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CONSTITUTION

(APPENDIX B)

1. Name

The name of the organization shall be the United Democratic Front ('the UDF').

2. Head Office

The Head Office of the UDF shall be at Johannesburg, or at such other place as the National Executive Committee may determine from time to time.

3. Objects

The UDF shall strive towards the realization of a non-racial democratic society in South Africa and towards this end shall:

3.1 articulate opposition to the legislative programme of the government in so far as such programme conflicts with democratic principles, and in particular shall articulate opposition to the Constitution Act, 110 of 1983 and also The Black Local Authorities Act, the Orderly Movement and Resettlement of Persons Bill and the ^{Commonly known as the 'Koorhof Bills')} (generally known as the 'Koorhof Bills').

3.2 act as a co-ordinating body for progressive community, social, educational, political and other such organizations which subscribe to democratic principles;

3.3 articulate the social and political aspirations of members of the UDF and its affiliates;

3.4 engage in appropriate actions and undertake appropriate programmes in pursuit of the above.

4. Powers

4.1 The UDF shall have all powers necessary or incidental to the carrying out of its objects, which shall include the powers to-

4.1.1 borrow or raise monies and funds;

4.1.2 invest money and funds;

4.1.3 open, operate and close banking accounts and to control its finances;

4.1.4 hold, lease and own property of all kinds, apart from its members;

4.1.5 engage and discharge employees and to set their terms and conditions of employment;

4.1.6 sell, exchange, lease or mortgage any or all of its assets.

4.1.7 control the funds and property of the UDF and to apply such funds in such manner as may be necessary to carry out its functions;

4.1.8 institute and defend legal proceedings by or on behalf of the UDF;

4.1.9 enter such contracts and engage in such transactions as may be necessary to achieve its objects.

4.2 Only the National Executive Committee ('NEC') shall exercise the above powers: provided that the NEC may delegate any of its powers to persons or committees, including Regional Executive Committees ('REC'), on terms and conditions which it may decide from time to time.

4.3 All the funds of the UDF shall be used solely in furtherance of the objects specified in clause 4.1.

5. Legal Personality

The UDF shall by a body corporate, having perpetual succession and capable of suing and being sued in its own name. The liability of members shall be limited to the amount of their subscriptions outstanding at any time. No member shall have any right to assets of the UDF.

6. Structure

The UDF shall consist of a National General Council and

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Regional General Councils. The number of Regional General Councils and their geographic boundaries may be altered from time to time by the NEC, subject to ratification by the next meeting of the National General Council.

7. Membership

There shall be two classes of members, as follows:

7.1 Affiliates

7.1.1 All organizations present at the inaugural conference of the UDF on 20 August 1983 otherwise than as observers, shall be members of an appropriate Regional General Council, unless they decline such membership. These organizations and the Regional General Councils under which they fall are set out in the schedule to this Constitution marked 'A'.

7.1.2 All organizations of a community, social, sporting, religious, educational, political or similar nature which subscribe to the objects of the UDF may apply for affiliate membership of one or more of the Regional General Councils of the UDF: provided that-

7.1.2.1 a prospective affiliate must operate and have members of its own in the geographic area of the Regional General Council in respect of which it seeks membership;

7.1.2.2 Admission, suspension and expulsion of members shall be at the discretion of the Regional General Councils with jurisdiction, subject to the overriding powers of the National General Council to change any decision of a Regional General Council in this regard.

7.2 Special Members

- 7.2.1 Organizations located outside South Africa which support the objects of the UDF may apply for special membership thereof.
- 7.2.2 Admission, suspension or expulsion of special members shall be at the discretion of the National General Council. The NEC may provisionally admit, suspend or expel members pending the next meeting of the National General Council.

8. Membership Fees and Other Financial Obligations

8.1 Affiliate Members

- 8.1.1 The respective Regional General Councils shall determine the joining and annual subscription fees of affiliates. The amounts of such fees may vary from member to member, according to particular circumstances. In special cases such fees may be waived.
- 8.1.2 Records of all fees received from affiliates and individual members shall be maintained by the Regional General Council concerned.
- 8.1.3 Affiliates may be required at any time if called upon so to do by their respective Regional General Councils to pay an additional levy in order to supplement the funds of such Councils.

