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## **1 NAME**

AFRICAN MOVEMENT CONGRESS ORIGINAL

1.1 The abbreviated name of the party is AMC 1.2 The AMC is a political and activist party that will participate in elections and political, and activist's activities in the national, provincial and local spheres of government in the republic of South Africa.

## **2 OUR VALUES**

2.1 We stand together with all South Africans beyond race, or any political and non-political party who share a common community value embodied by these words: FREEDOM, FAIRNESS, EQUITY and OPPORTUNITY in particular we believe in.

## **3 SOUTH AFRICA**

It is a special unique country because of its dynamic, multi-cultured, unique people and must take our rightful place among the great nations of the world.

## **4 PREAMBLE**

4.1 AFRICAN MOVEMENT CONGRESS was established on 10 October 2023 by members of the South African citizen after they realized that nothing can be achieved without the community's involvement and decisions "The nothing about us, without us policy".

4.2 The struggles and sacrifices of communities over the generations has come to be recognized as the central organizer and inspire of a vast popular upsurge against racism, tribalism, corruption, populism, nepotism, involving a great array of social, cultural, religious, trade union, professional political and non-political organizations.

4.3 Whereas in the position of responsibly leading the process of reconstruction and development on tangible basis aimed at eradicating the problems of poverty, inequality, unbalanced development created by past regime, corruption, nepotism, colonialism, and creating a just and fair society for all.

4.4 Ours is not only for fair society envisioned in the constitution in black and white only, but our mission is to establish or maintain a fair society which will enable the South African people to unleash their full potential, talents and

ingenuity so that they can realize their full potential. We believe in the policy of giving everyman a piece of land and see him prosper to maturity, that will also include business development and industrially so.

## **5 AIMS**

5.1 AFRICAN MOVEMENT CONGRESS is not in favour of the so called NEO-liberal or anti African state as well as the bourgeoisies and all other exploiting classes of our society. We are in favour of our people dictating the terms as opposed to bourgeoisies dictating the terms of our masses. The ultimate aim of our movement is realization of Socio-Economic policy through people's power and the establishment of a state that responds to the need of the people.

5.2 We seek radical changes on socio economic agenda and anti-imperialist movement. Ours is a complete community-based organization.

5.3 The AFRICAN MOVEMENT CONGRESS is anti-racist, anti-sexist, anti-tribalism, and in its world outlook and is driven by sound democratic Socio-Economic policies and values. Where the leadership is accountable to the membership which elected it.

5.4 AFRICAN MOVEMENT CONGRESS is a vigorous vanguard organization that leads and represent previous and present, the revolutionary of our masses in the fight against racism and the class enemy.

5.5 AFRICAN MOVEMENT CONGRESS takes socio-economic agenda as the theoretical basis guiding its thinking until the policies are put into practical, tangible, sound development of its political, activism line and its activities.

5.6 Members of the organization who dedicate their lives to the struggle for

Socioeconomic agenda must be resolute, fearless and rise above the occasion on every difficulty to be victorious.

5.7 Our organization is uniquely founded in the rule of faith in the South African society. Through our individual and collective efforts, diverse differences and opinions, and enabled by a capable state, the South African people hold the power to make our country a prosperous beacon for Africa and the world.

5.8 We stand with the hardworking freedom, loving people of our country, who want to live and raise their families in safe communities and environments, which support each other, work hard, and play by the rules, and reap the

rewards for their efforts by building a country where all of us, regardless of colour, language, believe and background, make progress together. Strong people and social structures such as families in all their different manifestations, flourish in strong communities that are developed or developing, empowered, capacitated, have a duty to do everything in their power to strengthen and support the building of durable social structures that promote co-operation in our communities. For history has shown that when South Africans are working together, we are unstoppable.

5.9 Families however uniquely structured help build successful individuals and provide them with a foundation which aims to make sense of the world and to realize their full potential as individuals.

5.10 A successful nation must have strong family structures, no matter how they are constituted, because no government can replace the role of a family.

5.11 When individuals are deprived of the opportunity to work, be entrepreneurs, self-reliable, their independence and dignity, as well as their ability to provide for their well-being and families and those they care for, is undermined. Therefore, our country needs an economy capable of creating wealth, businesses and work. That is why we believe in spreading opportunities as broadly as possible.

