

THE CONSTITUTION OF THE CONGRESS OF THE PEOPLE

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PREAMBLE

We, the Congress of the People of South Africa, gathered here today, as our forebears had done before in Kliptown in 1955 and more recently at a consultative meeting at the Sandton Convention Center, in Johannesburg

Proud of South Africa's history of struggle and the achievement of freedom by the people of our country and the advancement of the values of a democratic state over the last fifteen years and confident of our abilities to exceed these achievements;

Recognizing our responsibility to protect, and defend the Constitution of the Republic of South Africa;

Determined to ensure that the freedom that our people won is defended and the values that are enshrined in the Freedom Charter and in the Constitution of the Republic of South Africa are deepened in our society;

Convinced of the yearning of South African society to install a government that is and remains at all time committed and inspired to implement all measures necessary to achieve, promote and protect human rights and freedoms, as well as eradicate poverty, marginalization and all forms of discrimination- in particular against women, youth and people with disabilities- and to contribute to the success of the efforts of such a government;

Believing in the importance of civil society in South Africa and the creation of an environment that strengthens civil society and enables its effective participation in governance at all levels;

United in our resolve to establish a united, non-sexist, non-racial, democratic, prosperous and inclusive society and a South African identity we all share;

Committed to the improvement of social conditions and the lives of our people, to free the potential of each person, and to strengthen social cohesion,

Hereby undertake to redouble our efforts to build and strengthen a cohesive society that celebrates diversity by upholding the fundamental values of respect, integrity, ubuntu, compassion, openness, and solidarity.

STATEMENT OF FUNDAMENTAL BELIEFS

We the Congress of the People believe that all South Africans are inherently good.because of this-

We believe in inspiring all South Africans to advance from being good to being great locally and internationally.

We believe that we can make government work for all South Africans in particular, women, youth, the poor and those in rural areas:

- To eradicate poverty: to create jobs and other appropriate income earning opportunities; to protect our people from crime; to advance citizen participation in all spheres of public endeavour;
- to improve and protect people's health through appropriate measures, including staffing, medication, the provision of adequate protection from and treatment for all infectious diseases including HIV and AIDS;
- to educate our children; to develop and conserve human resources; to promote equal opportunity for all to prosper;
- to encourage free, and ethical economic activity upholding transparent and arms-length relations between political and business interests;
- to advance research and development, science and industry in order to be competitive and enable economic growth as well as development and the equitable distribution of the benefits of economic growth;
- to support the arts and humanities,
- to develop and conserve our natural resources, to preserve, protect and enhance our environment, including our built in environment

The Congress of the People represents a movement committed to shape the future of our country and to inspire hope in our people. At the heart of our movement lies a fundamental belief, that all South Africans must be free and live fulfilled lives; that in order for this to happen, government must promote equal opportunities for all to prosper and protect people's rights as enshrined in the Constitution of the Republic of South Africa.

We believe that it is the responsibility of government to help our people achieve justice and fairness in society and therefore we envisage;

- A society where equal rights for all are guaranteed and protected and particular focus is given to the promotion, protection and advancement of the rights of women, children, the elderly, people with disabilities and the youth;
- A society that is responsible and understands that democracy means more than the right to vote periodically, but must mean opportunity for all citizens to enjoy active and continuous participation in civic life and to meaningfully provide input and shape governance;

- A society where all the people can find jobs or other appropriate means of income and contribute to growing the economy;
- A society where a sound education, proper nutrition, quality medical care, affordable housing, safe streets and a healthy sustainable environment are possible for everyone;
- A society where all workers are guaranteed the legal right to join unions of their own (choice) and to bargain collectively for decent wages and conditions of employment;
- A society where discrimination in any form based upon race (other than to redress the legacy of Apartheid), sex, age, colour, creed, national origin, religion, ethnic identity, sexual orientation, economic status, ideological persuasion or disability are condemned and government moves aggressively to end such discrimination through implementing the law and ensuring institutional capacity to eradicate and provide redress for such discrimination;
- A society where the elderly and the disabled can lead lives of dignity and where social development remains an unshakable commitment for all citizens and the government;
- A society where taxes are clearly based on a fair system;
- A society where the rights of minority groups are fully secured and where no one is denied the opportunity to prosper;
- A society where we recognize that the strengthening of the family and the protection of children are essential to the integrity and health of the nation;
- A society where ordinary citizens can serve their communities and based on the enabling environment created by government- can develop and advance the neighbourhoods in which they live

This is OUR Belief, OUR Commitment, and OUR Promise

Article 1 NAME

The name of the organisation is the Congress of the People, hereinafter referred to as COPE.

The logo and the colours of COPE are as described in the attached schedule.

Article 2 AIMS AND OBJECTIVES

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

- 2.1. Unite all the people of South Africa, for the complete emancipation from all forms of discrimination.
- 2.2. Ending the legacy of apartheid in all its forms and transform South Africa as rapidly as possible into a united, non-racial, non-sexist and democratic country based on the principles of the Freedom Charter and in pursuit of a social democratic state.
- 2.3. Defend the democratic gains of the people and to advance towards a society in which the government is freely chosen by the people according to the principles of universal suffrage on a common voters' role.
- 2.4. Fight for social justice and to eliminate the vast inequalities resulting from the legacy of apartheid and the system of national oppression.
- 2.5. Build a South African nation with a common patriotism and loyalty in which the cultural, linguistic and religious diversity of the people is recognized.
- 2.6. Promote economic development for the benefit of all.
- 2.7. Support and advance the cause of people with disabilities, children, youth and women's emancipation.
- 2.8. Support and advance the cause of national transformation agenda, development, world peace, disarmament and environmentally sustainable development.
- 2.9. To combat racism, tribalism, regionalism, chauvinism, sexism and all forms of narrow nationalism.
- 2.10. 2.10 To encourage ongoing national international dialogue committed to peace, transformation of gender relations, non racialism democracy and preservation of our environment.
- 2.11. To promote ideas of solidarity internationalism unity of people of SA and workers.

Article 3 THE CHARACTER OF COPE

COPE is a unitary organization that shall endeavor to acknowledge the distinction between party and state function and aspires to have a clear separation of roles and functions between party leadership and state leadership responsibilities; underpinned by the following ideals:

- 3.1. COPE is a non-racial and non-sexist post liberation democratic movement.
- 3.2. Its policies are determined by the membership and its leadership is accountable to the membership in terms of the procedures laid down in this Constitution.
- 3.3. COPE also contests elections as a registered political party drawing its electoral support from all sections of South African society.
- 3.4. COPE shall, in its composition and functioning, be democratic, non-racial and non-sexist and against any form of racial, tribalistic or ethnic exclusivist behaviour or chauvinism.
- 3.5. While striving for the maximum unity of purpose and functioning, COPE will respect the linguistic, cultural and religious diversity of its members.
- 3.6. COPE will support the emancipation of women, combat sexism and ensure that the voice of women is fully heard in the organisation and that women are properly represented at all levels.
- 3.7. The principles of freedom of speech and free circulation of ideas and information will operate within COPE.
- 3.8. Membership of all bodies of COPE will be open to all men and women in the organisation without regard to race, colour or creed.
- 3.9. COPE co-operates closely with religious bodies in the country and provides, on an interfaith basis, for the recognition of the spiritual needs of its many members who are believers.

COPE shall improve lives of our people, to free the potential of each person and to strengthen social cohesion.

COPE commits itself to a democratic social order that will respect completely different cultures, languages and religious rights of all sections of our society and democratic rights of each individual.

Article 4 MEMBERSHIP

- 4.1 Membership of COPE shall be open to all South Africans above the age of 18 years, irrespective of race, colour and creed, who accept its principles, policies and programmes and are prepared to abide by its Constitution and rules.
- 4.2 Spouses or children of South Africans who have manifested a clear identification with the South African people and its vision, may apply for membership.
- 4.3 All other persons who have manifested a clear identification with the South African people and their struggle and are resident in South Africa may apply for membership.

- 4.4 The Congress National Committee may, acting on its own or on the recommendation of branch or Congress Provincial Committees, grant honorary membership to those men and women who do not qualify for membership under Articles 4.1, 4.2 or 4.3, but who have demonstrated an unwavering commitment to COPE and its policies.
- 4.5 Applications for membership shall be considered by the Congress Branch Committees where such exists, and by the Congress Regional Committee, if no Congress Branch Committees exists. The Congress Branch Committees, the Congress Regional Committee, or such interim structures as the Congress Provincial Committee or the CNC may create 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 organ of COPE.
- 4.6 Membership cards will be issued to registered members of COPE 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. 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.
- 4.7 a) Provisional membership will apply to persons who wish to join the organisation for the first time or who wish to re-join the organisation after a considerable lapse of time.
- b) Provisional membership rights commence from the date of production of acknowledgement following receipt of the application and the appropriate membership subscription. A provisional member may attend branch meetings only in a non-voting capacity.
- 4.8 Any objection to any application for membership may be made by any member of COPE to the branch, regional or provincial secretary within eight weeks of the notification.
- 4.9 At any time before the individual is accepted as a full member of the organisation, or in exceptional circumstances even after the member has been admitted, the General- Secretary may Article that the application or the membership may be rejected if it was invalidly obtained.
- 4.10 In the absence of any objection from the structures and/or any ruling by the General Secretary, the applicant shall, on the expiry of eight weeks from the date of notification of provisional membership, become a full member. The provisional member will then be transferred to the national membership list as a full member as soon as is practicable.
- 4.11 The reasons for the rejection of an application for membership by the General Secretary or the objection by the membership to the application for membership must be sent to the individual applicant in writing.
- 4.12 Membership cards will be issued to registered members of COPE and to persons whose application for membership have been accepted, subject to review and subject to payment of the prescribed subscription in all cases.
- 4.13 Members shall pay an annual subscription fee as determined by the Congress National Committee.