8.2 Special Members

The National Executive Committee shall determine the joining and annual subscription fees of special members, which may vary from member to member. Records of all fees received from special members shall be maintained by the NEC.

9. National Council

- 9.1 The National General Council shall be the supreme policy- and decision-making body of the UDF. It shall endeavour to allow Regional General Councils and their affiliates as great a measure of independence as is consistent with the objects and unity of the UDF. Affiliates of Regional General Councils shall be free to pursue their respective objects without interference from the UDF; provided that, if the National General Council or a Regional General Council is of the opinion that any affiliate's conduct is inconsistent with the objects or the unity of the UDF, action may be taken against it under sub-clause 8.1.2.2 above.

9.2 Meetings

- 9.2.1 The National General Council shall convene an Annual General Meeting at least once per year at a time determined by the National Executive Committee.
- 9.2.2 If any three Regional General Councils call for a special meeting of the National General Council, the NEC shall convene such meeting as soon as possible.

- 9.2.3 The NEC may convene interim National General Council meetings of its own motion.
- 9.2.4. Regional General Councils shall be given at least one month's notice of the convening of the National General Council, as well as details of the agenda and venue, and Regional General Councils shall be charged with passing on such information to their respective affiliates without delay.
- 9.2.5. Accidental omission to notify any affiliate or non-receipt by any affiliate of such notice shall not invalidate the proceedings of a meeting.
- 9.2.6. The NEC shall decide in what manner the proceedings of the National General Council shall be conducted. These powers may be delegated to the Chairperson of the National General Council, who shall be appointed by the NEC on an ad hoc basis.

9.3 Delegations to National Council

- 9.3.1 The National General Council shall comprise of delegations from the Regional General Councils. Each affiliate of a Regional General Council will be entitled to two representatives in a delegation. Further representatives may be allowed at the discretion of the NEC.
- 9.3.2 Each representative shall have one vote and all votes shall carry equal weight.

- 9.3.3 Decisions of the National General Council shall be by majority vote.

9.4 Election of office bearers and nomination of patrons

- 9.4.1 The National General Council shall elect the Presidency, consisting of three Presidents, and two National Treasurers at its Annual General Meeting. The office bearers shall hold office until the next but one Annual General Meeting, when they may be eligible for re-election.
- 9.4.2 Should three or more candidates be nominated for an office, two or more ballots shall be conducted such that the candidate who receives the least votes in each round shall be eliminated. The successful candidate shall be the person who receives the most votes in the ballot between the last two remaining candidates.
- 9.4.3 The National General Council shall nominate Patrons of the UDP on an annual basis.

10. The National Executive Committee

- 10.1 The National Executive Committee shall consist of the following persons:
- 10.1.1 members of the Presidency;
- 10.1.2 the Secretariat, consisting of the two Regional Secretaries of each Region;

- 10.1.3 The two Vice Presidents of each Region;
- 10.1.4 two additional members from each Regional General Council, who shall be members of the REC.
- 10.1.5 two additional persons, co-opted by the NEC, to serve as the National Publicity Officer and the National Organizing Secretary respectively; these persons shall be employees of the UDF.
- 10.2 Should any office-bearer elected by the National General Council also be entitled to membership of the NEC by virtue of his or her position on a Regional General Council, then such office bearer's Regional Executive Council may nominate another of its members to represent it on the NEC.
- 10.3 The NEC shall have the power to co-opt persons from regions which are not yet duly constituted.
- 10.4 The National Executive Committee may allocate specific portfolios and titles to its members.
- 10.5 At each of its meetings, the NEC shall appoint from its members an ad hoc Chairperson to preside thereat.
- 10.6 A majority of the members of the NEC shall constitute a quorum at a meeting. Members may participate in a meeting by means of a telecommunications system.
- 10.7 Should it be impossible because of extraordinary circumstances for enough members to attend a meeting of the NEC in order to constitute a quorum, such members who are in a position to attend shall constitute a quorum.

