

FIRST DRAFT

SOUTH AFRICAN RAINBOW ALLIANCE

THE CONSTITUTION

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1 EXECUTIVE SUMMARY

- 1 This report presents the First Draft of the **Constitution** for the **South African Rainbow Alliance** (referred to in this Constitution as “the Party”).
- 2 The **South African Rainbow Alliance** is the political party in the Republic of South Africa.
- 3 The abbreviation of the **South African Rainbow Alliance** shall be known as the “**SARA**”.
- 4 The purpose of the Party is to sustain and promote within the Nation of South Africa the principles and the values of inclusivity.

2 THE PARTY PRINCIPLES

- 5 The Party is established on and will be guided in its policy formulation by the following core principles:
 - 5.1 The goal of building a national alliance of intellectuals, business leaders, all class of voters, fundamental group formations, civil society groups and political parties who share our core beliefs and who reflect the cultural and socio-economic diversity of the Republic of South Africa.
 - 5.2 A belief in a balance between Government intervention, compassionate social policy that empowers the less fortunate by promoting self-dependency and equality of opportunity, and the rights and responsibilities of individuals, families and free associations.
 - 5.3 An alliance of entities that embraces our differences and values, yet guided by a concept of South Africa as the greater sum of strong parts.
 - 5.4 The Party shall conduct itself in a manner that is accountable and responsive to its alliance members.
 - 5.5 An allegiance to an independent democratic South Africa governed in line with the Constitution of the Republic of South Africa, the respect of the three spheres of Government and the rule of law.
 - 5.6 The equality of all the South Africans.
 - 5.7 A belief in the value and dignity of all human life.
 - 5.8 A belief in the freedom of the citizens of South Africa, including freedom of speech, worship and assembly.
 - 5.9 A belief in the system of Government as the best expression of the diversity of our nation, and in the desirability of strong provincial and local governments.
 - 5.10 All our official languages have equality of status, and equal rights and privileges as to their use in all the institutions of Government and the country as a whole.
 - 5.11 The economic prosperity of the people of South Africa depends on the following:
 - 5.11.1 a free competitive economy with less Government intervention;
 - 5.11.2 the freedom of South Africans to access all the factors of production;
 - 5.11.3 the right to own land.

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- 5.12 A fiscally prudent Government whose responsibilities must be limited to those which cannot be carried out reasonably by individuals and business.
- 5.13 It is the responsibility of individuals to provide for themselves and their dependents whilst acknowledging that Government must respond to those who require assistance and compassion.
- 5.14 The role of the Government is to create an enabling environment where individuals' initiatives are rewarded, excellence is pursued, security and privacy of the individual is provided and prosperity is guaranteed by a free competitive market economy.
- 5.15 The Nation must strengthen our military by ensuring a well-armed military, honouring those who serve and their families, and promoting our history and strong traditions.
- 5.16 The quality of our environment and all our natural resources are a vital part of our heritage to be protected by all our generations.
- 5.17 Our country should accept its obligations among the nations of Africa.
- 5.18 The responsible Government is attentive to its citizens and consists of Government representatives who at all times conduct themselves in an ethical manner and display integrity, honesty and concern for the best interest of the nation.
- 5.19 All South Africans should have a reasonable access to quality health care and education regardless of their ability to pay.
- 5.20 The greatest potential for achieving social and economic objectives is under a global trading regime that is free and fair.