- 4.14 Non-earning members or those on reduced incomes will pay such fees as are determined by the CNC.
- 4.15 On being accepted in COPE, 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 oaths:

I,, solemnly declare that I will abide by the aims and objectives of the Congress of the People as set out in the Constitution, and other duly adopted policy positions, that 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 my energies and skills at the disposal of the organisation and carry out tasks given to me, that I will work towards making COPE an even more effective instrument of transformation in the hands of the people, and that I will defend the unity and integrity of the organisation and its principles, and combat any tendency towards disruption and factionalism.

- 4.16 Members who fail to pay their subscriptions for three months and having been reminded of their lapse will not be regarded as members in good standing until they pay their arrears.

Article 5 RIGHTS AND DUTIES OF THE MEMBERS

5.1 Rights:

A member of COPE is entitled to:

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

5.2 Duties:

A member of COPE will:

- a. Belong to and take an active part in the life of his or her branch.

- b. Take all necessary steps to understand and carry out the aims, policy and programme of COPE.
- c. Explain the aims, policy and programme of COPE to the people.
- d. Deepen his or her understanding of the social, cultural, political and economic problems of the country.
- e. Combat propaganda detrimental to the interests of COPE and defend the policy, aims and programme of COPE.
- f. Fight against racism, tribal chauvinism, sexism, religious and political intolerance or any other form of discrimination or chauvinism.
- g. Observe discipline, behave honestly and carry out loyally decisions of the majority and decisions of higher bodies.
- h. Inform his or her branch of movement to any other area and report to the branch committee secretary on arriving at any new area.
- i. Refrain from publishing and/or distributing any media without authorisation which purports to be the view of any organised grouping, faction or tendency within COPE.
- j. All members shall ensure that they are registered as voters in the constituency where they live.
- k. COPE members who hold elective office in any sphere of governance at national, provincial or local level are required to be members of the appropriate caucus, to function within its Articles and to abide by its decisions under the general provisions of this Constitution and the constitutional structures of COPE.

Article 6 GENDER AND AFFIRMATIVE ACTION

- 6.1 In the endeavour to reach the objective of full representation of women in all decision-making structures, COPE shall endeavor to implement a programme of affirmative action, including the provision of a quota of not less than fifty percent (50%) of women in all elected structures of COPE to enable such effective participation.
- 6.2 The method of such implementation will be addressed in all COPE structures immediately and on a continuing basis.

Article 7 ORGANISATIONAL STRUCTURE

- 7.1 COPE consists of the following organs:
 - a. The National Congress which elects the Congress National Committee.
 - b. The Council of Elders appointed by the CNC.

- c. The National General Council between National Congresses.
 - d. Provincial Congress which elects the Congress Provincial Committee.
 - e. The Provincial General Council in between Provincial Congresses.
 - f. The Regional Congress which elects the Congress Regional Committee.
 - g. The Regional General Council in between Regional Congresses.
 - h. The Annual General Meeting which elects the Congress Branch Committees.
- 7.2 Branches may be grouped together on a voting district basis, however Branches may also be grouped in wards and may be subdivided into smaller units such as street committees, and zones may be grouped into sub-regions.
- 7.3 COPE Women's Forum is open to women who are members of COPE and have the same basic structure, namely, national, provincial, regional and branch. Its objectives are to defend and advance the rights of women, both inside and outside COPE, against all forms of national, social and gender oppression and to ensure that women play a full role in the life of the organisation, in the people's struggle and in national life. The Women's Forum will function as a semi-autonomous body within the overall structure of COPE, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of COPE.
- 7.4 Congress Youth Movement is open to all persons between the ages of 14 and 35. It will operate on a national, provincial, regional and branch basis. Its objectives are to unite and lead young men and women in confronting and dealing with the problems that face the youth, and in ensuring that the youth make a full and rich contribution to the work of COPE and the life of the nation. The Youth Movement will function as a semi-autonomous body within the overall structure of COPE, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of COPE.
- 7.5 Members of the Youth Movement over the age of 18 are expected to play a full part in the general political life of COPE.
- 7.6 A member of the Youth Movement shall not be eligible for any position as office-bearer of COPE or to attend COPE congresses, members' or executive meetings of COPE (unless specially invited), unless he or she is a full member of COPE.
- 7.7 COPE Council of Elders (CoE) shall be open to eminent South Africans of 50 years or older (who may not necessarily hold membership in COPE) who have excelled in various fields in the socio-political landscape of our country and its liberation and transformation agenda. Its objectives are to ensure that the Elders make a full and rich contribution to the work of the COPE through the CNC, the movement and the life of the nation in an advisory capacity. The

CoE may by invitation of the CNC, be utilized as an Alternative Dispute Resolution body. The CoE shall hold at least one (1) evaluation meeting per year with the CNC, to report on its work.

- 7.8 COPE recognizes Sector representation through various forums as approved by CNC and/or CPC and/or Congress.

Article 8 THE HEADQUARTERS

The site of the National Headquarters of the COPE will be determined by the CNC.

Article 9 PROVINCES

- 9.1 For purposes of COPE structures, the country will be divided into the following provinces, which will be demarcated to correspond strictly to the provincial boundaries established in the South African Constitution:

Western Cape, Northern Cape, Eastern Cape, KwaZulu Natal, Free State, Gauteng, Limpopo, Mpumalanga and North West.

- 9.2 The provincial headquarters will be determined by the Congress Provincial Committee (CPC)

Article 10 THE NATIONAL CONGRESS

- 10.1 The National Congress is the supreme ruling and controlling body of COPE. It shall be composed of:

10.1.1 Voting delegates:

1. At least 90% of the delegates at Congress shall be from branches, elected at properly constituted branch general meetings. The number of delegates per branch shall be in proportion to its paid up membership, provided that each branch in good standing shall be entitled to at least one delegate.
2. The number of delegates to be allocated to each province to attend National Congress shall be fixed by the CNC in proportion to the paid up membership of each province.

3. All members of the Congress National Committee shall attend, as full participants in and as voting delegates to the Congress.
4. The remainder of the 10% of voting delegates at the Congress shall be allocated by the CNC from among the Congress Provincial Committees, Congress Youth Movement and COPE Women's Forum.

10.1.2 Non-Voting Delegates:

The CNC may invite 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.

10.2 The CNC will appoint a congress preparatory committee which will circulate congress information in advance, determine the precise procedure for selection of delegates and indicate how the membership can then ensure their concerns are on the agenda.

10.3 The Congress shall determine its own procedures in accordance with democratic principles.

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

10.5 CoE members shall be eligible to attend as ex officio members of Congress.

10.6 The National Congress will be convened at least every five years.

Article 10a THE NATIONAL GENERAL COUNCIL

10a (1) A National General Council shall be convened between Congresses provided that the CNC shall convene the NGC not later than 30 months after Congress.

10a (2) A NGC will, on good cause shown, be convened by the CNC upon the request of one-third (1/3) of the Provinces.

10a (3) The National General Council consists of all members of the Congress National Committee, Council of Elders, Congress Provincial committees and delegates representing branches in proportion to membership, with a minimum of one delegate per branch. The Women and Youth Movements will be represented by their CNCs. The CPC's will be appropriately represented as determined by the CNC.

10a (4) The National General Council may discuss and decide any issue it deems necessary, including any matter brought before it by the CNC, and may decide on any matter falling within its competence, subject always to the policies and directives of The National Congress, National General Council, The Congress Policy Congress or the CNC.

10a (5) The NGC may fill any vacancy on the CNC, provided that the filling of vacancies does not exceed 50% of the membership of the CNC.