## 5.2 OBJECTIVES - Freedom and Opportunity

5.2.1 Freedom is not a favour, loan, private asset, or to be submissive to the other by the other, rich ill-treating the poor, or to be sub-humans or objects of any government it is a right. The freedom intended by the frames of our constitution was hard won, even paid in blood, for us is precious and must be guarded and nurtured at all costs.

5.2.2 Throughout history, responsible exercise of freedom has the only true engine of progress. The South African people must therefore have the maximum amount of individual freedom consistence with law and order. This includes the freedom to earn a living and accumulate wealth in the way of our choosing life where we want to live, who we want, say what we believe, develop our talents and pursue our dreams.

5.2.3 Access to opportunity gives life and meaning to our hard-won freedom. We believe that every South African must have the chance to succeed in life.

5.2.4 The government is accountable to the people. Its purpose is to enable the South African people to use their freedom. Exercise their full rights, access resources, share the wealth of our country equally. It has no power except that which has been assigned to it by the voters, people and the constitution. The government must reflect the will of the people and our elected representatives must be directly accountable to the people.

5.2.5 Those to whom we entrust our nation's highest offices have a sacred duty to live up to that trust.

5.2.6 The government must always act honestly, transparently and in the best interests of all South Africans.

5.2.7 All South Africans pay tax, and every cent of the government money belongs to the South African people.

5.2.8 Tax payer's money should be spent for the benefit of the people, not the connected few.

5.2.9 To represent the needs and wishes of all South African, government, and political parties, to be close to those who are affected by its action.

5.2.10 Officials and representatives, politically or otherwise in government must be put into these positions by the people whose lives and positions are affected, therefore it ensures that people must hold them accountable for their actions.

5.2.11 Government and political parties must always stand ready to help those who need it, but its primary functions are to empower the people to make use of their freedom, so that they may progress in their own life's.

5.2.12 Central to empowering South Africans, is to ensure that they are free from the deprivations that continue to rob them of their ability to use opportunities.

## **6 FAIRNESS**

6.1 A fair society is one in which our achievements are determined by our own choices and hard works, not by the circumstances of our birth.

6.2 Integral to a fair society are the requirements in which opportunity is plentiful and not connected in the hands of the few, that everyone has the means to make use of their opportunities, in which the strong do not exploit the weak. We are free from unfair discrimination, tribalism and that we remove the barriers erected by apartheid which are still left today

6.3 For South Africans to be fair, justice must be applied to all in a consistent and equal manner.

6.4 A society cannot be fair if there is existence of large scale of inequality. A fair society requires a growing economy and access to opportunities for all South Africans.

6.5 The Bill of rights is a victory over South African's past injustice and evil apartheid Laws which denied generations of South African citizens their birth rights and freedom and opportunities to improve their lives and fulfil their potential. South Africans who worked individually and collectively through many different organizations, freed themselves when they defeated the previous system.

6.6 We cannot undo the past, but as a nation we have a duty to address and redress any disadvantages caused by our past, so that all South Africans can make equal use of their opportunities.

6.7 A prosperous future for South Africa can be assured when every South African child receives a quality, non-colonialized education, and when all adults, school leavers have sufficient skills for dignified employment.

## **7 GOVERNMENT**

The government is accountable to the people, its purpose is to enable the South African people to use their freedom. It has no power except that which is assigned to it by the people and the constitution. The government must reflect the will of the people, and our elected representatives must be directly accountable to the people. Those to whom we entrust our nation's highest offices have a secret duty to live up to that trust.

## **8 MISSION STATEMENT**

8.1 AFRICAN MOVEMENT CONGRESS is a proud South African party loyal to the constitution. We commit ourselves to serve with integrity to the people of our country by building a party that is home to all South Africans, make a visible difference to the lives of our people and promotes an open opportunity society for all in which every person is free, secure, equal before the law and have the means to improve the quality of his or her life.



8.2 AFRICAN MOVEMENT CONGRESS is equally so, a home to protection of endangered species and related or other species, promotes agriculture as the basic foundation. Protects the water resources through engaging on vigorous safety programs with our communities. Hold workshops on climate changes, and its partner's industrializations e.g., mining dumps, Eskom and population of our resources bases and bad agricultural practices.

## **9 PRINCIPLES AFRICAN MOVEMENT CONGRESS**

is grounded on our differences culturally, ethnically, believes and or otherwise, but on promotion and extension of the following principles:

9.1 The fundamental rights and freedom of every person and other living species, including the right to freedom of conscience, speech, association and movement.

