

NORTHERN CAPE COMMUNITIES MOVEMENT

Hereinafter referred to as: (NCCM)

FOUNDING INTERIM CONSTITUTION

FINAL



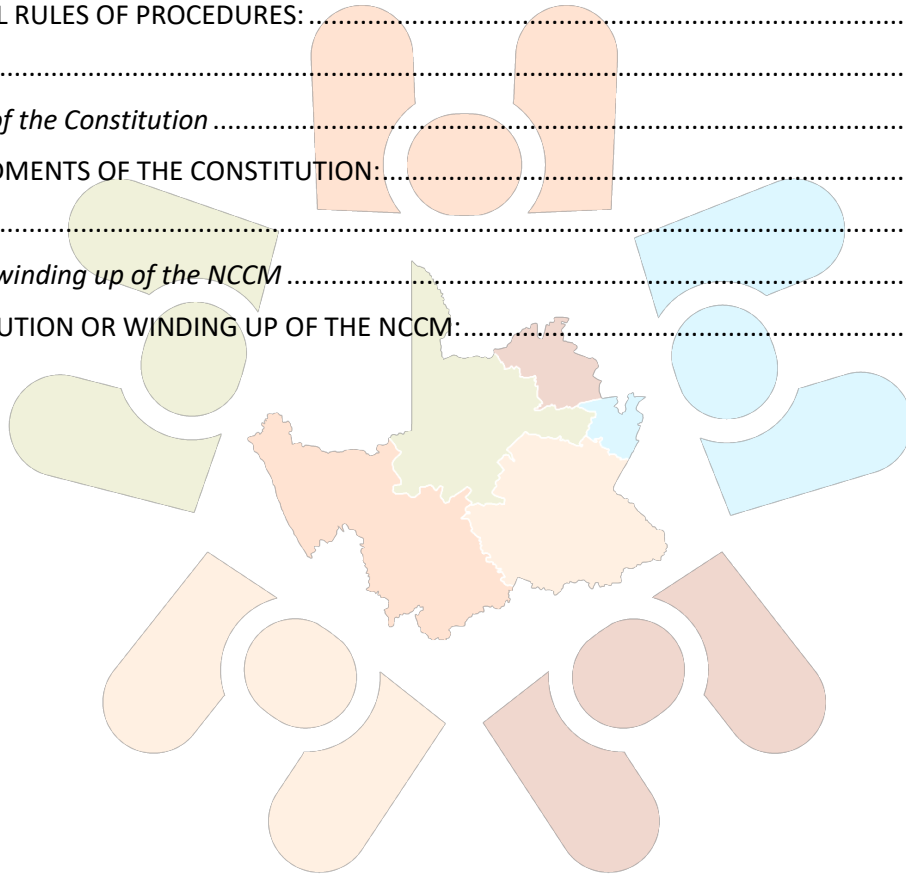
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Preamble

We, the communities of the Northern Cape Province, within South Africa (S.A), recognize that we have been politically misrepresented and therefore resolved to stand for our right to self-determination as communities, assert ownership on the wealth and opportunity of the province.

We believe there should be direct accountability, increase host beneficiation and production, in a just, free, and non-discriminatory South Africa.

We therefore adopt this constitution to ensure:

- Direct accountability across all levels of government and legislatures.
- Full participation of communities through direct constituency representation within political governance structures.
- Uphold the right to community sovereignty in the local government sphere.
- Inclusive growth and the complete destruction of economic enslavement.
- Coordination, consolidation, and cooperation of communities across the Northern Cape province.
- Uphold through all corners of life a non-racist, non-sexist, and non-tribalist organization.

All these under the authority of God, the true provider for our people.

Definitions and Interpretations:

Words importing any one gender include the other genders, the singular include the plural and vice versa, and natural persons include created entities (corporate or unincorporated) and vice versa.

The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have a corresponding meaning, namely –

- “Autonomous” means, having the right or power of self-government.
- “Civic/Communities/Residents and Ratepayers organization” means a membership-based organization that has official status as Section 15/15A registered organization with the IEC.
- “Umbrella organization” means, an association of organizations who work together formally to coordinate activities and pool resources.
- “administration” means the day-to-day administration of the affairs of NCCM from time to time.
- “Associate member” means an organization which is not a civic/communities/residents and ratepayers’ organization, registered with the IEC to contest election, but is strongly concerned with or involved in governmental, political matters and complies with such criteria as may be determined by the Executive Management Committee (EMC) from time to time.
- “IEC” mean Independent Electoral Commission of South Africa.
- “Provincial Member” means any member of NCCM recognized in terms of Chapter 2 of this constitution.
- “Organization” means NCCM.
- “Provincial General Assembly” means a duly constituted Provincial General Assembly of NCCM.
- Executive Management Committee” means a duly elected and constituted Executive Management Committee of NCCM.

- “Compact” means formal agreements between two or more groups/organizations, binding parties to a shared purpose, goals, attitudes, and behavioural Expectations.
- “Provincial Working Groups” means the governance structure elected in line with the NCCM structural pillars with which NCCM is mandated with, duly established to make strategic and policy recommendations to the Executive Management Committee, as the case may be.
- Any reference to an enactment is as at the date of signature thereof and as amended or re-enacted from time to time.
- If any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, notwithstanding that it is only in the definition clause, effect shall be given to it as if it were a substantive provision in the body of the constitution.
- When any number of days is prescribed in this constitution, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday, or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday.
- Where figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail.
- Expressions defined in this constitution shall bear the same meaning as in the schedules or annexures to this constitution which do not themselves contain their own definitions.
- Where any term is defined within the context of any article in this constitution, the term so defined, unless it is clear from the article in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this constitution, notwithstanding that that term has not been defined in this interpretation article.

Chapter 1

Founding Provisions

1.1. NAME AND STATUS

- 1.1.1 The name of the umbrella organization shall be Northern Cape Communities Movement herein referred to as the organization or NCCM. NCCM is not for profit, registered with the IEC as a political entity under Section 15 of the Electoral Commission Act, 1996 (Act 51 of 1996) for the sole purpose of contesting provincial and national elections.
- 1.1.2 Remain an Umbrella organization without a mandate to recruit individual members.
- 1.1.3 Remain an Umbrella organization with the mandate to represent autonomous Civic/Communities/Residents and Ratepayer organizations within the Northern Cape province registered under Section 15 of the Electoral Commission Act, 1996 (Act 51 of 1996).
- 1.1.4 It is a juristic person with the power to sue and be sued in its own name but may not own any property.
- 1.1.5 The liability of the members, where applicable, shall be limited to the payment of membership fees where the amount is determined by the Executive Management Committee from time to time in terms of this constitution.
- 1.1.6 That this founding interim constitution be valid for 2 years post the 2024 Provincial/National elections date and that the founding member organizations of the NCCM reserve their right and privilege to amend and refine this founding interim constitution within the period of 2 years without the need for a PGA, if 50%+1 approves the changes.
- 1.1.7 NCCM DMCS' political limitations is that it shall not contest local municipal elections.