3 THE ALLIANCE PARTNERS

- 6 Prior to application for the recognition by the Presidential Committee as an alliance partner, any such organisation seeking recognition and alliance membership shall:
 - 6.1 verify to the satisfaction of the Presidential Committee that it has a democratic constitution, a broad membership and is open to all Party Members who qualify under its constitution;
 - 6.2 submit to the Presidential Committee for its approval prior to recognition a copy or draft copy of its constitution.
- 7 The constitution of any alliance partner shall, as a minimum requirement, include:
 - 7.1 a statement of the values and principles of the alliance partner;
 - 7.2 the criteria for its membership;
 - 7.3 a requirement for a selection of its office bearers;
 - 7.4 the policy for the maintenance and regular revision of a register of its members;
 - 7.5 the policy for the maintenance of its annual financial statements or records.
- 8 The Presidential Committee may, subject to the prior fulfilment of the conditions contained in paragraph 6 & 7 above, grant to an organisation the status of the alliance partner.
- 9 In the event that the alliance partner fails to fulfil or maintain the requirements contained in paragraph 7 above, and any other requirement of the alliance agreement, the Presidential

Committee shall give three months written notice to the alliance partner that its status may be withdrawn in the event that it fails to achieve those requirements within that period. After such period of three months, where the alliance partner has failed to achieve the requirements contained in paragraph 7 above, the Presidential Committee may terminate any alliance agreement with the alliance partner.

- 10 Save as shall be expressly provided by the Presidential Committee, each alliance partner shall, without prejudice to the provisions of paragraph 6 & 7 above, be bound by any alliance agreement in place.

4 THE GOVERNANCE

- 11 There shall be a Presidents' Committee of the alliance (referred to in this Constitution as "the PRECOM").

- 12 The Presidents' Committee shall determine the political direction of the alliance having regard to the views of the alliance partners.

- 13 The PRECOM shall be the supreme decision-making body in the matters of the alliance organisation and management.

- 14 The PRECOM shall consist of the following:

- 14.1 The Chairperson of the PRECOM (referred to as "the Chairperson");

- 14.2 The Presidents of the Political Parties as defined by the Independent Electoral Commission and subject to the approval of the Chairperson;

- 14.3 Up to one further additional member of the alliance who may, from time to time, be nominated by the Chairperson subject to endorsement by the Presidents' Committee and the President;

- 14.4 The PRECOM may make further appointment to its number, subject to the approval of the Chairperson;

- 14.5 The Executive President in Parliament representing the Party;

- 15 The PRECOM shall meet not less than 4 times each year. The President shall be invited to attend all meeting of the PRECOM.

- 16 The quorum for any meeting of the PRECOM will be 50 plus one percent of the total number of PRECOM members.

- 17 The Chairperson shall appoint a Secretary to the PRECOM who shall support the PRECOM in its proper and efficient administration.

- 18 The PRECOM shall agree rules concerning the notice to be given in respect of its ordinary and special meetings, and rules governing the circulation in advance of documents and minutes of the meetings.

- 19 The PRECOM shall have power to do anything which in its opinion relates to the management and administration of the alliance. It shall oversee all activities within the alliance and in particular be responsible for the following:

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- 19.1 the design, development and implementation of the strategies for the alliance, for its election manifesto, organisation, alliance membership and fund mobilisation both nationally and abroad;
- 19.2 the review and approval of the alliance's annual budgets, the monitoring of the financial performance and the compilation and publication of the annual financial statements;
- 19.3 the appointment of the executive management within the alliance;
- 19.4 the administration of the both the National and Provincial Alliance Membership List in accordance with the provisions of the alliance;
- 19.5 the maintenance of the approved list of the alliance's representatives in Government;
- 19.6 the oversight of the management and administration of alliance structures, including the power to recognise alliances, coalitions, partnerships, associations or other groupings;
- 19.7 the cancellation or refusal of alliance membership, in its absolute discretion;
- 19.8 the removal or replacement from office of any office bearer of an alliance structure in accordance with the relevant provisions of the alliance;
- 19.9 the management of the Policy Convention, if any;
- 19.10 the planning and organisation of the alliance conferences and/or political rallies;
- 19.11 advocating for women involvement in all aspects of the alliance's work and organisation including, if appropriate, the maintenance of an organisation to promote the interests of the women within the alliance;
- 19.12 ensuring that young people are properly involved and represented in all aspects of the alliance's activities and organisation including the maintenance of a youth organisation to recruit young people to the alliance;
- 19.13 the resolution of any disputes within the alliance as it deems fit;
- 19.14 the overseeing of the procedure for the election of the President in accordance with the relevant provisions of the alliance;
- 19.15 the registration of trade marks, intellectual property rights, copyright and design rights and patents;
- 19.16 ensuring the alliance is compliant with all the laws and regulations of the Republic of South Africa including the Electoral Commission Act, 1996 (Act 51 of 1996);
- 19.17 the suspension of membership or the expulsion from membership of any alliance partner whose conduct is in conflict with the purpose, the principles and values of the alliance, or which is inconsistent with the financial well-being of the alliance or is likely to bring the alliance into disrepute.
- 20 The PRECOM shall have the power to delegate any of its functions to any of the alliance structures as it shall from time to time see fit.
- 21 There shall be an Executive President (referred to as "the President").
- 22 The President shall be appointed by the Presidents' Committee.