- 10.8 The NEC shall endeavour to arrive at its decisions through consensus; otherwise the decision shall be reached by majority vote and the chairperson shall have a deliberative but not a casting vote.
- 10.9 Should three-quarters of the members of the NEC decide that a member is unfit to remain in office on the grounds of improper conduct or incapacity, his term may be terminated prematurely, subject to ratification of the decision by the next meeting of the National General Council. In such event, the NEC may appoint a replacement in an acting capacity pending the election of a new member by the National General Council.
- 10.10 Powers and functions of the NEC
- 10.10.1 The NEC shall be responsible for the execution of the National General Council policy and decisions, and shall attend to the affairs and administration of the UDF. It shall be entitled to initiate or pursue any actions consistent with its powers as described in this Constitution.
- 10.10.2 The NEC shall be entitled to appoint sub-committees in the performance of its functions.
- 10.10.3 In furtherance of its powers and functions described in 11.10.1, the NEC may assign specific administrative tasks and impose particular duties on the Secretariat.

- 10.10.4 The National Treasurers shall be responsible for the administration of the financial affairs of the UDF. They shall ensure that proper books of account are kept in respect of the financial matters of the NEC. They shall ensure that audited financial statements in respect of the NEC's financial matters are prepared within four months of the close of the financial year, which shall be on 31 December each year.

11 Regional Councils

11.1 Composition

- 11.1.1 A Regional General Council shall comprise of affiliates which have individual members in the particular region.
- 11.1.2 Each affiliate shall be entitled to send a delegation comprised of not more than two delegates to a Regional General Council. Delegates shall have speaking rights at the Council.
- 11.1.3 Each delegate shall have one vote and all votes shall carry equal weight. Should an affiliate be represented by one delegate only, he or she shall have two votes.
- 11.1.4 Affiliates shall be entitled to send further representatives to a Council as observers, subject to the discretion of the REC.

11.2 Meetings

- 11.2.1 The Regional General Council shall convene an Annual General Meeting at least once per year at a time determined by the REC.
- 11.2.2 If any five affiliates of a Regional General Council call for a special meeting of that Regional General Council, the REC shall arrange for such meeting as soon as possible.
- 11.2.3 A REC may convene interim meetings of a Regional General Council of its own motion.
- 11.2.4 Affiliates shall be given at least one month's notice of the convening of the Regional General Council, as well as details of the agenda and venue.
- 11.2.5. Accidental omission to notify any affiliate or non-receipt by any affiliate of such notice shall not invalidate the proceedings of a meeting.
- 11.2.6 The REC shall appoint an ad hoc Regional Chairperson to preside at a council meeting.
- 11.2.7 Conduct of meetings shall be regulated by the Regional Chairperson.
- 11.2.8 Observers may address the Council with the permission of the Regional Chairperson.

11.2.9 One third of the number of delegations eligible to attend a particular Regional General Council shall constitute a quorum. Should insufficient delegations be present at any meeting to constitute a quorum, such meeting shall be reconvened for two weeks hence. The delegates attending such later meeting shall constitute a quorum.

11.2.10 The decision of the majority of delegates at a meeting shall be the decision of the Council.

12 Regional Executive Committee

12.1 A REC shall be elected by each Regional General Council at its Annual General Meeting.

12.2 An REC shall consist of not less than eight members, who shall hold office until the next but one Annual General Meeting of the particular Regional General Council, when they may be eligible for re-election.

12.3 An REC shall elect from amongst its members a Regional President, two Regional Vice-Presidents, two Regional Secretaries and a Regional Treasurer.

12.4 Should three-quarters of the members of an REC decide that a member is unfit to remain in office on the grounds of improper conduct or incapacity, his term may be terminated prematurely, subject to ratification of the decision by the next meeting of the particular Regional General Council. In such event, the REC may

appoint a replacement in an acting capacity pending the election of a new member by the Regional General Council.

12.5 Powers and functions

12.5.1 The REC shall be responsible for the execution of the policies of the UDP in a region as formulated by the National and Regional General Councils. The REC shall also be responsible for the running of the day-to-day affairs of the UDP in a particular region.

12.5.2 Should there be any dispute between the NEC and an REC over the interpretation or implementation of the policies of the UDP, the decision of the NEC shall prevail.