Article 11 DUTIES AND POWERS OF THE NATIONAL CONGRESS

The National Congress shall:

- 11.1. Decide and determine the policy, programme and Constitution of COPE.
- 11.2. Receive and discuss the reports of the CNC which shall include the Presidential Address, the General Secretary's Report, which shall include a report on the work and activities of the Council of Elders, Women's Forum and Youth Movement, and the National Treasurer's Report.
- 11.3. Have the right and power to review, ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of COPE.
- 11.4. Elect the President, the first Deputy President, second Deputy President, the General Secretary, Deputy General Secretary, National Treasurer, National Organiser, Head of Policy, Head of Elections, Head of Sectors, Head of International Affairs, Head of Communications and the remaining 30 additional members of the CNC.
- 11.5. Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.
- 11.6. The Congress of the People shall assemble in a National Congress every five years, in a year which precedes South Africa's National elections and not later than 6 months before the national elections.
- 11.7. The National Congress shall be the highest authority of the congress of the people.
- 11.8. The National congress shall recognize the provinces, regions and other structures (the Congress of the People Youth Movement, Congress of the People Women's Forum as well as establishing sectors such as Business and Professionals Forums) entitled to participate in the conduct of the national affairs of the Congress of the People.
- 11.9. The rules of the Congress of the People relating to the election of delegates to the National Congress shall comply with this Constitution.
- 11.10. This Constitution shall take precedence in the event of conflict between any other guiding documents.
- 11.11. The National Congress shall be composed of delegates from national, provincial, regional and branch structures. The delegates shall be chosen through processes which:
 - a) Ensure the voters of the Congress of the People full, timely and equal opportunity to participate;
 - b) Ensure that delegations fairly reflect the membership base; and
 - c) Allow participation in good faith by all voters who are Congress of the People members and by voters who are not registered or affiliated with any party, to the extent determined by a provincial structure to be in the interest of the Congress of the People in that province.

Article 12 CONGRESS NATIONAL COMMITTEE

Powers of the CNC

- 12.1. The Congress National Committee shall have general responsibility for the affairs of the Congress of the People 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 CNC shall be the highest decision making organ between National Congresses.
- 12.1.2 The CNC shall be the final arbiter on interpretation of the provisions of this Constitution.
- 12.2. Without prejudice to the generality of its powers, the CNC shall:
- a. Carry out the decisions and instructions of The National Congress and the National General Council.
 - b. Issue and send directives and instructions to and receive reports from the provinces.
 - c. Supervise and direct the work of COPE and all its organs, including national, provincial and local government caucuses.
 - d. Ensure that the provincial, regional and branch structures of COPE function democratically and effectively. The CNC may suspend or dissolve a CPC where necessary. A suspension of a CPC shall not exceed a period of three months. Elections for a CPC, which has been dissolved, shall be called within nine months from dissolution. The Congress National Committee may appoint an interim structure during the period of suspension or the dissolution of the CPC to fulfill the functions of the CPC.
 - e. Oversee the work of the Council of Elders, recognized Sectors, Women's Forum and the Youth Movement.
 - f. Establish departments and set up committees, as it considers appropriate.
 - g. Manage and control all the national and international property and assets of COPE.
 - h. Receive reports, supervise the work of, and delegate such functions to the NWC, as it considers necessary.
 - i. Issue documents and other policy directives as and when it deems fit.
 - j. Confer such honors, as it may deem appropriate.
 - k. Appoint annually an Electoral College of not fewer than ten persons for the selection and adoption of candidates for the national Parliament. The CNC shall draw up regulations for the procedures to be followed in such a selection. The Electoral College shall report to the CNC prior to the implementation of its recommendations. Provincial structures for the adoption of candidates shall report to the Selection Committee.
 - l. The CNC may convene a Congress National Policy Congress, as a recommendation-making body on any matter of policy, whenever it deems necessary, but the CNC must convene a Congress National Policy Congress at least six (6) months before The National Congress to review policies of COPE and to recommend any new or to amend any present policy for consideration by The National Congress.

- m. Conducting the Congress election campaign.
- n. Filling vacancies in the Congress nominations lists for national, provincial and municipal elections and submitting such lists to the Independent Electoral Commission (“the IEC”) as required.
- o. Implementing, formulating and disseminating statements of congress policy.
- p. appoint a Council of Elders comprising of a maximum of 20 members whose term shall run concurrently with that of the CNC.

Elections and composition of the CNC

- 12.3. The Congress National Committee, as a whole, shall not consist of less than fifty percent (50%) of women. The CNC, except where otherwise stipulated, shall be elected by secret ballot by The National Congress and shall hold office for five years and shall be constituted as follows:
- a. The President, First Deputy President, Second Deputy President, the General Secretary, Deputy General Secretary, National Treasurer, National Organisor, Head of Elections, Head of Policy, Head of Sectors, Head of International Affairs and Head of Communications who will be elected separately by The National Congress.
 - b. thirty (30) additional members of the CNC.
 - c. The Chairperson and the Secretary of each elected Congress Provincial Committee who shall be ex-officio members of the CNC.
 - d. The President/Chairperson and General Secretary of the COPE Women’s Forum who shall be ex-officio members of the CNC.
 - e. The President/Chairperson and General Secretary of the Congress Youth Movement who shall be ex-officio members of the CNC.
 - f. The CNC 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 that reflects the true character of the South African people.
 - g. Should a vacancy occur on the CNC for any reason, the CNC shall have the power to fill the vacancy by appointing a replacement.
 - h. The quorum for meetings of the CNC shall be 50%+1 of its total membership.
 - i. A person must be a paid-up member of COPE for at least five years before she or he can be nominated to the Congress National Committee of COPE.,(save for the initial 5 year period where after this clause shall strictly apply)..
- 12.4. a) Nominations for the CNC members referred to in Article 12.3(a) and 12.3(b) above shall be by the following procedure:
- i. Subject to sub Article (ii) below, nominations for the following posts shall be made by any Province and placed before The National Congress:

1. President
 2. First Deputy President
 3. Second Deputy President
 4. General Secretary
 5. Deputy General Secretary
 6. National Treasurer,
 7. National Organiser
 8. Head of Policy
 9. Head of Communications
 10. Head of International Affairs
 11. Head of Elections
 12. Head of Sectors
- 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 Congress National Committee 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 a Province shall appear on The National 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 province 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 Forum, as a whole and the Youth Movement, as a whole, shall be regarded as a province.
- 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 fifty percent (50%) of the directly elected and co-opted members of the CNC must be women.
- 12.8. If any Provincial Chairperson or Secretary is elected to the CNC in his or her own right or as a national official, such person shall vacate the Provincial position, provided that the Province has the right to make representations to the CNC, in a special case, where extraordinary circumstances may warrant an exception to this Article. However, when such a provincial officer is allowed to retain his or her CNC position, the Province shall not be entitled to an additional member on the CNC.
- 12.9. Subject to the provisions of this Constitution, the General Secretary, the Deputy General Secretary and the National Treasurer shall be full-time functionaries of COPE.
- 12.10. The CNC shall meet in plenary session at least once every two months and will provide broad political and organisational perspectives to the Congress National Working Committee.
- 12.11. The CNC may invite any COPE member in good standing (including its employees and/or functionaries) to attend its meetings. The number of invitees shall be limited by the CNC. An invitee can be given a specific assignment by the CNC, but cannot speak on behalf of the CNC. An invitee may speak and participate at such meeting, but shall not vote.

Article 13 CONGRESS NATIONAL WORKING COMMITTEE (CNWC)

- 13.1. As soon as possible after the conclusion of The National Congress, the CNC shall meet and elect a Congress National Working Committee.
- 13.2. The Congress National Working Committee shall be constituted as follows: The President, First Deputy President, Second Deputy President, General Secretary, Deputy General Secretary, the National Treasurer, National Organiser, Head of Policy, Head of International Affairs, Head of Elections, Head of Communications, Head of Sectors and COPE's national parliamentary leader in an ex-officio capacity.
- 13.3. The members of the Congress National Working Committee may not necessarily be full-time functionaries of COPE. However, the CNC shall determine the extent to which the elected members will be full-time functionaries who may be allocated specific responsibilities.
- 13.4. COPE Women's Forum and Congress Youth Movement shall appoint one representative each to serve on the CNWC.
- 13.5. In accordance with Article 6, not less than fifty percent (50%) of the members of the CNWC must be women.
- 13.6. The CNWC may invite any COPE member in good standing to attend its meetings. The number of invitees shall be limited by the CNWC. An invitee can be given a specific assignment by the CNWC, but cannot speak on behalf of the CNWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited, but shall not vote.
- 13.7. The Congress National Working Committee will:

- a. Carry out decisions and instructions of the CNC.
- b. Conduct the current work of COPE and ensure that provinces, regions, branches and all other COPE structures, such as parliamentary caucuses, carry out the decisions of COPE.
- c. Submit a report to each CNC meeting.

Article 14 THE ELECTORAL COLLEGE

- 14.1. The CNC shall appoint a Electoral College 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.
- 14.2. The names of the Electoral College whose work is to commence before Congress opens shall be submitted to The National Congress for endorsement and they will then be reinforced by a representative appointed by each Provincial, Youth Forum and Women's Forum delegation.
- 14.3. Members of the Electoral College will not avail themselves for government office, to decide on the Presidential Candidate for the Party as well as provincial and municipal candidates. The duties of the Electoral College shall be to vet and screen election candidates (using the services of external agencies as required) and compile candidate lists for recommendation to the Congress National Committee.

Article 15 THE NATIONAL FINANCE COMMITTEE

- 15.1. The CNC will appoint the National Finance Committee.
- 15.2. The CNC shall determine the composition and powers of the National Finance Committee.
- 15.3. The National Finance Committee will report to the CNC at least twice a year on the finances and budget of COPE.