1.1.8 NCCM DMC's limitation is that it shall not contest local or district municipal elections where a member organization already has a district footprint and direct district council seat.

1.2. ORGANISATIONAL EMBLEM

1.2.1 The emblem of the organisation represents the five districts of the Northern Cape Province with each being assigned the following colours: green, brown, gold, red and blue, as described and sketched in Annexure 1.

1.3. MEMBERSHIP

1.3.1 NCCM undertake and commit to ensure that each municipality in the province has an autonomous community-based associate that meet the following criteria:

1.4. CATEGORIES OF MEMBERS

- 1.4.1. Civic/Communities/Residents or Ratepayers organizations registered as political parties under Section 15 of the Electoral Commission Act, 1996 (Act 51 of 1996) for the sole purpose of contesting provincial elections.
- 1.4.2. Membership based NGO's/NPC/NPO's with at least one-hundred-member signatories and a written mandate from their members to participate in elections.
- 1.4.3. If an associate already exists in a local municipal jurisdiction, NCCM must facilitate the process of cooperation and association.

1.5. REQUIREMENTS FOR ADMISSION

- 1.5.1. A member must ensure that all the municipal ward structures in their municipal jurisdiction have an operational organizational structure.
- 1.5.2. Each municipal ward organizational structure must have a minimum of 50-100 members.
- 1.5.3. Municipal ward organizational structures are the basic and final level at which mass election for the leadership of a municipal ward is conducted in a free, open, and transparent manner.
- 1.5.4. Municipal wards within the organizations are directly represented in the local municipal structure.

1.5.5. That the municipal organizational structure nominates a member to represent them in the NCCM district structure.

1.5.5.1. This excludes any municipal organizational structure of an already established district executive level organization.

1.5.6. In the case where an organization already has a district wide presence with an organizational district executive, they may nominate their municipal convenors/chairpersons, their district chairperson and 1 additional member to represent them in the NCCM EMC.

1.5.7. That the municipal organizational structure nominates their chairperson to represent them on the EMC of the NCCM.

1.5.8. The Executive Management Committee (EMC) must draft a constitutional framework to guide members with regards to their requirement on becoming an Associate Member.

1.5.9. That all prospective members pay their annual membership fee of R2000 to be recognized as member organizations.

1.6. APPROVAL PROCESS

1.6.1. The NCCM must during the interim period of 2 years develop a complete membership policy outlining the approval process, requirements, and obligation to acquire, loss and restoration of membership for an Associate Member.

1.6.2. Any application, whether for admission or readmission to NCCM shall be lodged in writing with the Provincial Chairperson or a person duly delegated by the Provincial Chairperson for consideration by the EMC together with the annual membership fee, where applicable.

1.6.3. The EMC shall consider every application for membership within a period of 6 (six) weeks of receipt thereof by the Provincial Chairperson or a person duly delegated by the Provincial Chairperson and shall accordingly advise each applicant of the outcome of its application.

1.6.4. An applicant to whom admission to Provincial Membership to the NCCM is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fee paid.

1.7. APPEAL OF REFUSALS

1.7.1. In the event of such refusal, the applicant concerned shall have a right to appeal to an independent appeal board, which shall have the power to confirm or reverse the decision of the EMC.

1.7.2. Such an appeal shall be in writing and shall be submitted to the Provincial Chairperson or a person duly delegated by the Provincial Chairperson no later than 2 (two) weeks after the outcome of the decision. The Provincial Chairperson must hand over this written appeal to the independent appeal board within 1 (one) week of receipt of appeal.

1.7.3. The decision of the independent appeal board shall be final and binding on the applicant.

1.7.4. Every provincial member shall notify the Chairperson, or a person duly delegated by the Chairperson, in writing or via email, of their postal or email address and any change thereof within 4 (four) weeks of the date on which the change occurred.

1.8. WITHDRAWAL

1.8.1. A provincial member may resign by giving not less than 3 (three) months' written notice to the EMC or a person duly delegated by the EMC, provided that no resignation shall take effect until all money due by the member concerned to NCCM has been paid in full.

1.8.2. Any provincial member who has resigned or has been expelled from the NCCM may be readmitted to provincial membership status on such terms and conditions as the EMC may deem fit.

Chapter 2

Members' Rights

2.1 AUTONOMY

2.1.1 Every member has an autonomous right over the governance of its organization within the municipal area including:

- 2.1.1.1 The management of its organizational ward election process.
- 2.1.1.2 The process of approaching local government elections
- 2.1.1.3 The process for election of councilors for both local and district municipality
- 2.1.1.4 The application of its finances
- 2.1.1.5 The disciplinary process of the organization.
- 2.1.1.6 Guidelines and policies need to be developed by the EMC that outlines the autonomy of Associate Members.

2.2. MEMBERSHIP

2.2.1 A Provincial Member had the right to sole membership with the NCCM within its municipal area.

2.3. EQUALITY

2.3.1 Each Provincial Member has the right to be treated equally to all other members.

2.3.2 Provincial Members shall have equal access to information, data and documentation on the activities and decisions of NCCM.

2.4. REPRESENTATION

2.4.1 Every member has the right to be represented on the following NCCM organizational structures:

- 2.4.1.1 The NCCM DMC of its relevant district municipal jurisdiction.
- 2.4.1.2 The EMC of the NCCM organisational structure.

2.4.2 Entitled to participate in:

- 2.4.2.1 The meetings of the NCCM DMC within their district municipal jurisdiction and
- 2.4.2.2 The EMC of the NCCM.
- 2.4.2.3 Vote in any of the decision in these Committees

2.5. FINANCES

2.5.1 Right to be allocated a share of the constituency funding received from National and Provincial government as determined by the funds allocation policy within the NCCM.

2.6. LIMITATION OF POLITICAL RIGHTS

- 2.6.1 A member's right to participate in the activities of, or recruit members for and to campaign for another political party other than the NCCM is limited to the approval of NCCM.
- 2.6.2 No Coalition Agreements, either informal or formal, may be undertaken or executed by members at Provincial and National governmental electoral level.
- 2.6.3 Coalition Agreements shall not be entered, with organisations whose values, ethics does not align with the NCCM. Member organization's constituencies will have the final vote on who not to form coalition agreements with.