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- 23 The President acts as the official representative of the alliance to the legislature and the electorate.
- 24 The President shall occupy the highest political office for the alliance in Government. The individual shall be the chief public officer of the alliance.
- 25 The President is responsible for managing the alliance's relationship with the general public and leading the competition against political rivals.
- 26 The President will take a leading role in developing and communicating the alliance policies and manifestos to the electorate.
- 27 The President shall direct the activities of the alliance in Parliament.
- 28 The President shall promote the alliance, its principles and policies in Parliament.
- 29 The President shall provide a report to the Presidents' Committee at least quarterly.
- 30 The President shall be accountable to the Presidents' Committee.
- 31 There shall be a Party Leader who shall be the senior representative of the alliance at the Independent Electoral Commission and assumes the role of the Party Leader as defined by the Independent Electoral Commission. The Party Leader is also the Chairperson of alliance.
- 32 The PRECOM shall establish and maintain the following Committee, which shall comprise at least one appointed member of the PRECOM: Working Committee (referred to as "the WORCOM").
- 33 The WORCOM shall be the working engine or structure of the alliance.
- 34 The WORCOM shall ensure that any of the strategies or political plans of the PRECOM are implemented and furthermore relayed to the individual alliance partners and their constituencies.
- 35 The WORCOM shall be responsible to initiate policy formulation for the alliance and recommend its adopted policies for approval and final endorsement by the PRECOM.
- 36 The WORCOM shall assist the alliance with voter mobilisation, campaign management, marketing and advertising, research and development in the areas of politics, coalitions, alliances and government elections.
- 37 The WORCOM shall prepare and submit monthly reports to the PRECOM on the activities and achievements of the WORCOM.
- 38 If the PRECOM decides that the WORCOM is failing to fulfil its functions, the PRECOM (or its representative) may meet the WORCOM and impose an action plan which shall identify performance targets which the WORCOM shall be required to meet within a given time scale.
- 39 The WORCOM shall consist of the following:
 - 39.1 The Chairperson of the WORCOM, who shall be the same individual chairing the PRECOM. The Chairperson will chair the WORCOM and act as the PRECOM's representative on it;

- 39.2 The maximum of two nominated representatives of each of the alliance partners;
- 39.3 All the chairpersons of the sub-committees of the WORCOM;
- 39.4 Up to four further additional member of the public who may, from time to time, be nominated by the PRECOM subject to endorsement by the Chairperson.
- 40 The WORCOM shall meet not less than once each month. Both the President and the Party Leader shall be invited to attend some meetings of the WORCOM.
- 41 The quorum for any meeting of the WORCOM will be 50 plus one percent of the total number of WORCOM members.
- 42 The Chairperson shall appoint a Secretary to the WORCOM who shall support the WORCOM in its proper and efficient administration.
- 43 The WORCOM shall agree rules concerning the notice to be given in respect of its ordinary and special meetings, and rules governing the circulation in advance of documents and minutes of the meetings.
- 44 The PRECOM shall establish throughout South Africa, the provincial and regional structures but having regard to the number and reach of all its alliance partners rely on the existing structures of its alliance partners to ensure existence and presence in every Province and Regions of South Africa. The PRECOM may from time to time amend this position to take account of any change in the circumstances.

