, usually money, to procure services or gain influence in an improper |
| Candidate duly endorsed | A candidate nominated and elected democratically by the constitutional structures of AASD at the appropriate levels, and endorsed by the NEC, the REXCO or the Branch. |
| Consistent with | Agreeing, compatible, not contradictory. |
| Constitution | The Constitution of Afrikan Alliance of Social Democrats containing the Articles and principles that prescribes the rights and duties of its official structures and members (as amended from time to time) It is the basic law of the organization which must be observed by all members. |

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| Contractual liability | The effect of this is to protect ASSD against being held responsible by outsiders (e.g. a money lender) for the actions of an individual member who may have been acting on his or her own account without proper authorization |
| Co-opt | This is an option whereby an elected body appoints further (non-elected) members to be part of its composition. |
| Deemed [necessary] | Considered, regarded as a subjective opinion; indicates a state of affairs which does not necessarily or in fact exist, but is taken or regarded to exist. |
| Direct | To conduct the affairs of, manage, regulate and guide |
| Disrepute | The absence or loss of reputation; discredit; disgrace. Diminish standing in public Harm image |
| Elective office | Refers to an office being held as a result of being elected a public office bearer |
| Electoral Committee | A body to coordinate and manage nominations for public office bearers and other elective party structures constitute an Electoral Committee. |
| Election agent | Representative of a candidate contesting an election and who represents the interests of the candidate. |
| Ex officio | Means by virtue of his or her position or office. |
| Eligible/Ineligible [for membership] | These are the Articles that determine which persons are eligible for (qualified for or worthy to be) members of the organization A person qualified for membership is not necessarily entitled to membership. |

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| Endorsed | Approved or supported |
| Good cause shown | Sufficient reasons. Any fact or circumstance that would make it just and fair between the parties. Good cause should not merely be alleged but must be able to be shown. |
| Honorary membership | Membership given as a mark of honor without the usual requirements or obligations of membership. Participation is at the discretion of the structure that has bestowed the honor. |
| Impeding [activities] | Obstruct the ways of, hinder the progress of, Incapacity |
| Invalidly obtained [membership] | Membership obtained falsely, not in accordance with the Constitution, and therefore legally ineffective. |
| Legal relationship | A relationship like for example a contract, from which legal rights, obligations (like debts) and duties flow. |
| Logo and Colors | Afrikan Alliance of Social Democrats is the sole copyright holder of its logo, signage, trademarks and colors. |
| Member | A person who has applied for and being accepted as a paid-up member of AASD or its affiliated substructures. South African citizens over 16 years of age may apply for membership. |
| Members not in good standing | A member who fails to pay his or her subscriptions for three months after its due and payable and whose membership has lapsed. |
| Misappropriation | To use money or funds wrongly or dishonestly, especially for one's own use and benefit. |

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| Recognized Sectors | An organizing forum of a group of members and/or structure that meet consequential to an area of industry and/or special interest without the strict application of branch requirements with no constitutional powers as recognized and accepted by NEC/ REXCO/ZC/BC. (E.g. Professionals, Business, Traditional Leaders, Informal Settlements, Disabled People, Religious, face book etc.) |
| Electoral Committee | This is appointed by NEXCO/ REXCO for overseeing and drawing up regulations and procedures to be used in the election of office bearers election of candidates for, Regional AND National committees at the respective Congresses. It shall consist of at least five members and not more than seven members |
| Nominate | To propose by name as candidate. |
| Official | One who holds an office or position of authority in the organization. |
| Perpetual succession and power | Article 27 confers legal personality on Afrikan Alliance of Social Democrats, by which it exists in law as an entity with rights and duties independent from the change in its members or officials from time to time, and these rights vests indefinitely in the organization as a legal person. |
| Properly constituted meeting | Means a meeting that complies with all aspects or requirements of the constitution, including any quorum requirements. |
| Electoral Selection Commission | Refers to the Committee National or in each Regional or Zone responsible for the compilation of elections lists and ward candidates. |

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| Provisional membership | Refers to a member whose membership has not yet been confirmed, but who may participate in the activities of the organization except election onto any committee, structure, commission or delegation of |
| Quorum | The minimum number of officials or members of a structure, committee or assembly, usually a majority, who must be present for the valid transaction of the business of the meeting. |
| Ratify | Approve, give formal sanction to. |
| Reasonable Period | The NEC / REXCO may declare a time frame as to when an appeal may be lodged (see Article 25.9). |
| Region/Branch | This means the geographic area as declared by municipal boundaries, |
| Registered political party | This refers to registration in terms of the Electoral Act, 1993. |
| Rescind | To void or repeal. |
| Review [of membership application] | The reconsideration of an acceptance or refusal of membership. |
| Articles and Regulations | In addition to the Articles contained in this constitution, the NEC/ REXCO may also adopt subordinate Articles for the better carrying out of the activities of AASD |
| Second | An utterance or show of endorsement of a proposal or nomination. |
| Shall/may [convene, etc.] | 'Shall' normally means 'must' (obligatory, no discretion). 'May' is permissive, and usually confers a discretionary power or function. |
| Supervise | To direct and inspect the performance of work, to oversee. |
| Suspend/suspension | To bar for a period from a privilege, office or position; to render temporarily ineffective or inoperative under certain conditions. |

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| Tied vote | A state of equality of votes; a draw. |
| Undermines | To weaken, injure or ruin insidiously or secretly. |
| Universal Suffrage | The right of all persons to vote. |
| Voting and speaking rights [at meetings] | The right to vote is a matter that is regulated in the Constitution of the organization. The reason why non- members of a structure are afforded speaking rights (when they do not have voting rights) is to ensure that the non- members have spoken and be heard at the meeting and that their wisdom and views may enhance the quality of decisions taken. |
| Zone | A (geographical) area distinguished from adjacent parts by some distinctive feature or character or conveniently clustered branches for purposes of effective coordination. |
| EPAC | Eminent Persons Advisory Council is a structure endorsed by the NEC with a view to draw wisdom and capacity widely from civil society in strengthening the ability of AASD to be an influencer and leader of society. People with different expertise and capacity with a commitment to build a just and prosperous society with unreserved patriotic commitment to our country will be considered for engagement. |