2.7. ENFORCEMENT OF RIGHTS

2.7.1 Any member of the view that their right has been violated may follow the dispute resolution process of the NCCM.

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Chapter 3

Cooperative Associative Relations

3.1 STRUCTURES

- 3.1.1 NCCM will optimally be constituted by the twenty-six municipal structure members and 5 (FIVE) Districts within the Northern Cape Province.
- 3.1.2 These autonomous structures may be governed under a single constitutional structure on a provincial, district level or as a collection of municipal structures, whichever the case may be.
- 3.1.3 Municipal structure must have autonomy as associate members.
- 3.1.4 All associates must observe and adhere to the principles below and must conduct their activities within the parameters these.

3.2 PRINCIPLES OF CO-OPERATIVE ASSOCIATIVE RELATIONS

- 3.2.1 All members must:
- 3.2.1.1 Preserve the peace, unity, and indivisibility within NCCM.
 - 3.2.1.2 Secure the well-being of the people of the Northern Cape.
 - 3.2.1.3 Provide effective, transparent, accountable, and coherent government for the Republic as a whole.
 - 3.2.1.4 Respect and uphold the constitution of the republic of South Africa.
 - 3.2.1.5 Commit to use this vehicle to close the gap between the legislatures and our communities through social activism and public participation programs.
 - 3.2.1.6 Endeavour that justice and equality will prevail for all communities that are victimized, neglected, and marginalized in their country of birth.
 - 3.2.1.7 Commit to steer communities and citizens towards gaining significant control over local opportunities.

- 3.2.1.8 Undertake to call out the pure political practices ensnaring governmental initiatives and replace it with community driven programs.
- 3.2.1.9 Undertake to coordinate, consolidate, and bring communities together across the Northern Cape Province.
- 3.2.1.10 Undertake to enhance accountability across all levels of government and legislatives.
- 3.2.1.11 Commit to operate in a community-based and community control model and be the voice of the local and the lowest structures in our communities.
- 3.2.1.12 Commit to include all corners of life through non-racism, non-sexism, non-tribalism, and non-discrimination.
- 3.2.1 Co-operate with one another in mutual trust and good faith by:
 - 3.2.1.1 Fostering friendly relations.
 - 3.2.1.2 Assisting and supporting one another.
 - 3.2.1.3 Informing one another of, and consulting one another on, matters of common interest.
 - 3.2.1.4 Co-ordinating actions and legislation with one another.
 - 3.2.1.5 Adhering to agreed procedures within the NCCM and
 - 3.2.1.6 Avoiding legal proceedings against one another.

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Chapter 4

Executive Management Committee (EMC)

4.1 FOUNDING EXECUTIVE MANAGEMENT COMMITTEE

4.1.1 The Founding Executive Management Committee as required for registration with the Independent Electoral Commission will consist of all district members as outlined in 4.1.2

4.1.2 Members of the Founding EMC:

4.1.2.1 Chairperson will be held by the Pixley Ka Sema District

4.1.2.2 Deputy Chairperson will be held by the Namakwa District

4.1.2.3 Secretary would be held by the John Taolo Gaetsewe

4.1.2.4 Deputy Secretary will be held by the Frances Baard District

4.1.2.5 Treasure will be held by the ZF Mgcawu District

4.1.2.6 Each district will be represented with one additional member on the Deed of foundation.

4.1.3 The term of the Founding EMC will remain until the 2026 Local Government Elections.

4.1.4 To be eligible to be recognized as a founding member organization and thus forming part of the founding EMC such organization must be a paid-up member organization by no later than 5th June 2023.

4.1.5 The core responsibility of the Founding EMC would be as follows:

4.1.5.1 The finalization and adoption of the final constitution

4.1.5.2 The establishment of all 26 municipal movement

4.1.5.3 Preparation and assistance program for associate members towards the 2026 Local Government Elections

4.1.6 Members of the Founding EMC may not be deployed into National or Provincial legislature. Except under the following conditions:

4.1.6.1 A resolution of the full Executive Management Committee at the time.

4.1.6.2 The support of at least three District Management Committees

4.2 COMPOSITION OF THE EXECUTIVE MANAGEMENT COMMITTEE

4.2.1 The EMC consists of:

- 4.2.1.1 The Chairperson of each Local Municipal Movement
- 4.2.1.2 The Chairperson or an additional member of each DMC
- 4.2.1.3 All members representing NCCM in the National assembly and provincial legislature.
- 4.2.1.4 The EMC will consist of at most thirty-one permanent members.
- 4.2.1.5 The EMC elect their top five official internal by consensus.
- 4.2.1.6 The NCCM must ensure that each of the top five positions rotate democratically between the 5 Districts in the NC after every term.

4.3 EXECUTIVE AUTHORITY

- 4.3.1 The EMC is responsible for policy positions on a National, Provincial and District level.
- 4.3.2 The EMC decides on National and Provincial matters in a manner described in the NCCM Constitution.
- 4.3.3 The EMC is elected to represent the local municipal constituencies and to ensure a government for the people.
- 4.3.4 The creation of a working group to oversee and implement programs of the Executive Committee.
- 4.3.5 Provincial Members shall abide by this Constitution and the resolutions of its constitutional decision-making structures and shall promptly comply with all membership obligations due in terms hereof.

4.4 ROLE

- 4.4.1 Enhance the role and status of its members and be a consultative body.
- 4.4.2 Enhance cooperation, mutual assistance and sharing of resources among members.
- 4.4.3 Find solutions for problems relating to its members in general.
- 4.4.4 Increase knowledge sharing and improve the communications capacity as well as vertical and horizontal connectivity of organized members.

- 4.4.5 Affiliate with and participate in the affairs of any international organization, which will serve the interests of its members.
- 4.4.6 Encourage the settlement of disputes among its members.
- 4.4.7 Doing such lawful things as may appear to be in the interest of NCCM members which are not inconsistent with the objects, or any matter specifically provided for in this constitution.
- 4.4.8 Developing provincial programs and activities.
- 4.4.9 Co-ordinating the functions of the members.
- 4.4.10 Commit ourselves to deepening democracy, promote racial, gender and all other forms of equality, and the empowerment of the people of our province.
- 4.4.11 Commit ourselves to the principles and values of inclusivity, unity, consultation, respect, mutual trust and good faith, and loyalty in our relations both with internal and external partners.

4.5 MEMBERSHIP

- 4.5.1 A member of the EMC is valid:
 - 4.5.1.1 If He/she is occupying the position of chairperson of the local municipal member organization.
 - 4.5.1.2 If he/she is the district chairperson of the member organization.
 - 4.5.1.3 If He/she is the chairperson or member deployed by the district management committee.
 - 4.5.1.4 If He/she is serving as a member in the provincial legislature or national assembly.
- 4.5.2 Individuals are not eligible for the EMC if:
 - 4.5.2.1 Such individuals are unrehabilitated insolvents.
 - 4.5.2.2 anyone declared to be of unsound mind by a court of the Republic; or
 - 4.5.2.3 Anyone who, after this section took effect, is convicted of an offence, and sentenced.