Article 16 DUTIES AND FUNCTIONS OF OFFICIALS

16.1. The President

The President is the political head and chief directing officer of COPE and the leader of the house at a National Congress or National General Council. He or she will:

- a. Make pronouncements for and on behalf of the CNC outlining and explaining the policy or attitude of COPE on any question.
- b. Present to the National Congress and National General Council a comprehensive statement of the state of the nation and the political situation generally.
- c. Under the overall supervision of the CNC, orient and direct the activities of COPE.
- d. Be a member of the CNWC.

16.2. First Deputy President

16.2.1 The First Deputy President will assist the President, deputise for him or her when necessary and carry out whatever functions are entrusted to him or her by the National Congress, the National General Council, the President, the CNWC or the CNC.

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

16.2.3 He or she shall be primarily responsible for forging external relations with other party political and/or civic organizations on behalf of the organization.

16.3. In the event of death or permanent incapacity of the President and the Deputy Presidents, the CNC shall as soon as possible appoint an Acting President until such time as The National Congress meets. Until such appointment is made, Article 16.6(g) shall apply.

16.4. The Second Deputy President will be primarily responsible for internal party work and shall-

- a. Remain the custodian of the policies adopted and decisions taken by the National Congress and National General Council and ensure that all organs of COPE implement decisions taken by The National Congress, National General Council, CNC and the NWC and operate within the parameters of policy set out by The National Congress, National General Council and the CNC.
- b. Preside over The National Congress, the National General Council, the CNC and the CNWC.
- c. Carry out such additional tasks or functions, as are entrusted to him or her, by the Congress, Council, CNC or CNWC.
- d. Be a member of the CNWC.

- e. Deputise for the President and/or First Deputy President in the event of their unavailability.

16.5. In the absence or incapacity of the Second Deputy President, the First Deputy President will assume his or her functions.

16.6. The General Secretary

The General Secretary is the chief administrative officer of COPE. He or she will:

- a. Communicate the decisions of all national structures of COPE on behalf of the CNC.
- b. Keep the minutes of the National Congress, the National General Council, the CNC, the CNWC, as well as other records of COPE.
- c. Conduct the correspondence of the CNC and the CNWC and send out notices of all Congress and meetings at the national level.
- d. Convey the decisions and instructions of The National Congress, the National General Council, the CNC and the NWC to the Congress Provincial Committees, and see to it that all units of COPE carry out their duties properly.
- e. Prepare annual reports on the work of the CNC and the NWC and such other documents which may, from time to time, be required by the CNC and the NWC.
- f. Present to The National Congress and National General Council a comprehensive statement of the state of the organisation and the administrative situation of COPE.
- g. In the absence of the President and the First & Second Deputy President, the General Secretary shall assume the functions of the President.
- h. All departments shall report on their activities and be accountable to the General Secretary.
- i. Be a member of the NWC.

16.7. Deputy General Secretary

The Deputy General Secretary will assist the General Secretary, deputise for him or her when necessary and carry out the functions entrusted to him or her by The National Congress, the National Council, the CNC, or CNWC and shall be an ex- officio member of the CNWC.

16.8. National Treasurer

The National Treasurer is the chief custodian of the funds and property of COPE. He or she will:

- a. Receive and bank all monies on behalf of the CNC and shall, together with any two members of the CNC, operate a banking account.

- b. Keep such books of account as may be necessary to record clearly the financial position of COPE.
- c. Submit to The National Congress a report showing the Income and Expenditure Account and Balance Sheet of COPE for the period since the previous National Congress, and shall submit periodic reports to the CNC and the CNWC.
- d. Be responsible, with the National Finance Committee, for working out and executing plans for fund raising.
- e. Present to The National Congress and National General Council a comprehensive statement of the state of the finances of COPE.
- f. Be a member of the CNWC.

16.9. The National Organisator

- a. The National Organisator shall be responsible for general oversight of organizing with specific focus on the establishment and development of branches and all COPE structures, liaising with the CPC's.
- b. He or she shall be a member of the CNWC.

16.10. Head of International Affairs

- a. The Head of International Affairs shall be responsible for establishment and development of ties with the International Community in line with COPE policy and Congress resolutions.
- b. He or she shall be a member of the CNWC

16.11. Head of Policy

- a. The Head of Policy shall be responsible for general oversight and development of the Organisation's Policy in line with CNC and/or Congress resolutions.
- b. He or she shall be a member of the CNWC.

16.12. Head of Elections

- a. The Head of Elections shall be responsible for the overall coordination and development of the organisation's campaign strategy towards local, provincial and national general elections, subject to CNC and Congress resolutions and policy.
- b. He or she shall be a member of the CNWC.

16.13. Head of Communications

- a. The Head of Communications shall be the chief spokesperson on behalf of the organization, responsible for the development and coordination of key resolutions of the CNC and/or Congress and/or CNWC and/or NGC in line with COPE policy and CNC resolutions.
- b. He or she shall be a member of the CNWC.

16.14. Head of Sectors

- a. The Head of Sectors shall be responsible for the general oversight, development, coordination and implementation of the recognized sectors of the organization on behalf of the CNC. He or she shall chair a national committee of all recognized sectors in the organization as approved by the CNC.
- b. He or she shall be a member of the CNWC.

16.15. The National Parliamentary Leader:

The Parliamentary Leader is the political head and chief directing officer of COPE's representatives in parliament subject to enabling legislation and CNC supervision, he or she will:

- a. Make pronouncements for and on behalf of COPE representatives in parliament outlining and explaining the policy or attitude of COPE on any question.
- b. Present to the CNC a comprehensive statement of the state of affairs in parliament and the political situation generally therein.
- c. be an ex-officio member of the CNWC.

16.16. The National Chaplaincy

There will be a National Chaplaincy appointed by the CNC on an interfaith basis to provide spiritual guidance.

Article 17 PROVINCIAL CONGRESS

17.1. Subject to the decisions of the National Congress and the National General Council, and the overall guidance of the CNC, the Provincial Congress is the highest organ of COPE in each Province.

17.2. The Provincial Congress will:

- a. Be held at least once two and half years and more often if requested by at least one third of all branches in the Province.
- b. Be composed of:
 - (i) Voting delegates, as follows:
 - (i)(a) At least 90% of the delegates at Congress shall be from branches, elected at properly constituted branch general meetings. The number of delegates per

branch shall be in proportion to its paid up membership, provided that each branch in good standing shall be entitled to at least one delegate.

(i)(b) All members of the Congress Provincial Committee shall attend as full participants and voting delegates at the Congress.

(i)(c) The remaining 10% of the voting delegates at Congress shall be from members of the CRC's, Congress Youth Movement and COPE Women's Forum, as allocated by the CPC.

(ii) Non-voting delegates, as follows: The CPC may invite individuals, who have made a special contribution to the struggle or who have special skills or experience, to attend the Congress. In addition, the CPC shall permit representation of recognized sectors as non-voting delegates to structures, which do not have the minimum requirement to form a branch.

- c. Determine its own procedures in accordance with democratic principles and practices;
- d. Vote on key questions by secret ballot if at least one third of the delegates at the Provincial Congress Policy Congress demand it.
- e. Vote for the election of the CPC by secret ballot. Each voting delegate shall vote once in each ballot.

17.3. The Provincial Congress Policy Congress will:

- a. Promote and implement the decisions and policies of The National Congress, the National General Council, the CNC and the CNWC.
- b. Receive and consider reports by the Congress Provincial Committee, which shall include the Chairperson's address, the Secretary's report, which shall include a report on the work and activities of the Sectors, Women's Forum and Youth Movement in the province, and the Treasurer's report.
- c. Elect the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and the additional 20 members of the Congress Provincial Committee, who will hold office for two and half (2,5) years. The Provincial Secretary shall be a full-time functionary of the organisation.
- d. Carry out and develop the policy and programme of COPE in the Province.
- e. Have the right and power to review, ratify, confirm, alter or rescind any decision taken by any of the constituent bodies, units or officials of COPE in the province.
- f. Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

Article 18 THE PROVINCIAL GENERAL COUNCIL

- 18.1. A Provincial General Council shall be convened between The Provincial Congress Policy Congresses.
- 18.2. The PGC shall meet at least once a year. A PGC will, on good cause shown, be convened by the CPC upon the request of one-third (1/3) of branches in the Province.
- 18.3. The Provincial General Council consists of all members of the Congress Provincial Committee, recognized sectors representatives on a non voting status and delegates representing branches in proportion to membership, with a minimum of one delegate per branch. The Women's and Youth Movements will be represented by their CPCs. The CRCs will be appropriately represented as determined by the CPC.
- 18.4. The Provincial General Council may discuss and decide any issue it deems necessary, including any matter brought before it by the CPC, and may decide on any matter falling within its competence, subject always to the policies and directives of The National Congress, National General Council, The Provincial Congress Policy Congress or the CNC.
- 18.5. The PGC may fill any vacancy on the CPC, provided that the filling of vacancies does not exceed 50% of the membership of the CPC.