9.2 The rejection of unfair discrimination on any grounds and the redress of past discrimination.

9.3 The supremacy of the South African constitution and the rule of law.

9.4 The language, culture and religious rights of individuals and the communities they create through free association.

## **10 EQUALITY BEFORE THE LAW**

10.1 The separation of legislative, executive, and judicial power.

10.2 A system of social security to protect people from extreme poverty.

10.3 The delivery of high-quality basic services.

10.4 Excellent free non-colonialized education and healthcare.

10.5 A functional criminal justice system to keep people safe.

10.6 A growing economy to enable people to access jobs.

10.7 Measures to level the playing field of opportunities as quickly as possible, for people who today are still at disadvantages of the past injustice.

10.8 A judiciary justice system and security authority that is independent.

10.9 Elections that are regular, free, and fair.

10.10 Representative and accountable government elected on the basis of universal adult suffrage.

10.11 The devolution of power to locate government as close as possible to the people.

- 10.12 The clear division between the ruling party and the state.
- 10.13 To respect the right of a vibrant society and a free media to function independently.
- 10.14 To reject violent tactics or violence and intimidation as a political instrument.
- 10.15 The right of all people to private ownership and to participate freely in the market economy.
- 10.16 The progressive realization of access to housing, health services and social security for all people who are unable to help themselves.
- 10.17 The protection and conservation of the environment and animals.
- 10.18 The right of all people to protection by the state from crime and violence.
- 10.19 Access to education, training and safe environment.
- 10.20 We prefer equity sharing scheme of South Africa's farm lands, urban lands developing areas, and industrial areas for equal redistribution. The willing buyer willing seller or expropriation are our last option.
- 10.21 Beneficiation policy on mines, banks, and other strategic sectors of the economy.
- 10.22 Building state and government capacity, which will lead to promotion of small medium co-operatives other than individual tenders.
- 10.23 Free quality non-colonialized education, health care, houses and sanitation with proper infrastructure development.
- 10.24 Massive protected, industrial development to create millions of sustainable jobs.
- 10.25 Massive development of the African economy and advocating for a more investor development on the beneficiation policy.
- 10.26 Open an accountable government and society without fear of victimization by the state defence, police and other agencies.

## **11 PROGRAMME OF ACTION**

- 11.1 AFRICAN MOVEMENT CONGRESS will promote its growth in all communities, with the intention of realizing its vision and advancing its principles either as government opposition in all spheres.
- 11.2 The program of action must include provision aiming at, but not limited to the following:

## **12 LEGAL PERSONALITY AND POWERS**

12.1 The chairperson of the executive or someone authorized by him or her writing represents the party in all legal proceedings by or against the party.

12.2 All monies, assets movable or immovable received and collected in the name of the party vest in the party itself.

12.3 Income and assets of the party are not distributable compensation for services will be rendered.

## **13 RULES AND REGULATIONS**

13.1 The NEC may adopt rules and regulations for the better carrying out of the activities of the AFRICAN MOVEMENT CONGRESS.

13.2 The PEC's may adopt rules and regulations for the better functioning of the AFRICAN MOVEMENT CONGRESS in their respective provinces.

13.3 All such rules and regulations shall be in consistent with the constitutional norms of the AFRICAN MOVEMENT CONGRESS. Rules and regulations framed by the PEC shall only become operative when approved by the NEC, or on a provisional basis pending approval by the NEC and by NWC "National Working Committee".

13.4 The NEC may frame a code of conduct to cover all structures, officials, public representatives, office bearers and members.

## **14 GENERAL**

14.1 The AFRICAN MOVEMENT CONGRESS shall have perpetual succession and power, apart from its individual members, to acquire, hold, and alienate property, enter into agreements and do all things necessary to carry out its aims and objectives and defend its members, properties and reputation.

## **15 AMENDMENTS**

15.1 Any amendments to this constitution shall be by a two-thirds majority of delegates present and voting at the National or special conference. Notice of intent to propose any amendments to the constitution should be forwarded to the office of the secretary General at least three months before the National or

special conference. The NEC shall give at least one month notice for any constitutional amendments.

## **16 SPECIAL CONFERENCE**

16.1 A special conference of the AFRICAN MOVEMENT CONGRESS may be convened by the NEC at any time or at the request of a majority of the provinces for a stated purpose or purposes.