5 THE POLICY ASSEMBLY

- 45 There shall be established and maintained a national policy development assembly to be known as the Policy Assembly.
- 46 The principal functions of the Policy Assembly shall be:
 - 46.1 to encourage and co-ordinate the formulation and development of policy ideas and initiatives within the alliance;
 - 46.2 to establish process for receiving such policy ideas and initiatives and ensuring a response is made to them;
 - 46.3 to consult by such means as it sees fit in such policy ideas and initiatives;
 - 46.4 to advise the PRECOM, President and the Presidents' Committee of any policy ideas and initiatives so formulated and developed.
- 47 The Policy Assembly shall be managed by an Executive constituted annually which shall consist of:
 - 47.1 a chairperson, appointed by the PRECOM, normally being a government minister (or while in opposition, a Shadow Minister);
 - 47.2 the Director of the Policy Assembly;
 - 47.3 a representative appointed by the PRECOM;
 - 47.4 Up to four persons with expertise in the specific policy areas, co-opted by the Director of the Policy Assembly in consultation with the Executive.

48 The Executive of the Policy Assembly shall meet not less than twice every year with the PRECOM to discuss policy ideas and initiatives, and membership opinion in relation thereto.

6 ETHICS, CONDUCT AND STANDARDS

49 The Chairperson of the alliance shall appoint a Compliance Officer who shall be responsible for the following:

49.1 ensuring that the provisions of the alliance agreement are complied with by all members of the alliance;

49.2 identifying any breach of the provisions of the alliance agreement;

49.3 issue a written warning to any member of the alliance to remedy any identified breach of the provisions of the agreement within a specified period of time;

49.4 inform the PRECOM of any failure of a member of the alliance to comply with the notice remedy the breach;

50 Where the PRECOM is informed by the Compliance Officer of any failure of a member of the alliance to comply with a notice to remedy a breach of the provisions of the alliance agreement within the time specified in the notice, the PRECOM may take such action as it shall think fit against the member of the alliance concerned, which action shall be at the discretion of the PRECOM.

51 No member of the alliance shall engage in a conduct which brings or is likely to bring the alliance into disrepute.

52 The Compliance Officer is empowered to determine whether any alleged conduct has brought or is likely to bring the alliance into disrepute, and to promulgate and publish the rules relating thereto, which will be binding.

53 The Compliance Officer is empowered to give advice on general matters relating to ethics and integrity within the alliance.

54 A conduct which consists solely of expressing disagreement with the policies of the alliance shall not constitute conduct which brings or is likely to bring the alliance into disrepute. The Compliance Officer will determine in its absolute discretion whether a complaint which has been referred is in substance based on policy disputes within the alliance.

54.1 The Compliance Officer will determine its own procedures subject to the duty to act fairly.

54.2 The rules governing the determination of a complaint will be decided by the Compliance Officer and will be available generally as well as given to the alliance member whose conduct is to be investigated in order to enable the alliance member to know in advance the rules governing the complaint against it.