Article 19 CONGRESS PROVINCIAL COMMITTEE

- 19.1. The Congress Provincial Committee is the highest organ of COPE in a province between The Provincial Congress Policy Congress and has the authority to lead the organisation in the province, subject to the provisions of this Constitution.
- 19.2. The Congress Provincial Committee will consist of elected, co-opted and ex officio members.
- 19.3. The elected members will consist of the Provincial Chairperson, Deputy Chairperson, Provincial Secretary, Deputy Secretary, Provincial Treasurer and not more than 20 other persons elected by the Provincial Congress. A person must be a member in good standing of COPE for three (3) years before she or he can be nominated to a Congress Provincial Committee of COPE.
- 19.4. Each region in the province shall be equally represented in the CPC, by the Chair and/or the Secretary, as determined by the CPC, with ex officio status, provided that the number of regional representatives on the CPC does not exceed the number of elected members of the CPC.
- 19.5. The recognized sectors, Women's Forum and the Youth Movement in the Province will be represented by the Chair and Secretary of the respective Leagues in the CPC, with ex officio status.
- 19.6. The CPC may co-opt not more than 3 persons, in order to provide for a balanced representation that reflects the true character of the South African people.
- 19.7. In accordance with Article 6, not less than fifty percent (50%) of the directly elected and co-opted members of the CPC must be women.

- 19.8. The CPC may invite any COPE member in good standing to attend its meetings. The number of invitees shall be limited by the CPC. An invitee can be given a specific assignment by the CPC, but cannot speak on behalf of the CPC. An invitee may speak and participate at such meeting, but shall not vote.
- 19.9. The CPC will:
- a. Meet as soon as possible after its election to elect the Congress Provincial Working Committee (CPWC) and thereafter at least once a month.
 - b. Carry out the policy and programme of COPE in the province and do all things necessary to further the interests, aims and objectives of the organisation.
 - c. Carry out the decisions and instructions of the Provincial Congress Policy Congress, the Provincial General Council, CNC and the CNWC.
 - d. The CPC will provide broad political and organisational perspectives to the Congress Provincial Working Committee. It will receive reports, supervise the work of and delegate such functions to the CPWC, as it considers necessary.
 - e. Manage and control the funds and assets of COPE in the Province.
 - f. Submit reports to the CNC, The Provincial Congress Policy Congress and Provincial General Council, as often as is required, on the state of the organisation, the financial position of the province, and such other matters as may be specified.
 - g. Issue and send directives and instructions to and receive reports from the regions, branches and other substructures in the province.
 - h. Supervise and direct the work of COPE and all its organs in the province, including COPE provincial and local government caucuses.
 - i. Oversee the work of the Women's Forum and the Youth Movement in the province.
 - j. Ensure that the provincial, regional, branch and other structures of COPE in the province function democratically and effectively. To this end, organise, establish and service branches in the Province and supervise the work of the regions in the Province; suspend, dissolve, and re-launch Congress Branch Committees and Congress Regional Committees where necessary, subject to any directives from the Provincial Congress Policy Congress, provided that where a CBC or CRC has been suspended or dissolved there shall be a right of appeal to the CNC. A suspension of a CRC shall not exceed a period of two months. Elections for a CRC, which has been dissolved, shall be called within six months from dissolution. A suspension of a CBC shall not exceed a period of one month. Elections for a CBC, which has been dissolved, shall be called within three months from dissolution. The Congress Provincial Committee may appoint an interim structure during the period of suspension or the dissolution of the CRC or CBC to fulfill the functions of such CRC or CBC.
 - k. Establish, wherever possible, provincial departments in line with national departments and establish committees, as it considers appropriate.
 - l. Issue documents and other provincial policy directives, as and when it deems fit.

- m. Appoint the provincial and regional staff as required, subject to directions from the office of the General-Secretary.
- n. The quorum for any meeting of the CPC shall be 50% (fifty percent) + one (1) of its total membership.
- o. Have the duty to appoint annually a Provincial Selection Commission, of not less than five and not more than nine persons, which will identify regulations for the drawing up of the Provincial List of candidates for national elections, provincial elections and for the selection of candidates for local government elections. The Congress Provincial Committee shall report to the CNC and shall be bound by the recommendations of the Selection Committee.

19.10. Duties and Functions of Provincial Office Bearers:

19.10.1 Provincial Chairperson

- a) The Chairperson shall carry out the programs and policies of the National Congress and the Congress Provincial Committee in conformity with this Constitution, and the resolutions adopted by the Provincial Congress and the Congress Provincial committee.
- b) The Chairperson shall preside over meetings of the Congress Provincial Committee and the Provincial Executive Committee.
- c) The Chairperson shall present to the Congress of the People a political report on the political work of the Congress of the People within the province.

19.10.2 Deputy Chairperson

- a) Deputy Chairperson shall deputise for the Chairpersons and carry out such duties as the Congress of the people may assign.

19.10.3 Provincial Secretary

The Provincial Secretary is responsible for:

- a) All provincial administrative functions of the Congress of the People;
- b) Convening the Provincial Congress, the Congress Provincial Committee and the Provincial Executive Committee, in accordance with the rules;
- c) Keeping the minutes of the Provincial Congress, the Congress Provincial Committee and the Provincial Executive Committee as well as other records of the Congress of the People; and
- d) Correspondence of the Congress Provincial Committee and the Provincial Executive Committee.

19.10.4 Deputy Provincial Secretary

- a) The Deputy Provincial Secretary shall deputise for the Provincial Secretary and carry out such duties as the Congress of the People may assign.

19.10.5 Provincial Treasurer

- a) The Provincial Treasurer is the finance political head of the Congress of the People within a province and shall be responsible for all provincial financial affairs and plans of the Congress of the People. The Provincial Treasurer shall present a financial report and audited financial statements to the Provincial Executive and Congress.
- b) The Provincial Treasurer shall recommend to the Congress Provincial Committee, policies and plans for the establishment and maintenance of:
 - i. effective, efficient and transparent systems of financial management and reporting, risk management and internal control; and
 - ii. frameworks and systems for ethical and transparent fundraising and investment.

Article 20 CONGRESS PROVINCIAL WORKING COMMITTEE

- 20.1. The Congress Provincial Working Committee will consist of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer of the Province as well as six (6) Heads of Departments (HoD's) concentrating on Organizing, Elections, Policy, Sector Representation, International Relations and Communication, the Chair or Secretary of COPE Women's Forum and Congress Youth Movement in that Province.
- 20.2. In accordance with Article 6, not less than fifty percent (50%) of the members of the CPWC must be women.
- 20.3. The Congress Provincial Working Committee will:
 - a. Carry out decisions and instructions of the Provincial Congress Policy Congress, the CNC and the CPC.
 - b. Conduct the current work of COPE in the province and ensure that regions, branches and all other COPE structures, such as parliamentary caucuses, carry out the decisions of COPE.
 - c. Submit a report to each CPC meeting.
- 20.4. The CPWC will meet as often as is necessary, but at least once every two weeks
- 20.5. The CPWC may invite any COPE member in good standing to attend its meetings. The number of invitees shall be limited by the CPWC. An invitee can be given a specific assignment by the CPWC, but cannot speak on behalf of the CPWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited, but shall not vote.

20.6. The Provincial Congress Policy Congress (PCPC)

20.6.1 The Congress of the People may hold a Provincial Congress Polity Congress between Provincial Congresses. The nature, agenda, composition, time and place of the Congress shall be determined by the Congress Provincial Committee.

20.7. Provincial Finance Committee

20.7.1 The Congress Provincial Committee shall establish a Provincial Finance Committee which shall have general responsibility for the management and control of finances of Congress of the People within a province. This committee shall raise funds to support the Congress of the People and shall advise and assist Regional Structures and candidates in securing funds for their purposes.

20.7.2 The Provincial Treasurer shall be the Chairperson of the Provincial Finance Committee and its membership shall consist of all Regional Treasurers. The Committee will have the right to co-opt additional members as it sees fit.

20.8. Provincial Sector Committee

The Congress Provincial Committee shall establish and recognize a Provincial Sector Committee which shall be comprised of all the recognized sector in that province, chaired by the provincial Head of Sectors.

Article 21 REGIONS

21.1. The CPC, under the supervision of the CNC, will divide the Province into regions for the more efficient and democratic functioning of COPE.

21.2. Provincial Regions will be demarcated to correspond strictly to district and metro municipal boundaries in each province.

21.3. Each region shall hold a regional Congress every two (2) years, which will elect the members of the Congress Regional Committee (CRC), which shall comprise the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer and additional members not exceeding fifteen in number; in addition the Chair and Secretary of COPE Women's Forum and Congress Youth Movement in that Region shall be ex officio members of the Congress Regional Committee. A person must be a member of COPE for at least two years before she or he can be nominated to a Congress Regional Committee of COPE. The Regional Secretary shall be a full-time functionary of COPE.

21.4. Each branch in good standing within a region shall be entitled to send delegates to the regional Congress in proportion to its members.