16.2 Not less than one month notice of such conference shall be given.

16.3 Participation at the conference shall be determined by the NEC provided that branches are represented at such a conference in proportion to their membership.

## **17 CONTRACTUAL LIABILITY**

17.1 Only the National officials shall have authority to bind the AFRICAN MOVEMENT CONGRESS or to create any legal relationship. Any other person purporting to bind the AFRICAN MOVEMENT CONGRESS must produce a written authorization from one of the NO's "National Officials" which must indicate the extent of that person's authority.

## **18 BORROWING POWER**

18.1 The NEC may from time to time borrow any amount of money on such terms and conditions as the NEC considers fit with the power from time to time to alter the terms of any such borrowing or any other obligations of the AFRICAN MOVEMENT CONGRESS by the mortgage or pledge either generally or the assets of the NEC.

## **19 TRANSITIONAL ARRANGEMENTS**

19.1 The NEC is authorized to make consequential changes to the content and style of these rules following these amendments and to make such transitional arrangement, as necessary.

## **20 DISSOLUTION**

20.1 The National conference or any special conference may dissolve the organization by a two-thirds majority of delegates present and voting and

transfer the assets and liabilities of the movement in such a manner as determined by the conference.

## **21 AFRICAN MOVEMENT CONGRESS COLOURS AND LOGO**

21.1 The AFRICAN MOVEMENT CONGRESS logo is a rounded shaped or circular shape one time green stripe, white background, gold star in the middle and green African map.

## **22 AFRICAN MOVEMENT CONGRESS FLAG**

22.1 The AFRICAN MOVEMENT CONGRESS FLAG is rectangular; it's one and a half times longer than it is wide. With the round AFRICAN MOVEMENT CONGRESS Logo and colours in the middle centre.

## **23 DISCIPLINARY PROCEDURES**

Objectives of Disciplinary Procedure The objective of a disciplinary procedure is to ensure that in all disciplinary proceedings:

- There is a formal procedure.
- There is a just and fair procedure.
- Member is presumed innocent until proven guilty.
- Member has a chance to defend herself or himself.
- Member has the right to appeal to court for appropriate relief and redress.
- The cost of any mediation will be for the account of the parties to the dispute and will not be the responsibility of the AFRICAN MOVEMENT CONGRESS.

## **24 THE COURT AS PROTECTOR**

Anything to the contrary herein contained or implied notwithstanding the right is further reserved to any member, or official, or any other person having a material interest therein, to apply to court for appropriate relief or redress in the event of any refusal or failure on the part of the NEC or AMC members to give proper effect to the principle of equality, stipulated in this constitution, or to implement the terms of this constitution, in accordance with its intent and purpose.

## **25 STARTING DISCIPLINARY PROCEDURE**

Disciplinary proceedings may be instituted:

25.1 Only for violations or offences of AMC constitution, the rules and regulations, the standing orders, code of conduct. All policies and decisions properly adopted or made in terms of the constitution.

25.2 By any organ or official of the AMC at Branch, Regional, Provincial or National level. However, the NWC may direct that the disciplinary proceedings should take place at a higher level than where offence was committed. By the National Disciplinary Committee which can hear and decide cases:

- Referred to it by the AMC National officials, NWC or NEC.
- Of very serious violation or offences on its own initiative at Branch, Regional, Provincial or National level than where violation of offence was allegedly committed.
- The National Disciplinary Committee institutes disciplinary proceedings itself for very serious violations or offences.

## **26 HOLDING DISCIPLINARY PROCEEDINGS**

26.1 A charge must be made within reasonable time of the violation or offence.

26.2 A charge must be prepared on behalf of the organ or officials of the AMC instituting the disciplinary proceedings. The charge must:

- Be in writing.
- Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail.

Identify the:

- Provision of the AMC constitution, the rules, the standing orders, code of conduct alleged to have been violated.
- The violations and offences set out in this constitution alleged to have been violated or committed.
- Advice the charged member of her or his right to be represented by a member of the AFRICAN MOVEMENT CONGRESS in good standing. To have an interpreter present, to call witnesses for defence of the charge, and to recall and question witnesses called for prosecution of the charge.

- Specify the time and place of the disciplinary proceedings.
- Be delivered to the charged member seven days before the disciplinary proceedings or sooner if this is necessary in certain serious circumstances.