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4.5.2.4 Anyone who is nominated within a period of 5 years after having been released from a criminal sentence they served.

4.5.3 A person loses membership on the EMC if that person:

4.5.3.1 Ceases to be eligible or found guilty after a disciplinary process based on this code of conduct as well as that of their respective member organization; or

4.5.3.2 Ceases to be a member of the organization that nominated that person as a member of the EMC.

4.6 SCREENING

4.6.1 All aspirant executive candidates for all EMC positions should be screened, vetted, by their respective Civic/Ratepayers organizations and be found fit for purpose and may not be considered for the EMC if:

4.6.1.1 a member has been found guilty of a crime by a court or that you have agreed to plead guilty to a crime.

4.6.1.2 There is evidence of any form of Human rights violations and discrimination, relating to political intolerance, sexism, racism, religious and tribal chauvinism.

4.6.1.3 There is evidence of executive candidate engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from others.

4.6.1.4 There is evidence of Abuse of power and/or monetary self-enrichment in previous organizations.

4.6.1.5 An individual has been found guilty at an independent disciplinary process with a binding sanction from any organization specifically their own Civic organization lasting for more than 5 years.

4.6.2 All Existing EMC members can be removed through their respective Civic organizations if:

- 4.6.2.1 They have been found guilty in an independent disciplinary process undertaken against them by their Civic/Ratepayers organization, being in breach of either the Civic organization's constitution or Code of conduct.

4.7 SITTINGS OF THE EXECUTIVE COMMITTEE

- 4.7.1 The EMC must meet once per quarter.
- 4.7.2 The chairperson may summon the committee to an extraordinary sitting at any time to conduct special business.
- 4.7.3 Sittings of the EMC is permitted both physically and virtually.

4.8 DECISIONS

- 4.8.1 All questions before the EMC are decided by a majority of the votes cast.
- 4.8.2 Decision regarding policy positions is decided by a resolution submitted from each member constituency and subsequently voted on by the EMC, requiring 50%+1 to succeed.
- 4.8.3 All constituency decisions must be accompanied by ward resolutions.

4.9 POWER OF THE EXECUTIVE COMMITTEE

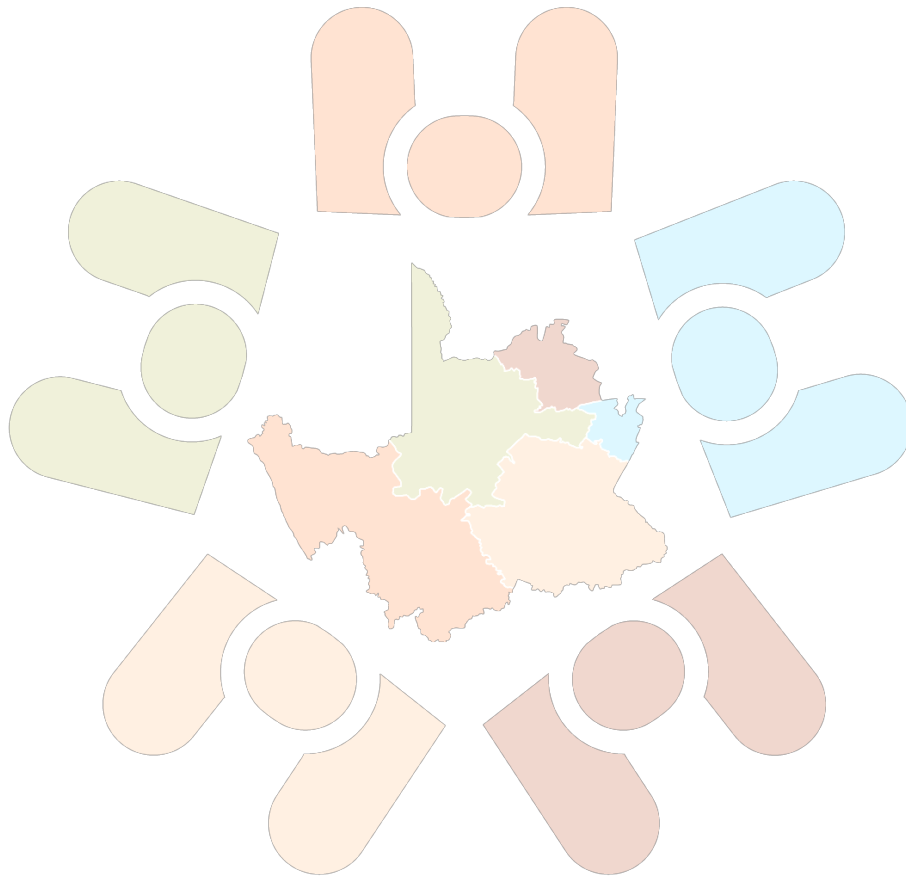
- 4.9.1 The executive must provide for mechanisms:
 - 4.9.1.1 To ensure that members of legislature and assembly are accountable to it.
 - 4.9.1.2 To ensure that members of legislature and assembly meet their service level agreements.
 - 4.9.1.3 NCCM member organizations implement constituency programs and activities.
 - 4.9.1.4 That sound financial management principles are followed by all NCCM member organizations.

4.10 MEDIATION COMMITTEE

- 4.10.1 Disputes between NCCM and any provincial member or members must be declared in writing and set out the grounds of the dispute and proposed

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resolutions. Dispute resolution procedures must be provided for in the Rules of Procedure to this constitution.



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Chapter 5

Districts Management Committees (DMC)

5.1 COMPOSITION OF THE DISTRICT MANAGEMENT COMMITTEES

5.1.1 A district management committee is composed of a single delegation from each of the local municipal movements within the district.

5.1.2 A delegation include:

5.1.2.1 The chairperson of the local municipal member

5.1.2.2 An additional member of the local municipal member

5.1.2.3 All members serving as councilors in the District Municipal Council

5.1.2.4 A local municipal movement holding a membership with NCCM is entitled to have their delegates serve on the district management committee.

5.2 AUTHORITY OF DMCS'

5.2.1 The DMC is responsible for implementation of policy positions on District level.

5.2.2 The DMC decides on district matters in a manner described in the NCCM Constitution.

5.2.3 The DMC is elected to represent the district municipal development and to ensure the implementation of a collective district-based development model.

5.2.4 The co-operation with the executive working group to oversee and implement programs of the EMC.

5.2.5 The DMC will oversee the interview process for district, provincial, and national seat nominations.

5.2.6 NCCM DMCS' political limitations is that it shall not contest local municipal elections.

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5.2.7 NCCM DMC's other limitation is that it shall not contest local or district municipal elections where a member organization already has a district footprint and direct district council seat.