- 21.5. There shall be at least one regional council meeting in the course of each year with each branch being entitled to send at least one delegate. Additional regional council meetings may be convened by the Congress Regional Committee or the CPC or on the request of at least one-third of the branches.
- 21.6. The Congress Regional Committee shall be accountable to the CPC for its functioning. The powers of the Congress Regional Committee are such powers as are delegated to it by the CPC. In addition, the CRC may, subject to the directions and instructions of the CPC, exercise the following powers:
- a. Meet as soon as possible after its election to elect the Congress Regional Working Committee and thereafter as and when necessary but at least once a month.
 - b. Carry out the policy and programme of COPE in the region and do all things necessary to further the interests, aims and objectives of the organisation.
 - c. Carry out the decisions and instructions of the Provincial Congress Policy Congress, the Provincial General Council, the CPC, the Regional Congress and the Regional Council.
 - d. The CRC will provide broad political and organisational perspectives to the Congress Regional Working Committee. It will further receive reports, supervise the work of, and delegate such functions to the CRWC, as it considers necessary.
 - e. Manage and control the funds and assets of COPE in the Region.
 - f. Submit reports to the CPC, Regional Congress and Regional General Council, as often as is required, on the state of the organisation, the financial position of the region, and such other matters as may be specified.
 - g. Request and receive reports from the branches and other substructures in the region.
 - h. Supervise and direct the work of COPE and all its organs in the region, including COPE local government caucuses.
 - i. Recommend to the CPC the suspension or dissolution of a CBC, Zonal Committee or Sub-Regional Committees.
- 21.7. The CRC may co-opt no more than 2 persons, in order to provide for a balanced representation that reflects the true character of the South African people.
- 21.8. In accordance with Article 6, not less than fifty percent (50%) of the directly elected and co-opted members of the CRC must be women.
- 21.9. The CRC may invite any COPE member in good standing to attend its meetings. The number of invitees shall be limited by the CRC. An invitee can be given a specific assignment by the CRC, but cannot speak on behalf of the CRC. An invitee may speak or participate at such meeting, but shall not vote.
- 21.10. The Congress Regional Working Committee
- a. The Congress Regional Working Committee (CRWC) shall consist of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer of the Region and the

six Heads of Departments (HoD's) concentrating in organizing, elections, policy, international, communications and sector representation as well as the Chair or Secretary of COPE Women's Forum and Congress Youth Movement in that Region.

- b. The Congress Regional Working Committee will:
 - i. Carry out decisions and instructions of the CNC, CPC, CRC, the Regional Congress and the Regional General Council.
 - ii. Conduct the current work of COPE in the region and ensure that branches and all other COPE structures, such as municipal council caucuses, carry out the decisions of COPE.
 - iii. Submit a report to each CRC meeting.
 - c. The CRWC will meet as and when necessary but at least every two weeks.
 - d. In accordance with Article 6, not less than fifty percent (50%) of the members of the CRWC must be women.
 - e. The CRWC may invite any COPE member in good standing to attend its meetings. The number of invitees shall be limited by the CRWC. An invitee can be given a specific assignment by the CRWC, but cannot speak on behalf of the CRWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited, but shall not vote.
- 21.11. Regional Officer bearer positions shall be the Chairperson, Deputy Chairperson, the Regional Secretary, the Deputy Regional Secretary, and the Regional Treasurer.
- 21.12. The Congress Regional Committee (CRC) shall be composed of:
- a. The regional officer bearers and the Regional Heads of Departments (HoD's) as well as the regional chairpersons and secretaries of the Women's Forum, the Congress Youth Movement, who shall be ex officio members; and
 - b. 15 (fifteen) additional members elected at the regional Congress of whom no less than 50% shall be women and 15% youth respectively;
- 21.13. Rules relating to the removal of the Congress Regional Committee shall be formulated, drawn and published to the members.
- 21.14. The Congress Regional Committee shall meet at least once a month. Meetings shall be convened by notice issued by the Regional Secretary in accordance with the rules.
- 21.15. The duties and functions of the Regional Office Bearers will be the similar as those of the Provincial Office Bearers.

Article 22 PROVINCIAL CHAPLAINCIES

Provincial Chaplains may be appointed by the CPC on the same basis as the National Chaplaincy.

Article 23 BRANCHES

PLEASE SEE DOCUMENT “DRAFT GUIDELINE FOR THE ESTABLISHMENT OF BRANCHES” PREPARED BY CDE M. GEORGE FROM INFO RECEIVED AT COMMISSIONS.

- 23.1. Every member of COPE shall belong to a branch, which is the basic unit of the organisation.
- 23.2. The branch will:
- a. Be registered with the CPC and have a minimum of 25 members, provided that the CPC may confer special recognition, where due to exceptional circumstances, the branch has fewer than 25 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 formulate policy.
 - d. Be the basic unit of activity for members.
 - e. Branches covering an 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 tool by the branch and shall not possess any decision-making powers. These units must operate on the basis of acceptable democratic principles and practices.
 - f. Elect at a biannual general meeting a Congress Branch Committees (CBC) consisting of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and other committee members, consisting of not less than three and not more than ten persons. A person must be a member of COPE for one year before she or he can be nominated to a Congress Branch Committees of COPE, provided that where a new branch is being established, the CPC may waive this provision. The Women’s Forum and the Youth Movement shall be represented on the CBC, by the chairperson and secretary of the Women’s Forum branch and the Youth Movement branch within that branch, with ex-officio status.
 - g. In accordance with Article 6, not less than fifty percent (50%) of the directly elected and co-opted members of the CBC must be women.
 - h. The branch will meet at least once per month in a general meeting.

- 23.3. The Congress Branch Committees (CBC) will:
- a. 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 of the Branch.
 - b. Carry out the publicity and organisational work in its area in furtherance of the policy, programme and decisions of COPE.
 - c. Meet at least once per fortnight.
 - d. Submit reports on its work to the branch meeting and at least each month to the Congress Regional Committee.
 - e. Co-opt not more than two persons, if it considers it necessary to ensure greater representation.
 - f. The quorum for each meeting of the Congress Branch Committees shall be 50%+1 (fifty percent plus one) of the total CBC membership.
- 23.3.1. Branches of the Congress of the People shall be established according to the demarcations of Independent Electoral Commission (IEC) on voting wards and shall consist of at least 25 members.
- 23.3.2. A Branch Bi-Annual General Meeting (AGM) shall be held every two years.
- 23.3.3. The Branch Bi-Annual General Meeting shall recognize all members of in good standing, entitled to participate in the branch affairs of the Congress of the People.
- 23.3.4. The Branch Bi-Annual General Meeting shall elect the Congress Branch Committee, and act upon such other matters as it deems appropriate.
- 23.3.5. The Branch Bi-Annual General Meeting shall be composed of all branch members.
- 23.3.6. Branches should also hold quarterly Branch Consultative Forums with all citizens within the voting districts and/or wards to understand the key challenges facing them and report-back on the activities of the Congress of the People within the area.

The Congress Branch Committee

- 23.3.7. The Congress Branch Committee shall have general responsibility for co-ordinating the affairs of the Congress of the People within a Voting District, subject to the provisions of this Constitution and to the resolutions or other actions of the Provincial Congress. This responsibility shall include;
- a. Issuing notice of and convening the Branch AGM;
 - b. Conducting the Congress election campaign in the Voting District;
 - c. Providing for the election of 5 branch office bearers, of whom no less than 50% shall be women. These office bearers shall constitute the Congress Branch Committee and be responsible for the day-to-day management of the branch affairs of the Congress of the People; and
 - d. all other actions necessary or appropriate in order to carry out the provisions of this Constitution and the objectives of the Congress of the People within the voting district.

- 23.3.8. Branch Officer bearer positions shall be Chairperson, Deputy Chairperson, the Branch Secretary, The Deputy Branch Secretary, and the Branch Treasurer.
- 23.3.9. The Congress Branch Committee (CBC) shall be composed of;
- a. the branch officer bearers and the branch chairperson and secretary of the Women's Forum and the Congress Youth Movement, who shall be ex official members; and
 - b. 6 Heads of Department (HoD's) concentrating in organizing, policy, communications, international relations, sector representation and elections at the Branch AGM of whom no less than 50% shall be women and 15% youth respectively;
- 23.3.10. Rules relating to the removal of the Congress Branch Committee shall be formulated, drawn and published to the members.
- 23.3.11. The Congress Branch Committee shall meet at least every two weeks. Meetings shall be convened by notice issued by the Branch Secretary in accordance with the rules.
- 23.3.12. The duties and functions of the Branch Office Bearers will be the similar as those of the Regional Office Bearers.
- 23.4. The quorum for the bi-annual branch meeting and any other branch meetings where the branch makes nominations of candidates for elections within COPE or for public representatives or takes decisions relating to policy matters, shall be 50% plus one of the total paid-up members of the branch.

Article 24 ZONAL AND SUB-REGIONAL STRUCTURES

- 24.1. The CPC, under the guidance of the CNC, must establish Sub-Regions within a Region. Sub-Regions shall be demarcated to strictly correspond with B-type or metro sub-council municipal boundaries, depending on its location, with similar arrangements and powers as apply to Zones.
- 24.2. Any three (3) or more branches within a Region for the purpose of co-ordination of activities and better organisational efficiency shall be formed into a Zone at the instance of the Congress Regional Committee after consultation with the relevant branches, or on application to the CPC, by at least two branches within an area of a proposed Zone.
- 24.3. Whenever a Sub-Region or Zone has been established, the Congress Branch Committee of constituent Branches, within that sub-region or zone, will at a properly convened meeting elect a Sub-Regional or Zonal Committee, as the case may be, consisting of a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and six (6) Heads of Departments (HoD's) elected from constituent branches in a meeting convened every two (2) years for that purpose.
- 24.4. In accordance with Article 6, not less than fifty percent (50%) of the members of the Sub-Regional Committee and the Zonal committee must be women.