26.3 The following persons must be present at a disciplinary proceeding:

- The chairperson and members of the disciplinary committee.
- The presenter of the charge.
- The charged member, who can be tried in her/his absence if he/she does not appear.
- The charged member's representative or interpreter who is a member of the AFRICAN MOVEMENT CONGRESS in good standing.
- The witness.
- A minute taker.

26.4 The chairperson of the disciplinary committee must ensure that:

- The disciplinary proceedings are held in a fair manner. He or she will rule on all matters that may arise and ensure order is maintained.
- The charged member is informed of the charge. Is informed of his/her rights and asked to plead guilty or not to the charge.
- The presenter of the charge details the charged member's alleged violation or offence and may call witness in support of the charge, and may produce relevant documentation in support of the charge.
- The charged member on her/his representative presents the defence to the charge and may call witness into support of the charge and may produce relevant documentation.

## **27 ADJUDICATION**

At the end of the disciplinary proceedings, the chairperson of the disciplinary committee must ensure that:

- 27.1 The members of the disciplinary committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling.
- 27.2 The chairperson and members of the disciplinary committee decide a penalty.

The penalties are:

- Reprimand

- Payment of compensation
- Performance of useful tasks
- Suspension
- Expulsion

27.3 The charged member is advised of the ruling and the penalty of the disciplinary committee with the reasons for these and is advised of her/his rights to appeal.

27.4 The ruling and penalty are publicly announced.

## **28 APPEAL**

28.1 The appeal may be lodged by:

The charged person against whom a finding has been made or a penalty imposed by the disciplinary committee.

The organ or officials who laid the charge against a finding or a penalty imposed by the disciplinary committee.

28.2 An appeal hearing must be held by the next higher level unless:

- The NEC or PEC directs that any appeal from Branch Disciplinary Committee appeal should be heard by the national or provincial disciplinary committee.
- The NWC directs that any appeal should be heard by a higher level than the next higher level.

28.3 The national disciplinary committee is the final structure for appeals to be heard.

- However, the NEC may as its discretion review a decision of the National disciplinary committee in accordance with standing orders adopted by the NEC.

28.3.1 APPEAL PROCEDURE The following procedure must be followed for appeals:

28.3.2 The appeal must be made at the next higher level which the NWC or PEC directs to hear the appeal.

The appeal must:

- Be made within 14 days of the charged member being informed of the ruling and penalty with the reasons for these.



- Be in writing.
- Set out the reason for the appeal in reasonable detail.

28.4 Except in exceptional circumstances determined by the chairperson of the disciplinary committee hearing the appeal. No new evidence may be presented or considered at the appeal, and no new charges may be brought at the appeal.

28.5 The chairperson and the members of the disciplinary committee must discuss the issues raised at the appeal hearing, and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling or penalty.

28.6 The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling or penalty.

28.7 Any further appeal will need the permission of the next higher level.

28.8 Any such further appeal must follow the above appeal procedure.

## **29 GENDER AND AFFIRMATION ACTION**

29.1 In the endeavour to reach the objective of full representation of women in all decision-making structures only eligible, dedicated, trustworthy knowledgeable men and women will be considered.

29.2 The AMC shall implement an agenda of affirmation action, including the provision of a quota on not less than one-third in all its structures to enable such effective participation.

29.3 The method of such implementation will be addressed in all AMC structures immediately and on a continuous basis.

## **30 DISCIPLINE**

30.1 All members, without exception, must abide by the constitution of the AMC and rules and regulations, the standing orders, code of conduct as adopted or amended from time to time, as well as all policies and decision properly adopted or made in terms of the constitution.

30.2 Every candidate representing the AMC during an election at any level of government, must undertake in writing prior to the elections to abide by the constitution of AMC and the relevant code of conduct for elected representatives of IEC. Must submit to and abide by any disciplinary proceedings instituted

against him/her in terms of the constitution or such code, directly or indirectly arising from his/her conduct as a public representative of the AMC.

30.3 All members and public representatives of the AMC, without exception, are subject to the discipline of the AMC and must submit to the provisions of the constitution, rules and regulations, standing orders and code of conduct with regard to the reputation of the conduct of members and public representatives and the applicable disciplinary procedures in particular, rule

### **31 MEMBERSHIP**

Any South African citizen beyond colour, or race, not limited to any worker, business people, peasants' revolutionary elements, employed and unemployed people who has the spirit of reconciliation and our nation building in whatever legal way. Who hold an RSA identity document legally so is welcomed.