5.3 MEMBERSHIP

5.3.1 The chairperson and additional member from each local municipal movement are permanent members of the DMCS.'

5.3.2 A person ceases to be a member of the district management committee if that person:

5.3.2.1 Ceases to be the chairperson of the member organizational municipal structure, or

5.3.2.2 Is withdrawn in writing by the member organizational municipal structure as an additional member.

5.3.2.3 Ceases to be a councilor in the district municipal council.

5.3.2.4 Ceases to be a member of the member organization that nominated that person and is recalled by the member organization.

5.4 SITTINGS OF THE DMCS'

5.4.1 The DMC meetings must take place at least once every month.

5.4.2 The chairperson may summon the committee to an extraordinary sitting at any time to conduct special business.

5.4.3 Sittings of the DMCS' are permitted both physically and virtually.

5.4.4 The DMC elect their top five officials internal by consensus.

5.5 DECISIONS

5.5.1 All questions before the DMC are decided by a majority of the votes cast.

5.5.2 Decision regarding policy position is made by a resolution submitted from each member constituency.

5.5.3 All member constituency decisions must be accompanied by ward resolutions.

Chapter 6

List Process

6.1 FOUNDING PHASE SEAT ALLOCATION

6.1.1 The founding phase of the organisation calls for a different initial election approach for the positions of MPL, NCOP, MP.

6.1.2 The founding seat allocations will be strictly filled by recognized founding member organizations, having such status bestowed upon them no later than the 5th of June 2023.

6.1.3 In the absence of a district having a founding member organisation affiliated to the NCCM, the seat allocation will be the prerogative of the founding affiliate members through that they deploy agreed upon individuals from their respective districts to the proposed positions.

6.1.4 This process is resolved to adhere to the following list and positions at a provincial level:

- 6.1.4.1 Nawakwa
- 6.1.4.2 John Taolo Gaetsewe
- 6.1.4.3 ZF Mgcawu
- 6.1.4.4 Frances Baard
- 6.1.4.5 Pixley Ka Sema

6.1.5 This process is resolved to adhere to the following list and positions for NCOP:

- 6.1.5.1 John Taolo Gaetsewe
- 6.1.5.2 Frances Baard
- 6.1.5.3 Pixley Ka Sema
- 6.1.5.4 ZF Mgcawu
- 6.1.5.5 Nawakwa

6.1.6 This process is resolved to adhere to the following list and positions for National Assembly:

- 6.1.6.1 Pixley Ka Sema
- 6.1.6.2 ZF Mgcawu
- 6.1.6.3 Frances Baard
- 6.1.6.4 Nawakwa
- 6.1.6.5 John Taolo Gaetsewe

- 6.1.7 One member from each municipal associate will be represented to complete the list of PR positions.
- 6.1.8 This Allocation model is only valid for the 2024 Provincial/National elections.
- 6.1.9 These positions should be best represented by all districts, but also represented by all founding member organizations.

6.2 SEAT ALLOCATION AFTER FOUNDING PHASE

- 6.2.1 Seat allocation will be based on a constituency representation model.

6.3 DISTRICT SEATS

- 6.3.1 District level seats will be allocated to ensure municipality constituency representation.
- 6.3.2 The municipality with the highest percentage contribution based on votes will be allocated or choose the first preferred seat.
- 6.3.3 The second allocation/decision will be to the next highest ranked municipality.
- 6.3.4 Allocation will continue based on the **EFFORT RANKING FORMULA** until all seats have been allocated/chosen.
- 6.3.5 A constituency service model must be created that outlines how constituencies must be serviced when there are fewer seats for that constituency. This will be the responsibility of the EMC or delegated to the working groups.
- 6.3.6 No district lists may be submitted where a NCCM member organization already has a district presence or previously allocated district electoral seat.

6.4 PROVINCIAL SEATS

- 6.4.1 Provincial seat allocation will be done to ensure district constituency representation.
- 6.4.2 The district with the highest effort contribution will be allocated or choose the first preferred seat.
- 6.4.3 The second allocation/decision will be to the next highest ranked district.
- 6.4.4 Allocation will continue based on the effort ranking formula until all seats have been allocated/chosen.
- 6.4.5 A constituency service model must be created that outlines how constituency must be serviced when there are fewer seats for that constituency. This will be the responsibility of the EMC or delegated to the working groups.

6.5 NATIONAL SEATS

- 6.5.1 At a National-to-National level constituency representation must ensure that all districts have direct representation.
- 6.5.2 The highest ranked district, based on the effort formula, has the first option to assume a national seat.
- 6.5.3 The preference in electing the level of representation will continue based the effort rank formula.
- 6.5.4 If the district opts to assume a national seat:
 - 6.5.4.1 Such a district will forfeit its provincial seat.
 - 6.5.4.2 The last district on the effort formula will be allocated the vacated district seat.

6.6 NOMINATIONS

- 6.6.1 All nominations from the associate members' ward assemblies must be submitted to the DMC or EMC in the case of an already existing DMC within the member constituencies.
- 6.6.2 The DMC or EMC must appoint an independent panel to conduct interview:

- 6.6.2.1 All candidates who have accepted nominations must be invited for an interview.
- 6.6.2.2 The panel must provide the committee with a ranked list as a recommendation based on the results of the interview.
- 6.6.3 The DMC or EMC must finalize the list by:
 - 6.6.3.1 Accepting the recommendation of the panel.
 - 6.6.3.2 Refer the report of the panel to the EMC.
- 6.6.4 In the event of a dispute:
 - 6.6.4.1 The EMC will have the right to refer the report to an independent panel.
 - 6.6.4.2 The finding of the panel will be final and binding on the district list.

6.7 COMPOSITION OF INDEPENDENT INTERVIEW PANEL

- 6.7.1 The interview panel will consist of:
 - 6.7.1.1 The Chairperson of the DMC or the district chairperson of the member organization.
 - 6.7.1.2 The Chairperson of the EMC.
 - 6.7.1.3 3(THREE) independent panelists.

6.8 RECALLING PROCESS

- 6.8.1 The recalling process of MPL/NCOP/MP will have to following strict due processes where there is breach of the values, ideals, and code of conduct of the NCCM.
- 6.8.2 Where an MPL/NCOP/MP have been found guilty at a disciplinary hearing of the NCCM or the member organisation.

Chapter 7

Finance

7.1 MEMBERSHIP FEE

- 7.1.1 Each associate member shall be liable to pay an annual membership fee of R2000.
- 7.1.2 Membership fees shall be payable by members no later than 1 April of the Calendar Year and shall be payable into the verified official bank account of NCCM.
- 7.1.3 All money received by NCCM from membership fees, a percentage retention of funding shall be used in pursuance of its objectives as set out in this constitution.
- 7.1.3.1 The retention percentage shall be 10% of the sum of membership fees paid by all member organizations.
- 7.1.4 Membership fees shall not be increased by not more than 20% per annum.
- 7.1.5 The NCCM shall fund travel and sitting fees of which totals shall be determined by the EMC from time to time.
- 7.1.6 Membership fees shall be deducted from the provincial constituency funding automatically.

