

# **ANC NATIONAL CONFERENCE JULY 1991 DURBAN**

## **REPORT OF THE COMMISSION ON THE ANC CONSTITUTION – PREAMBLE TO CLAUSE I**

### **INTRODUCTION**

The Commission considered the ANC Constitution in two phases:

(a) It first dealt with Clause K because of its direct relevance to the composition of the NEC and election procedures. At the plenary session on the morning of Thursday Clause K was finalised as per draft annexed to this report.

(b) The rest of the Draft Constitution was then considered. Discussion was marked by a keen desire that issues be resolved in the Commission so that debates are not repeated in plenary.

It was agreed that the Commission should not spend its time looking at the correct wording or grammar. Instead it should try to resolve the basic ideas contained in each clause. Direction can be given by Conference or the incoming NEC, possibly to the Constitutional Committee to ensure that the wording of the various provisions properly reflect what has been adopted. I proceed to report on discussion on the Draft Constitution.

### **PREAMBLE (Page 1)**

(a) It was agreed that in the second paragraph (line 6 from top of page) the word "fight" be replaced by the word "struggle".

(b) (line 8 from top of page) the word "non-sexist" be inserted after "non-racial". Consequential amendments should be effected throughout the Constitution.

### **B. AIMS AND OBJECTS**

(a) On page 1. The question was raised whether the word "objects" should not be replaced with the word "objectives".

(b) In Clause B.1. the word "all" is to be inserted before the words "The people of South Africa". There was a view that the words "Africans in particular" in this paragraph should be deleted. The general (perhaps near consensus) position arrived at after proper motivation was that the words should not be deleted.

(c) A view was expressed that the word "united" in line 1 page 2 be replaced with "unitary". Whilst the concept of a unitary South Africa was supported by all, it was generally felt that for purposes of the clause, a change was not necessary.

Note: the word "non-sexist" should be inserted after "non-racial".

(d) A suggestion was made that gender discrimination be included in Clause B.4.

But because the issue is addressed elsewhere, the suggestion was dropped. A suggestion that the word "system" (of apartheid) be replaced with "legacy" was also dropped because we are still living under the apartheid system.

(e) It was agreed that in clause B.7. the words "and advance" be inserted after "support" and that the words "women's emancipation" be inserted after the word "development".

(f) It was agreed that a separate sub-clause be inserted on women's struggle in South Africa.

(g) A proposal that two other clauses (viz 8. and 9.) be added relating, inter alia, to malpractices and political tolerance was almost unanimously not acceded to since it was felt these were adequately covered by other provisions.

### **C. CHARACTER OF THE ANC**

(a) It was agreed that a new sub-clause 1 be inserted to read as follows:

1. The ANC is a non-racial and democratic national liberation movement.

[Other clauses to be renumbered 2 to 8].

(b) In Clause C.2. (page 2) the words "anti-sexist" should be inserted after "anti-racist".

(c) In Clause C.4. the words "and combat sexism" shall be inserted after the words "emancipation of women".

(d) In Clause C.5. (page 3) the words "freedom of speech" shall replace the words "free speech".

(e) A view found favour that there should be no reference to the ANC being a secular organisation. However there was also strong motivation for its retention. Generally the view prevailed that the words "while the ANC is a secular organisation, it collaborates ..." should be deleted and be replaced by the words "The ANC co-operates ..."

### **D. MEMBERSHIP**

(a) Clause D.1. It was felt that in Clause D.1. the words "All South African men and women" should be deleted and be replaced by "all South Africans".

(b) Clause D.3 is to be deleted. A new Clause D.3. shall be inserted, reading as follows:

All other persons who have manifested clear identification with the South African people and their struggle and are resident in South Africa may apply for membership.

(c) In Clause D.4. in the second line from bottom, the letters "REC" should be inserted before "NEC".

(d) Clause D.6. shall be amended by replacing the words "new members" with the words "a new member".

(e) Clause D.7. A proposal that the national conference fix subscriptions instead of the NEC did not win majority support.

(f) A new clause D.8. shall be inserted as follows:

once every three years. However, the NEC shall have the right to convene a conference at any time between National Conferences and shall convene such conferences if 50 percent of the regions request such conferences or good cause shows.

(b) Delete the words "elected by secret ballot of Regional Conference at which all branches ..." and replace them with the words "elected by branches. All branches ..."

The NEC may, acting on its own or on the recommendation of a branch or regional executive committee grant honorary membership to a person who does not qualify for membership under this clause but has demonstrated an unwavering commitment to the ANC and its programme.

## **E. RIGHTS AND DUTIES OF MEMBERS**

### **1. Rights**

(a) It is proposed that at the end of Clause E.1. the words "within its structures" be added.

(b) It is proposed that at the end of Clause E.1.e) the words "in that order provided that structures at branch and regional levels respectively shall not be bypassed" be added.

### **2. Duties**

(a) Clause E.2.e) shall read as follows:

"Combat propaganda detrimental to the interests of the ANC and defend the policy and programme of the ANC provided that such proposals or statements are submitted through the relevant structures."

(b) In Clause E.2.f) the word "political" shall be added after "religious".

## **F. ORGANISATIONAL STRUCTURE**

(a) Clause F.1. shall be amended by making provision for Regional General Councils in sub-paragraph c). The existing c) shall then become d).

(b) Clause F.3. shall be amended as follows:

(i) by inserting the words "be open to women who are members of the ANC" in the first line after the words "The ANC Women's League members shall ..."

(ii) by inserting at the end of the paragraph the following:

"with its own Constitution, Rules and Regulations provided that these shall not be in conflict with the Constitution and policy of the ANC".

(c) Clause F.4 shall be amended by the addition of the following:

"A member of the Youth League shall only be eligible for a position as office bearer in the ANC or attend ANC conferences, Executive or members' meetings if such a person is a registered member of the ANC".

## **G.**

A new Clause G "Umkhonto we Sizwe (MK)" and H "Regional Structures as per annexure should be adopted. (Note, draft resolution on exiles)

## **I. NATIONAL CONFERENCE (to be relettered J)**

(a) Clause I.1.

At the end of the first sentence, the following should be added:

The National Conference held in Durban from 2 to 7 July 1991 shall be deemed to have been properly constituted. Thereafter National Conferences shall be held at least