### **32 NATIONAL WORKING COMMITTEE**

32.1 As soon as possible after the conclusion of the National Conference. The NEC shall meet and elect a National Working Committee.

32.2 The National Working Committee shall be constituted as follows:

- The President
- Deputy President
- National chairperson
- Secretary General
- Deputy Secretary
- General and the Treasure General

32.3 In addition, the NEC shall elect additional members to the NWC, from among the directly elected members of the NEC. This shall not exceed one-quarter of the composition of the directly elected members.

32.4 The members of the NWC may not necessarily be full-time functionaries of the AMC. However, the NEC shall determine the extent to which the elected members will be full-time functionaries who may be allocated specific responsibilities.

32.5 The AMC women's league and the AMC youth league shall appoint one representative each to serve on the NWC.

32.6 In accordance with Rule 29.1, not less than one-third of the members of NWC must be women.

32.7 The NWC may invite any member of the AMC to attend its meetings. Such member may participate in the meeting and be allocated tasks to perform on behalf of the NWC, but shall not vote on any issue.

32.8 The NWC will:

- Carry out decisions and instructions of the National Conference and the NEC
- Conduct the current work of the AMC and ensure that Provinces, Regions, local branches, and other AMC structures, such as parliamentary caucuses carry out the decisions of the AMC, its members and of community at large.
- Submit a report to each NEC meeting.

### **33 THE NATIONAL FINANCE COMMITTEE**

33.1 The NEC will appoint the National Finance Committee.

33.2 The NEC shall determine the composition and powers of the National Finance Committee.

33.3 The National Finance Committee will report to the NEC at least twice a year on the finances and budget of the AMC.

### **34 DUTIES AND FUNCTIONS OF OFFICIALS**

34.1 THE PRESIDENT The president is the head and chief directing officer of the AMC, and the leader of the house at a national conference. He or she will:

- Present to the national conference a comprehensive statement of the state of nation and the political, economic situation.
- Make pronouncement and on behalf of the NEC outlining and explaining the policy or attitude of the AMC on any question.
- Preside over meetings of the NEC in conformity with the constitution, bylaws, and rules and procedures adopted by the NEC.
- Under the overall supervision of the NEC, orient and direct the activities of the AMC.
- Be an ex-officio member of the NWC.

#### 34.2 DEPUTY PRESIDENT

- The deputy president will assist the president, deputies for him or her when necessary and carry out whatever functions are entrusted to him/her by the national conference. The president or the NEC, he/she shall be the ex-officio member of the NWC.
- In the event of death or permanent incapacity of the president and deputy president, the NEC shall as soon as possible appoint an acting president until such time as the national conference meets.

#### 34.3 NATIONAL CHAIRPERSON

- Presides over the National Conference.
- Remain the custodian of the decisions taken by the national conference and ensure that all organs of the AMC implement these decisions and operate within the parameters of policy set out by the conference.
- Carry out such additional tasks as the conference or NEC may instruct.
- Be an ex-officio member of the NWC. In the absence or incapacity of the National Chairperson the President will assume his/her functions.

#### 34.4 SECRETARY GENERAL

The secretary general is the chief administrative officer of the AMC. He or she will:

- Keep the minutes of the national conferences, the NEC, the NWC, PEC as well as other records of the AMC.
- Conduct the correspondence of the NEC, NWC, and PEC and send out notices of all conferences and meetings at the national level.
- Convey the decisions and instructions of the national conference, the NEC and NWC to the provincial executive committees, and see to it that all units of the AMC perform their duties properly.
- Prepare annual reports on the work of the NEC and NWC and such other documents which may, from time to time be required by the NEC and NWC. In the absence of the president or deputy president, the secretary general shall assume the functions of the president.

- All departments save those falling directly under the president, shall report on their activities to the secretary general.
- Be an ex-officio member of the NWC.

#### 34.5 DEPUTY SECRETARY GENERAL

The Deputy Secretary General will assist the Secretary General, deputies for him or her when necessary and carry out the functions entrusted to him/her by the national conference or the NEC, and shall be an ex-officio member of the NWC.

#### 34.6 TREASURER GENERAL

The treasurer general is the chief custodian of the funds and property of the AMC.

He or she will:

- Receive and bank all monies on behalf of the NEC, and shall together with any two members of the NEC operate a banking account.
- Keep such books of account as may be necessary to record clearly the financial position of the AMC.
- Submit to the national conference a report showing the income and expenditure account and balance sheet of the AMC, for the period since the previous national conference and shall submit periodic reports to the NEC and the NWC.
- Be responsible with the national finance committee for working out and executing plans for fund raising.
- Be an ex-officio member of the NWC.