7.2 CONSTITUENCY FUND ALLOCATION

- 7.2.1 The constituency allowance must be distributed to each associated member.
- 7.2.2 The allocation for each member must be determined as follows:
- 7.2.2.1 50% of the funds allocated for distribution is based on the **EFFORT RANKING FORMULA** of the NCCM.
- 7.2.2.2 50% of the funds allocated is distributed based on equity, which will ensure that the smaller organization prioritizes growth.
- 7.3 May retain/reserve only 10% of party funding or privately sourced funding.
- 7.4 The allocation of funds must be clearly outlined by policy based on two options.

7.5 An associate member must provide annual financial statements before constituency fund allocation will be released.

7.6 NCCM will then appoint an audit firm to audit the financial statements of member AFS.'

7.3 FUND DISTRIBUTION

7.3.1 The EMC of the NCCM must ensure that all electoral and privately sourced funding must be distributed based on the above clauses in 7.2.2.

7.4 AUDIT STATEMENT

7.4.1 The NCCM must appoint an accountant to ensure the compilation of annual financial statements (AFS).

7.4.2 These AFS must be audited annually by a registered auditing firm appointed by the EMC.

7.4.3 Audited financial statements must be distributed to all member organizations within 2 weeks after the completion of the audit.

7.4.4 In the event of any irregularities on the AFS, due disciplinary proceedings must be implemented by the chairperson of the EMC.

7.4.5 The NCCM will also appoint an Audit Firm to audit the financial statements of the member organizations.

7.5 FUND RAISING

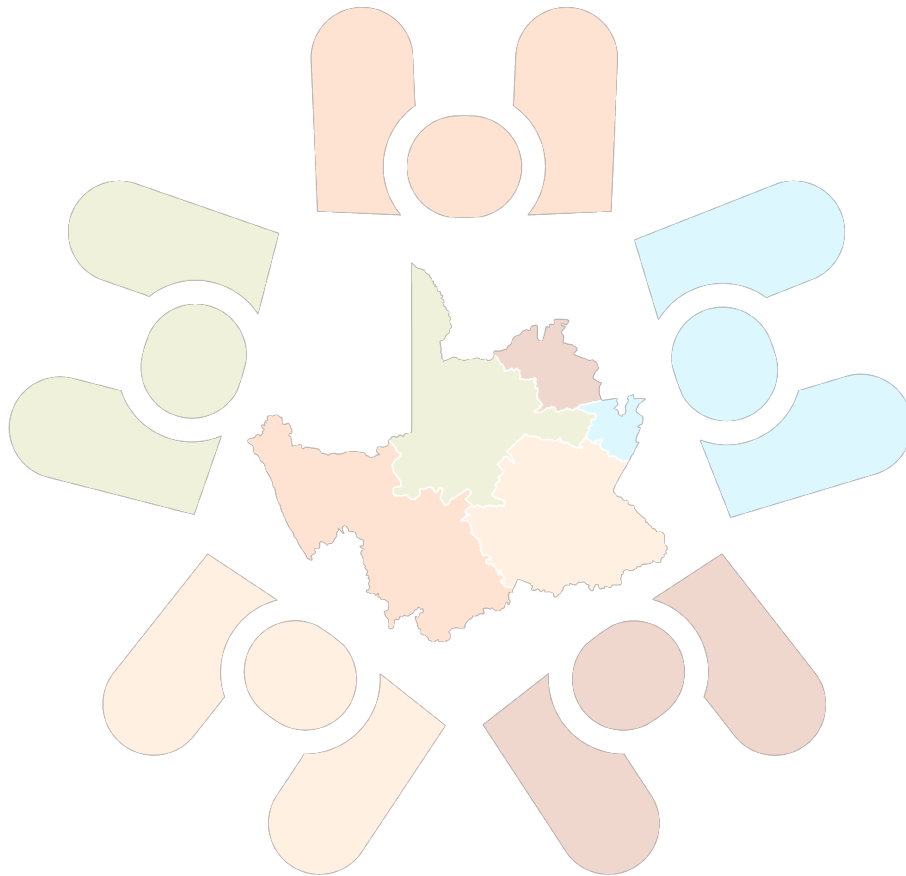
7.6.1 All fundraising must be done in accordance with a fund-raising policy prioritized by the EMC or delegated to the working group within the 2-year founding period.

7.6.2 All funds sourced in the name of the NCCM must be approved by the chairperson of the EMC.

7.6.3 A fund-raising letter must be compiled accommodating for the Name and amount to be donated, and signed by the chairperson of the EMC, and all successful funding applications must be deposited into the official bank account of the NCCM.

7.6.4 All funds sourced successfully must be clearly referenced by the details of the Donor.

7.6.5 Funds deposited more than R100 000,00 must be reported to the IEC as per the party funding regulations.



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Chapter 8

Working Committess

8.1 PROVINCIAL WORKING GROUP

- 8.1.1 The Provincial Working Groups are elected by the Executive Management Committee based on the pillar/mandates of the NCCM with the chairperson of the Working Groups appointed from amongst the Provincial EMC members.
- 8.1.2 A working group shall be comprised of at least 2 (TWO) EMC members.
- 8.1.3 Consult with one another, various stakeholders, provincial member organizations at a political and socio-economic development level, to contribute to as far as providing ideas, advice, political insight, and support on the assigned areas of focus as determined in 8.2.
- 8.1.4 Discuss and develop policies, strategies and programmes that will benefit provincial member organizations.
- 8.1.5 Monitor the process of policy implementation within the NC province.
- 8.1.6 Make strategic and policy recommendations to the EMC.
- 8.1.7 Facilitate the determination of organized local government priorities, which should be pursued in the short, medium, and long term that will benefit provincial member organizations.

8.2 PRIORITY FOCUS AREAS

- 8.2.1 Working groups must be established under these pivotal pillars of NCCM and must provide quarterly feedback to its provincial members on the progress pertaining to these pillars.
- 8.2.2 Prioritize the following pillars within which the NCCM will function and under which working groups will be established:
- 8.2.2.1 Political Accountability – A statute of accountability must address the minimum requirements that should be considered for a political deployment into district council, provincial legislator, and national

assembly. Deployment must be accompanied with a set of constituency programs against which to measure performance and service agreements with the accountable structure: provincial and district management committees.