- 24.5. Where Sub-Regional or Zonal structures of the Women's Forum and Youth Movement exist, they will be represented by one (1) member each, subject to the same provisions relating to the requirement for COPE membership.
- 24.6. The tasks of the Sub-Regional or Zonal Committee will include:
- a. To meet at least once a month.
 - b. To co-ordinate the work and activities of the constituent branches and submit reports to the CRC.
 - c. To see to the implementation of the instructions of the CNC, CPC, CPWC or the CRC in the Sub-Region or Zone.
 - d. To participate in the work of the Regional Council.
 - e. To maintain effective links with all branches in the Sub-Region or Zone.

Article 25 DISCIPLINE

- 25.1 (a) All members, without exception, must abide by the Constitution of COPE, 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.
- 25.1 (b) Every candidate representing COPE during an election at any level of government, must undertake, in writing, prior to the elections, to abide by the Constitution of COPE 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 COPE.
- 25.1 (c) All members and public representatives of COPE, without exception, are subject to the discipline of COPE 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 25.
- 25.2 Disciplinary proceedings against a member and public representative shall be confined to violations of COPE Constitution, Articles and Regulations, Standing Orders, Codes of Conduct and the policies and decisions of COPE properly adopted or made in terms of the Constitution, or the misconduct referred to in Article 25.5 or provided for in terms of Article 25.13 (b) and shall not:
- a) Be used as a means of stifling debate or denying members their basic democratic rights; or

- b) Be instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the organisation are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organisation.
- 25.3 If the CNC, CPC, CRC or CBC, 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 in Article 25.5 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 CNC, CPC CRC or CBC, as the case may be, or any other body authorised in terms of the Constitution to conduct disciplinary proceedings, to proceed with such disciplinary hearing [refer to 25.6(c)].
- 25.4 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 25.5 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.
- 25.5 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 without the option of a fine, for any serious non-political offence;
 - b. Conviction in a court of law, for any serious non-political offence;
 - c. Behavior which brings the organisation 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;
 - d. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
 - e. 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;
 - f. Abuse of elected or employed office in the organisation or in the State to obtain any direct or indirect undue advantage or enrichment;
 - g. Behaving corruptly in seeking or accepting any bribe for performing or not performing any task;
 - h. Misappropriation of the funds of the organisation or destruction of its properties;
 - i. Behaving in such a way as to provoke serious divisions or a break-down of unity in the organisation;
 - j. Undermining the respect for or impeding the functioning of the structures of the organisation;
 - k. Participating in organised factional activity that goes beyond the recognised norms of free debate inside the organisation and threatens its unity;

- l. Supporting a political organisation or party other than an organisation in alliance with COPE in a manner contrary to the aims, objectives and policy of COPE;
- m. Standing in an election for local, provincial or national government or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the CNC or CPC;
- n. Joining a political organisation or party other than COPE or a party in alliance with COPE;
- o. Prejudicing the integrity or repute of the organisation, 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-patriotic and transformation forces;
 - ii. A political organisation or party other than an organisation or party in alliance with COPE in a manner contrary to the aims, policies and objectives of COPE;
 - iii. Intelligence or the security services of other countries; or
 - iv. 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 organisation;
- r. Payment of, or assisting or facilitating the payment of, membership subscription of the organisation for a person or persons or a group of persons who would otherwise be unwilling or unable to pay their own subscriptions;
- 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 branch meetings or the outcome of organisational votes; or
- u. Giving, collecting or raising of funds for campaigning activities within COPE aimed at influencing the outcome of a Congress or meeting.

25.6 (a) The CNC shall appoint a National Disciplinary Committee (NDC), from among its membership and from other structures of COPE, which will consist of at least 5 but not more than 9 members. At least three members of the NDC shall constitute its quorum. The national officers, the CNWC or the CNC may refer any violation or misconduct directly to the NDC for determination of a complaint.

(a) (1) In addition, the CNC shall appoint the National Disciplinary Committee of Appeal (NDCA), from among its membership and from other structures of COPE, which will

consist of at least 3, but not more than 5 members, provided that its members may not serve in the NDC. At least three members of the NDCA shall constitute its quorum. The NDCA shall hear cases of appeal where the NDC heard the case as a structure of first instance.

- (a) (2) The decisions of the NDCA shall be final, except that the CNC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the CNC.
- 25.6 (b) Each CBC shall appoint a Branch Disciplinary Committee (BDC). Each CRC shall appoint a Regional Disciplinary Committee (RDC). Each CPC shall appoint a Provincial Disciplinary Committee (PDC). 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.
- 25.6 (c) Disciplinary proceedings will normally be conducted at the level where the alleged violation or misconduct took place, namely the branch, region, province or national level, and may be heard by the relevant structure.
- 25.6 (d) Disciplinary proceedings may only be instituted at branch level if the relevant CPWC has granted that branch written permission to do so.
- 25.6 (e) The CNWC may direct that the disciplinary proceedings should be heard at a higher level than where the alleged violation or misconduct took place.
- (e) (1) As soon as possible, after the election of the respective committees at any level of the organisation, the:
 - (i) CNC shall appoint a Chief National Presenter, to be assisted by no more than 3 other suitably competent members, to represent and present the case of COPE, in any NDC and NDCA hearing;
 - (ii) CPC shall appoint a Chief Provincial Presenter, to be assisted by no more than 3 other suitably competent members, to represent and present the case of COPE, in any PDC hearing;
 - (iii) CRC shall appoint a Chief Regional Presenter, to be assisted by no more than 5 other suitably competent members, to represent and present the case of COPE, in any RDC hearing or any BDC hearing within its region.
- 25.6 (f) 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 25.6(a). 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.
- 25.7 (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.

- 25.7 (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 25.7(a).
- 25.7 (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 25.4, 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.
- 25.8 (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 COPE, will include reprimand, payment of compensation and/or the performance of useful tasks, remedial action, and suspension of membership or expulsion from COPE, and in the case of a public representative also the removal from any list or instrument which entitles such person to represent COPE at any level of government.
- 25.8 (b) 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.
- 25.8 (c) Any member found guilty of the misconduct referred to in Article 25.5(m) and (n), shall be ineligible to be or remain a member, and shall be expelled from the organisation.
- 25.9 (a) A decision of a disciplinary committee only takes effect once the internal appeal procedures and remedies provided for in terms of Article 25 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 COPE. 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 NDCA may, upon application to it and if it deems it necessary, grant a further appeal to be heard by itself. The CNWC 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 Provincial Disciplinary Committee.
- 25.9 (b) Where a disciplinary committee arrives at a decision to suspend or expel a local government councilor or a member of a provincial legislature or Parliament, such a decision shall be suspended pending the outcome of an automatic appeal to the National Disciplinary Committee of Appeal. The National Disciplinary Committee of Appeal must commence with such an appeal within 14 days of the notification of the decision of such disciplinary committee.

- 25.10 (a) 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 NDCA 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.
- 25.11 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.
- 25.12 Temporary Suspension
- 25.12 (a) The Provincial Disciplinary Committee or the CPWC with regard to disciplinary matters not being dealt with at a national level, and the National Disciplinary Committee or the CNWC, may summarily suspend the membership of any member, by acting in accordance with the procedures prescribed in Article 25.12.
- 25.12 (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 comment 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.
- 25.12 (c) Exceptional circumstances, as determined by the CNWC or National Disciplinary Committee or CPWC, 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).
- 25.12 (d) The member or public representative shall immediately be informed of such suspension.
- 25.12 (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.
- 25.12 (f) The member or public representative shall immediately be informed of such terms and conditions.
- 25.12 (g) When a CPWC or PDC 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 NDCA and the NDCA may, if circumstances warrant it, at any stage set aside such suspension.
- 25.12 (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.

- 25.12 (i) Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.
- 25.12 (j) The temporary suspension shall, subject to paragraph (g), remain in force until the finalisation of the disciplinary proceedings, including any appeals, provided that the NDCA may, upon application and if the circumstances so warrant, at any stage set aside such suspension.
- 25.12 (k) The temporary suspension may at any stage be set aside by the structure, which imposed it, if it deems it necessary.
- 25.13 (a) The CNC must adopt Articles and Regulations for the regulation of the effective and appropriate implementation and functioning of Article 25 dealing with disciplinary proceedings in COPE.
- 25.13 (b) Without prejudice to the generality of Article 25.5, the CNC 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.
- 25.13 (c) The CNC shall adopt guidelines for the interpretation of Article 25 and for the Articles of procedure applicable during disciplinary proceedings, including time limits to be followed before, during and after a hearing.
- 25.13 (d) The Articles, Regulations and guidelines referred to in this sub Article must be adopted by the CNC within six (6) months from the conclusion of the 2008 National Congress.
- 25.13 (e) The CNC may:
- i. authorise other structures of COPE to institute disciplinary proceedings; and
 - ii. establish appropriate structures to implement or make the appropriate arrangements to apply the provisions of Article 25.