54.3 It is the duty of all the alliance members to co-operate fully with the Compliance Officer in the discharge of its functions whether by the provision of documents, information, evidence or otherwise, as the Compliance Officer in its absolute discretion may from time to time

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- require. Breach of this duty is subject to sanction as a disciplinary matter determined by the PRECOM.
- 54.4 The Compliance Officer will have unlimited powers to impose whatever sanction it considers appropriate in the context of all the relevant circumstances after it has made a final determination of the nature and gravity of the conduct which has brought or is likely to bring the alliance into disrepute.
- 55 The PRECOM shall publish and implement the Compliance Officer's determination of a complaint as soon after its receipt as is reasonably practical, unless the determination is subject to review, in which case the Compliance Officer's final determination will be published but not implemented.
- 55.1 The Compliance Officer's final determination can be reviewed if leave is granted by PRECOM.
- 55.2 All the applications for leave shall be made within 14 days from the Compliance Officer's final determination.
- 55.3 No application for leave can be made when that time limit has expired, unless the applicant can establish that there was new material evidence which was not by the exercise of reasonable due diligence available to them at the time of the Compliance Officer's final determination.
- 55.4 The application for leave and the review (if any) will be conducted by a qualified individual appointed by the Chairperson ("the Reviewer").
- 55.5 The review will be on the following grounds:
- 55.5.1 procedural unfairness;
 - 55.5.2 the determination is one which no reasonable person could reach in the circumstance of the particular case; and
 - 55.5.3 the sanction imposed is disproportionate to the nature of the conduct which has brought or is likely to bring the alliance into disrepute.
- 56 The Reviewer shall either confirm the Compliance Officer's original determination or remit it to the Compliance Officer for reconsideration in accordance with his decision and statement of reasons.
- 57 A review, if leave is granted, shall be the exclusive remedy available to an alliance member aggrieved by the Compliance Officer's determination.
- 58 No member of the alliance shall be permitted to litigate against the alliance in any court of law.
- 59 Any action brought by the alliance member against the alliance in a court of law will result in the immediate termination of the alliance partner membership.

7 THE CONSTITUTIONAL AMENDMENT

60 The Constitution of the alliance may only be amended 6 months after the 2026 local government elections.

61 Any amendments to the Constitution must be approved by the PRECOM subject to the approval by the Chairperson.

8 COMMENCEMENT OF THE PROVISIONS

62 The provisions of this Constitution shall take effect on the 01st, August 2023.

SCHEDULE A1: FUNCTIONS OF THE PRESIDENT

- 63 The President is the chief official of the alliance.
- 64 The President shall promote the alliance, its principles and policies.
- 65 The President shall be a Member of Parliament subject to the outcome of the elections.
- 66 The President shall be responsible for the selection and appointment of his or her ministerial executive team to represent the alliance in Government.
- 67 The President shall be responsible for the performance monitoring and evaluation of all the officials representing the alliance in Government.
- 68 The individual shall ensure that the policies, decisions and manifesto of the alliance are implemented by alliance officials in Government.
- 69 The President shall be entitled to receive a salary in line with the resolution of the PRECOM.
- 70 The President shall attend the PRECOM meetings.
- 71 In the event of any of the following, the PRECOM shall implement the leadership selection process at the earliest convenient date thereafter:
- 71.1 the death or retirement of the President;
- 71.2 resignation of the President.
- 72 In the event of the implementation of the leadership selection process, the following shall apply:
- 72.1 The PRECOM shall appoint an Interim Leader of the alliance who shall exercise the powers and responsibilities of the President until a new President has been appointed.
- 72.2 A person appointed as the Interim President may not become a candidate in the leadership selection process.
- 72.3 The PRECOM shall appoint the leadership election committee.
- 72.4 The leadership election committee shall determine the rules and procedures for the leadership selection process, including a dispute resolution procedure which shall be final and binding.
- 72.5 The leadership election committee shall be chaired by the Chairperson of the alliance.
- 72.6 The alliance members shall appoint the leadership election committee.
- 72.7 The leadership election committee shall recommend a candidate/s to be voted in by the PRECOM.
- 73 The election of the President shall be by way of a direct vote by members in the PRECOM.
- 73.1 Each member will have one vote.
- 73.2 To win the leadership, a candidate must obtain a majority of votes.
- 73.3 Each leadership election is entitled to have election observers present at all stages of the vote count.
- 73.4 The results of the election shall be made public.