- 8.2.2.2 Executive Regulations – should address the lack of government policy implementation, the inefficient intergovernmental relationship, priority deployment ministries. Status on executive deployment must be developed to ensure that the core areas of concern are outlined, and the deliberated position is well captured. Development must also be measured on performance and service agreements for economic inclusion.
- 8.2.2.3 Sustainability – Financial sustainability must be a collective effort that goes beyond constituency allowance and deployment contributions. The latter two must be clearly defined as part of the financial statute. In addition, there must be a clear policy on how sponsorship, donations and fundraising should be distributed within each financial year. Clear details of each associate municipal structure in this regard must be outlined.
- 8.2.2.4 Legal – Refer to disciplinary code and recalling of representatives as outlined in this constitution.

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Chapter 9

Conduct and Disciplinary

9.1 NCCM CODE OF CONDUCT

- 9.1.1 All Provincial Members, and PE/MC members without exception, must abide by the Constitution of the NCCM and this Code of Conduct.
- 9.1.2 Provincial Executive/Management Committee shall establish ad hoc Disciplinary Committees with an independent chairperson not from the EMC (preferably within the legal field) for the purpose of enforcing the Code of Conduct and disciplining members as well as EMC members.
- 9.1.3 A provincial member or EMC member shall be entitled to appeal against the decisions of a Disciplinary Committee Provincial Executive Committee, through an independent Appeal board with an independent chairperson (preferably within the legal field).
- 9.1.4 In exceptional situations arising out of serious breaches of this Constitution or Code of Conduct, the Executive Management Committee itself may exercise jurisdiction to investigate and determine a complaint and thereafter submit this complaint to the independent disciplinary committee.
- 9.1.5 Disciplinary proceedings against a member shall be confined to violations of the NCCM Constitution or Code of Conduct, or the commission of offences.
- 9.1.6 A serious offence shall be committed by any provincial member or PE/MC member who prejudices the integrity or repute of the organization, its operational capacity.
- 9.1.7 The following shall also be regarded as serious offences, without prejudice to the right of the Executive Management Committee to add to this category of offences:
- 9.1.7.1 Impeding the activities of the organization.
- 9.1.7.2 Misappropriation of the funds of the organization.

- 9.1.7.3 Creating division within the membership ranks of the NCCM.
- 9.1.7.4 Deliberately disrupting meetings and interfering with the orderly functioning of the organization.
- 9.1.8 If, in the opinion of the Executive Management Committee in exercising its right to invoke disciplinary proceedings under this Constitution, a provincial member or EMC member is guilty of the following offences, disciplinary proceedings may follow:
 - 9.1.8.1 Bringing the organization into disrepute or manifesting a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member.
 - 9.1.8.2 Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism, or any form of discrimination.
 - 9.1.8.3 Behaving in such a way as to provoke serious divisions or a breakdown of unity in the organization.
 - 9.1.8.4 Undermining the respect for or impeding the functioning of the structures of the organization.
 - 9.1.8.5 Penalties for proven violations of the Constitution, principles, norms, of the NCCM shall include reprimand, payment of compensation and/or the performance of useful tasks, suspension, and expulsion.
 - 9.1.8.6 Provincial Executive/Management Committee having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any provincial member or PE/MC member pending the preparation of a charge against the member and the finalization of disciplinary proceedings against such member. The members shall be informed of such suspension.
 - 9.1.8.7 The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary suspension. Such disciplinary proceedings shall be

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addressed as quickly as possible and completed within a reasonable period.

9.2 GENERAL RULES OF PROCEDURES:

9.2.1 Code of ethics for EMC members:

9.2.1.1 Elected PE/MC members must –

9.2.1.1.1 Be true to the NCCM and uphold the highest ideals of honour and integrity in order that the NCCM may merit the respect and confidence of all stakeholders and the public.

9.2.1.1.2 Obey, respect, uphold, promote, and maintain the Constitution of the Republic of South Africa, the constitution of the NCCM and all other laws of the Republic as well as their Civic/Ratepayers organization's constitution and codes of conduct.

9.2.1.1.3 Discharge the duties and functions as the representatives of the NCCM diligently and to the best of their knowledge and ability; and

9.2.1.1.4 Devote themselves to the wellbeing of the NCCM, and its provincial members.

9.2.1.2 Elected EMC members may not –

9.2.1.2.1 Improperly influence or attempt to influence other elected members or representatives from member municipalities to act in their own personal benefit; nor

9.2.1.2.2 Accept anything of value from any source which is offered to influence their actions as representatives of the NCCM.

9.2.1.2.3 When found in breach of this code of ethics or the Code of conduct of this constitution, the EMC shall establish ad hoc disciplinary committees to deal with such cases.

9.2.1.2.4 The Executive Management Committee may suspend the relevant Executive Management Committee member to allow the

disciplinary proceedings to take its course. (The EMC must commence proceedings within 30 days of suspension)

9.2.1.2.5 In the event of an Executive Management Committee member found guilty of breaching this Code, such member shall be entitled to appeal to an independent ad-hoc appeal board within 7 (Seven) day comprising of:

9.2.1.2.5.1 The chairperson of the EMC.

9.2.1.2.5.2 Independent Legal Practitioner. (Chairperson with deciding vote)

9.2.1.3 If it is the Provincial Chairperson's office (Chairperson and Deputy), found guilty of breach code of ethics and conduct the appeal board shall comprise:

9.2.1.3.1 1(ONE) EMC member.

9.2.1.3.2 Independent Legal practitioner (Chairperson with deciding vote)

9.2.1.3.3 The outcome of this appeal board shall be final and binding in the NCCM and sent in writing to the EMC members within 7 (SEVEN) days of decision.

9.2.1.4 Subsequently the Provincial Member organization whose member was in breach of the Code of ethics of conduct may fill the vacancy from within their executive leadership structure within 30 (THIRTY) days.