Article 26 ARTICLES AND REGULATIONS

- 26.1. The CNC may adopt Articles and regulations for the better carrying out of the activities of COPE.
- 26.2. The CPCs may adopt Articles and regulations for the better functioning of COPE in their respective provinces.
- 26.3. All such Articles and regulations shall be consistent with the constitutional norms of COPE, and Articles and regulations framed by the CPC shall only become operative when approved by the CNC, or, on a provisional basis pending approval by the CNC, by the NWC.
- 26.4. The CNC may frame a code of conduct to cover all structures, officials, public representatives, office bearers and members.

Article 27 GENERAL

COPE 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 28 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 General Secretary at least three months before the National or Special Congress. The CNC shall give at least one month's notice for any Constitutional amendment.

Article 29 SPECIAL CONGRESS

- 29.1. A special Congress of COPE may be convened by the CNC at any time or at the request of a majority of the Provinces for a stated purpose or purposes.
- 29.2. Not less than one month's notice of such Congress shall be given.
- 29.3. Participation at the Congress shall be determined by the CNC, provided that branches are represented at such a Congress in proportion to their membership.

Article 30 CONTRACTUAL LIABILITY

Only the National Officials shall have the authority to bind COPE or to create any legal relationship. Any other person purporting to bind COPE must produce a written authorisation from one of the National Officials, which must indicate the extent of that person's authority.

Article 31 BORROWING POWER

The CNC may from time to time borrow any amount of money, on such terms and conditions as the CNC 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 COPE by the mortgage or pledge, either generally or specifically, of the assets of COPE.

Article 32 TRANSITIONAL ARRANGEMENTS

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

Article 33 DISSOLUTION

The National Congress or any Special Congress may dissolve COPE and transfer the assets and liabilities of COPE 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 CNC received notice of such resolution from a structure of COPE at least 12 months before it was voted on by such Congress.

GLOSSARY

Explanation of terms used in the Constitution

Accountable	To answer for, or explain, one's conduct, decisions or acts.
Additional Members	CNC Members who are elected.
Annual subscription fee	The CNC decides the annual subscription fee.
Appeal	A resort or an application to a higher authority for a decision.
Assign	To give out as a task.
Semi-Autonomous	The Women's Forum and/or Youth Movement operate autonomously, next to and in addition to COPE structures and within the framework of the Constitution and in conformity with policies of COPE mother body, with the mother body reserving its right of intervention in exceptional circumstances.
Bribe	A bribe includes any promise or offer to give something, usually money, to procure services or gain influences in an improper manner.
Candidate duly endorsed	A candidate nominated and elected democratically by the constitutional structures of COPE at the appropriate levels, and endorsed by the CNC, the CPC or the Branch.
Chaplaincy	Does not have the usual meaning which necessarily refers to one faith only, and it is therefore qualified by the word "interfaith" in the next line.
Consistent with	Agreeing, compatible, not contradictory.
Constitution	The Constitution of COPE contains the Articles and principles that prescribes the rights and duties of its official structures and members. It is the basic law of the movement which must be observed by all members.
Contractual liability	The effect of this is to protect COPE 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.
Co-opt	This is an option whereby an elected body appoints further (non-elected) members to itself.
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.
Designated to administer...oaths	COPE designates someone within the organisation to administer the oath.
Direct	To conduct the affairs of, manage, regulate. Directive
Disrepute	The absence or loss of reputation; discredit; disgrace.

Elective office	Refers to an office held as Councillor, Member of the Provincial Legislature or Member of Parliament.
Electoral College	COPE appoints from among its members a body to constitute an Electoral College.
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 organisation. A person qualified for membership is not necessarily entitled to membership.
Endorsed	Approved or supported
Ethnic chauvinism	A prejudiced belief in the superiority of a certain ethnic group (a cultural or social group with certain characteristics like religion, language, ancestry or physical traits).
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 honour without the usual requirements or privileges of membership.
Impeding [activities]	Obstruct the way 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 Colours	COPE is the sole copyright holder of its logo and colours.
Member	A person who has applied for and being accepted as a paid up member of COPE. South African citizens over 18 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 and whose membership has lapsed.
Misappropriation	To use money or funds wrongly or dishonestly, especially for one's own use.
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 CPC and/or CNC.. (eg Professionals, Business, Traditional Leaders, Informal Settlements, Disabled People, Religious, face book etc)
Electoral College	This is appointed annually by the CNC and/or CPC and/or CRC and/or CBC which is responsible for overseeing and drawing up regulations and procedures to be used in the

	election of candidates for National, Provincial, Regional and Branch Committees at the respective Congresses. It shall consist of at least five members and not more than nine members.
Nominate	To propose by name as candidate.
Official	One who holds an office or position of authority in the organisation.
Perpetual succession and power	Article 27 confers legal personality on COPE, 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 organisation as a legal person.
Properly constituted branch general meeting	means a branch meeting that complies with all aspects or requirements of the constitution, including any quorum requirements.
Selection Commission	Refers to the Committee in each province responsible for the compilation of elections lists and ward candidates.
Provisional membership	Refers to a member whose membership has not yet been confirmed, but who may participate in the activities of the organisation except election onto any committee, structure, commission or delegation of COPE.
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 CNC may declare a time frame as to when an appeal may be lodged (see Article 25.9).
Region	This means the geographic area of the Province, and not the "region" as defined in Article 22.
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 CNC may also adopt subordinate Articles for the better carrying out of the activities of COPE.
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.
Tied vote	A state of equality of votes; a draw.
Tribalistic exclusivism	To prevent persons from certain tribes to play a role in the organisation, or to admit only persons from certain tribal backgrounds to memberships or participation.
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 organisation. 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 at the meeting and by virtue of their forceful character possibly unduly influenced the meeting or inhibited free discussion or decision.
Zones	A (geographical) area distinguished from adjacent parts by some distinctive feature or character.

COPE Logo and Colours

The Logo shall consist of the following colours, black, gold, green, blue, white and red.

The Logo represents the fusion for the symbols of our liberation and the flag of our nation as a symbol of unity in multiplicity. The different colors that have different meanings symbolize their richness of our different cultures converged in oneness and held by a cross symbol that signified our right as a nation and as individuals in our diversity to make our individual mark in expressing our individual choices in making that change. The Circle signifies our unity in collaboration and in cohesion as we seek to identify ourselves as a South African People who are gathered to speak with one voice, one Symbol and one Identity: **CONGRESS OF THE PEOPLE.**



COPE™
**CONGRESS
OF THE PEOPLE**

Disciplinary Procedure

Introduction

Article 25 of the Constitution deals with discipline. This disciplinary procedure prescribes how the disciplinary procedure is to be used and how disciplinary proceedings are to be conducted.

Objective of Disciplinary Procedure

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

- There is a formal procedure.
- There is a just and fair procedure.
- A member is presumed innocent until proven guilty.
- A member has a chance to defend herself or himself.
- A member has the right to appeal.

Starting Disciplinary Procedure

Disciplinary Proceedings may be instituted-

1. Only for violations or offences of COPE 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 25.5 or Article 25.13(b) [See Article 25.5. of the COPE Constitution.]
2. By any organ or official of COPE at Branch, Regional, Provincial or National level. However, the NWC may direct that the disciplinary proceedings should take place at a higher level than where a violation or offence was committed [Article 25.6(e)].
3. By the National Disciplinary Committee which can hear and decide cases:
 - Referred to it by COPE National Officials, NWC, or the CNC through the presenter.
4. At Branch, Regional, Provincial or National level by a Disciplinary Committee unless:
 - The NWC directs that the disciplinary proceedings should take place at a higher level than where a violation or offence was allegedly committed [Article 25.6(e)].
 - The National Disciplinary Committee institutes disciplinary proceedings referred by COPE National Officials, NWC, or the CNC [Article 25.6(a)]
 - The National Disciplinary Committee institutes disciplinary proceedings itself for very serious violations or offences. [Article 25.6(a)]

Holding Disciplinary Proceedings

1. A charge must be made within reasonable time of the violation or offence. [Article 25.7]
2. A charge must be prepared by the presenter on behalf of the organ or officials of COPE 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 COPE Constitution, the Articles, the Standing Orders, 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 COPE in good standing, to have an interpreter present, to call witnesses for defence 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 COPE 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 Article 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 defence 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.

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 the penalty of the Disciplinary Committee with the reasons for these and is advised of her or his right to appeal.
4. That the ruling and penalty are publicly announced. (Article 25.11).

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 CPC directs that any appeal from a Branch Disciplinary Committee appeal should be heard by the Provincial Disciplinary Committee.
 - The NWC directs that any appeal should be heard by a higher level than the next higher level.
3. The National Disciplinary Committee is the final structure for appeals to be heard. However, the CNC may at its discretion review a decision of the National Disciplinary Committee in accordance with standing orders adopted by the CNC. [Article 25.6(a)]

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 CNWC or the CPC 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 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 NDC, where the NDC acts as a committee of instance, shall be referred to the NDCA in accordance with the procedures above.