12.5.3 The Regional Treasurer shall be responsible for the administration of the financial affairs of the Region. He or she shall ensure that proper books of account are kept in respect of such financial affairs and that audited financial statements are prepared within three months of the end of the financial year, which shall be on 31 December each year.

12.5.4 Each Regional Treasurer shall submit accurate income and expenditure accounts for the Region to the National Treasurers every three months.

12.5.5 The Regional Treasurer shall ensure that a certified copy of the financial statements of a Region are submitted to the National Treasurers as soon as they are audited each year.

15.2 Notice of any proposed amendment must be given in accordance with clause 10.2.4.

13. Dissolution

13..1 If for any reason the UDF is unable to function and there are no reasonable prospects of it being able to do so in the near future, or if two thirds of the votes of the delegates to the National General Council are in favour of a resolution that the UDF be dissolved, then the UDF shall be dissolved:

13..2 In such event, the NEC shall appoint a liquidator to wind up the affairs of the UDF. The liquidator shall have all the powers necessary for the discharge of his duties.

13..3 In the event of dissolution, the liquidated assets of the UDF shall not be distributed to any members of the UDF being natural persons, but shall be distributed to an organization or organizations, selected by the NEC, which pursues or pursue objects similar to those of the UDF.

15. Amendments

15.1 This Constitution may be altered if two thirds of the votes of the delegates to the National General Council are in favour of an amendment.

M E M O R A N D U M

CONSTITUTION OF THE UNITED DEMOCRATIC FRONT

1. Constitution of an Organisation governs the composition management and control of the Organisation.
2. It's essential purpose is to ensure the smooth and efficient functioning of the organisation. The Constitution should not stifle the work of the organisation and should not be bogged down by technicalities.
3. Because of its objects, its function and its composition a certain amount of freedom must be given to the various units of the U.D.F. to enable it to carry out its work within the scope, principles and policy of the organisation.
4. By it's very nature, U.D.F. will attract a lot of attention from the authorities and will be subjected to security risks.
5. Furthermore, the needs and requirements of the various units might differ from place to place, depending on it's strength and weaknesses.
6. In view of the above, the Constitution should provide basic guidelines to the organisation and provision should be made for such guidelines to be supplemented by Special Resolution from time to time as the need arises.
7. We have studied the existing Constitution of the Organisation as well as the draft Constitution. Although there is room for improvements in the existing Constitution, we feel it does provide a basic framework within which the Organisation can function.

The / . . .

The Draft Constitution is a good legal document and under "normal circumstances", we would have had no hesitation in recommending its adoption. In view of the forces militating against the Organisation we would suggest the existing Constitution be retained with the following suggested amendments.

9. POWERS

- (f) institute and defend legal proceedings in the name of the U.D.P. and in the case of regions in the name of a particular region and any two officials of U.D.P. or the Regions as the case may be can be authorised to such any legal documents.
- (g) to do any such further acts as may be necessary to achieve its objects and carry out its resolutions.
- (h) all or any powers can be delegated to any unit, committee or officials of the U.D.P. by the N.E.C.

10. MEETINGS

- 1. The National General Council shall convene an annual general meeting at least once a year and such further meetings as the N.E.C. may determine.
- 2. The N. E. C. shall meet at least once a quarter.
- 3. The Regional ^{General} Council shall meet at least twice a year, with one of such meetings being an annual general meeting.
- 4. The / . . .

4. ~~The~~ R. E. C.'s shall meet at least once a quarter.

11. REPRESENTATION

1. The N. G. C. shall comprise of 2 representatives ~~from R. G. C. of each affiliate~~
2. The N.E.C. shall comprise the Presidency, Executive Chairperson approved by N. E. C. 2 Vice-Presidents, 2 Secretaries and 2 Executive members of each region.
3. R. C. shall comprise 2 representatives of affiliates.
4. R. E. C. shall comprise 8 members elected by R. C. and who shall amongst themselves elect affiliates.

12. AMENDMENTS

The Constitution can be amended at a General Meeting of the N.G.C. provided advance notice is given of such amendments to the N. E. C.

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