9.2.2 Dispute resolution procedures:

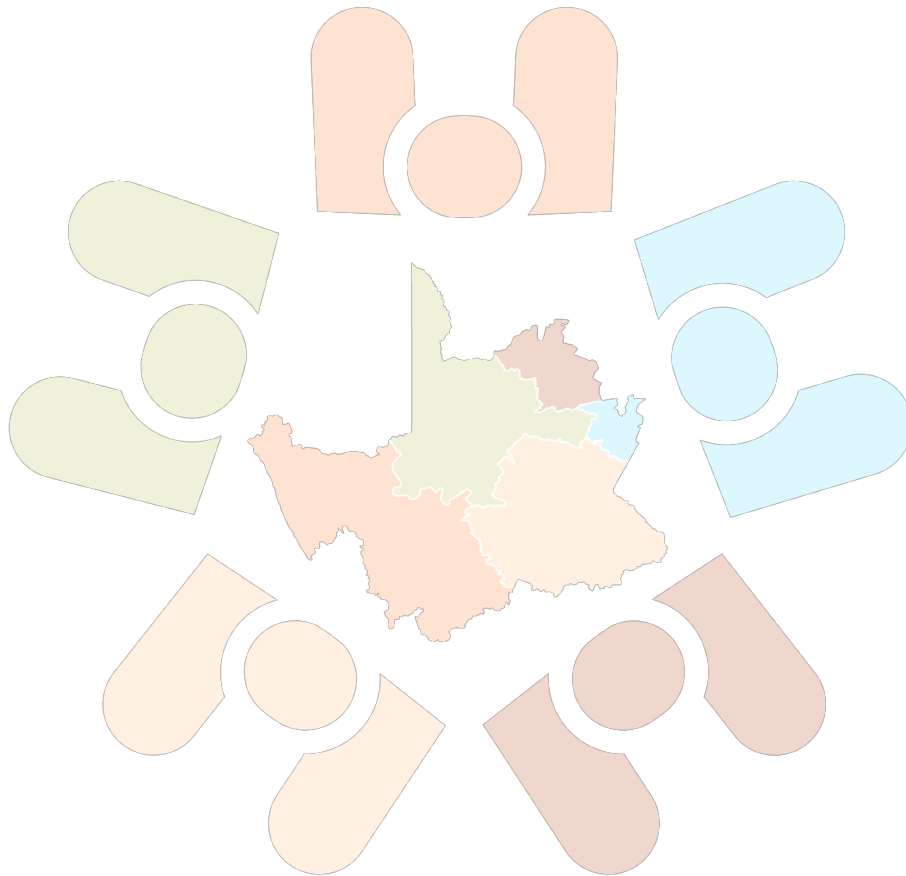
9.2.2.1 This details the process a provincial member organization should follow met it wants to lodge a dispute with the NCCM and thus the EMC members.

9.2.2.2 Any dispute from EMC members, Provincial member organizations should be in writing and sent to the president of the EMC, in the case of a dispute with the presidency to any EMC other EMC member not implicated in the dispute.

- 9.2.2.3 Within fourteen days of receiving the notification of concern, the EMC must respond, in writing, to the concerns raised, including proposed steps or actions to address the same.
- 9.2.2.4 All parties must strive to resolve disputes internally and if necessary, the EMC should appoint an independent Mediator to attempt to resolve the dispute between parties.
- 9.2.2.5 If the disputes entail breaching this constitution, its Code of ethics and conduct and has merit with evidence, it should follow a disciplinary process.
- 9.2.3 Disciplinary procedures:
 - 9.2.3.1 The ad hoc disciplinary committees which shall be established by the Executive Management Committee must consist of:
 - 9.2.3.1.1 The Provincial Chairperson of the NCCM
 - 9.2.3.1.2 Independent legal practitioner (Chairperson and deciding vote)
 - 9.2.3.2 If it is the Provincial office (Chairperson and Deputy), found in breach code of ethics and conduct the disciplinary committee must consist of:
 - 9.2.3.2.1 1(ONE) member of the EMC
 - 9.2.3.2.2 Independent legal practitioner (Chairperson and deciding vote)
- 9.2.4 If the member was suspended by the EMC pending disciplinary process, such process must be instituted within 30 (Thirty) days from the date of suspension.
- 9.2.5 A member shall be entitled to call witness(es) in support of its case when appearing before a Disciplinary Committee.
- 9.2.6 A member shall be entitled to appeal against the decisions of a Disciplinary Committee through an appeal board within 7 (SEVEN) days of the outcome of the decision.
- 9.2.7 The subsequent decision as communicated by the Appeal board will be final and binding.

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9.2.8 Penalties for proven violations of the Constitution, principles, norms, of the NCCM shall include reprimand, payment of compensation and/or the performance of useful tasks, suspension, and expulsion.



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Chapter 10

Amendments of the Constitution

10.1 AMENDMENTS OF THE CONSTITUTION:

10.1.1 The constitution may be amended and improved at a Provincial Elective Members/General Assembly:

10.1.2 21 (twenty-one) days written notice of the proposed amendment or amendments is given to all provincial members and sitting PE/MC members.

10.1.3 Approved by two thirds of the members entitled to be present and vote.

10.1.4 That this founding interim constitution be valid for 2 years post the 2024 Provincial/National elections date and that the founding member organizations of the NCCM reserve their right and privilege to amend and refine this founding interim constitution within the period of 2 years without the need for a PGA, if 50%+1 approves the changes.



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Chapter 11

Dissolution or winding up of the NCCM

11.1 DISSOLUTION OR WINDING UP OF THE NCCM:

- 11.1.1 The NCCM may only be dissolved or wound up for whatever reason by a resolution passed by at least two thirds of the PE/MC members entitled to be present and vote at the Provincial Elective Members Assembly.
- 11.1.2 The chairperson or a deputy chairperson shall within 7 (seven) days from the date of the dissolution or winding up submit to the Labour Court a resolution approving the dissolution or winding up of the NCCM and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act 66 of 1995, as amended.
- 11.1.3 The chairperson or a deputy chairperson shall within 7 (seven) days from the date of the appointment of a liquidator by the Labour Court in terms of section 103(3) of the Labour Relations Act 66 of 1995, as amended, deliver to the said liquidator:
- 11.1.4 all books of accounts of the NCCM showing the assets and liabilities together with the register of members showing, for the 12 (twelve) months prior to the date on which the resolution for the dissolution or winding-up was passed, the membership fees paid by each member and its last known registered address; and
- 11.1.5 All unexpended funds, assets, and all other documents of the NCCM.
- 11.1.6 The liquidator may divide amongst the members the whole or any part of the assets of the NCCM and may, for such purpose, set such values as he deems fair to be divided as aforesaid and may determine how such division shall be carried out as between the members.

SIGNATURES

1. Signed Chairperson:

MR. RICHARD HEINRICH CLOETE

NAMAKWA CIVIC MOVEMENT

29-05-2023



Full Name

Movement

Date

2. Signed Chairperson:

Mr. Ronald Februarie

Siyathemba Community Movement

29-05-2023



Full Name

Movement

Date

3. Signed Chairperson:

Mr. Joseph Rooi

Diklagong Independent Forum

29-05-2023



Full Name

Movement

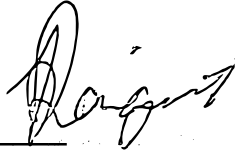
Date

4. Signed Chairperson:

Mr. Piet Reigert

!Kheis Community Movement

29-05-2023



Full Name

Movement

Date

5. Signed Chairperson:

Mr. Shepperd Mines

Gamagara Community Forum

30-05-2023



Full Name

Movement

Date

6. Signed Chairperson:

Full Name

Movement

Date



Annexure 1: Logo and description of colours and symbolism.

Annexure 2: Effort Ranking Formula.

Annexure 3: NCCM Working Group Pillars of priority.

Annexure 4: Layout of Sanctions.