#### 34.7 NATIONAL CHAPLAINCY

There will be a national chaplaincy appointed by the NEC on interfaith basis to provide spiritual guidance.

### 35 **SECONDARY OBJECTIVESS OF THE PARTY**

The party has the capacity to pursue secondary objectives complementing the main objectives:

- To purchase or acquire any way plant, machinery, land, buildings, agencies, and every other kind or description of movable or immovable property.

- To manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, improve, or in any way otherwise deal with its undertaking or all any part of its property and assets with the required inclusive decision-making process.
- To secure the payment of moneys borrowed and lend in any manner including the mortgaging and pledging of property and without detracting from the generality thereof in particular by the issue of any land of debenture or debenture stock, with or without security with required inclusive decision-making process.
- To invest or save money or open accounts in the name of the co-operative with a bank registered in terms of the Bank Act, 1990 (Act 94 of 1990) or a mutual bank registered in terms of the mutual Bank Act, 1993 (Act 124 of 1993) or with the post office savings Bank contemplated in Section 52 of the post office act 1958 (Act 44 of 1958) or any other institution as may be approved by the Board member or Director General.
- To remunerate any person or persons, entities, either in cash or otherwise for services rendered to, or in its formation, existence procurement or development of its party.
- To make donations, grants and give bursaries, and undertake and execute any deed, contract, agreement, trust or entity.
- To act as principal, employer, employee, agent, contractor, trustee, donor, beneficiary, member, observer, and guarantor.
- To execute any action as may serve to address poverty, unemployment, socioeconomic needs and historical detriment among its members. To employ staff, agents and other people either casually, temporarily or permanently, to carry out the objects of the party upon such terms and conditions as they may from time to time consider desirable.
- To open and operate either themselves or by a person or persons authorized by them, the accounts in banking institutions, building societies and other financial institutions, and to utilize such accounts for purposes of the party.

- From time to time, to disburse the assets of the co-operative, or any portion thereof, in accordance with the provisions of this constitution in order to achieve the objects of the party.
- To reimburse themselves from time to time from the assets of the party all reasonable expenses which may be incurred by them during the execution of the projects needed for sustainability.
- To enter into partnerships, joint ventures and similar contracts relationships to better achieve the objects of the party and to exercise all the rights and duties arising therefrom.
- To appoint auditors to the co-operative and fix their remunerations. To do all things reasonably ancillary to the off going powers in order to efficiently and effectively achieve objects of the party.
- Regulating the conduct of NEC members and employees, of procedures in terms of which alleged breaches of such rules shall be adjudicated by the NEC members.
- Setting reasonable penalties to be imposed and enforced by the Board for the breach of such rules.
- The NEC members and employees may not alienate the assets or any part of the assets without the consent of all NEC members at a general meeting.

### **36 PRINCIPLE OF EQUITY**

- The powers of the NEC shall be interpreted and implemented at all times in accordance with an overriding principle of fairness and equity. Which shall require that the NEC administer all assets of the co-operative, and deal with all rights and interests of the party only for the benefit of its party.
- There shall be equality of membership NEC and members in that there is no discrimination against any prospective or existing member, on one or more of the following grounds, namely race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, belief, culture, or language. Subject thereto that this constitution may contain rules with regard to the age at which any member may be by the party or NEC member's proxy, attend and vote at any meetings of the party. NEC OF

PARTY The following persons are hereby appointed as NEC of the party and owners of it and do hereby accept the appointment.

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- Powers so delegated, conform to any rules that may be imposed on it by the NEC members, NEC members shall appoint members of the sub-committees and shall be people who are eligible to be elected as NEC members should vacancy arises ant any given time. The NEC members shall have the right to terminate the appointment of any sub-committee or sub-committee member. The office of the NEC of party shall be vacated if the NEC member:
  - Dies or tenders his/her resignation.
  - Is found lunatic or of unsound mind.
  - Becomes unfit or incapable of acting in his capacity, incompetence or underperforming.
  - Is declared insolvent or assigns his/her estate for the benefit of or compounds with creditors.
  - Is found guilty of improper conduct.
  - For more than three consecutive times is absent without permission of the NEC and from member meeting.
  - If he/she is directly or indirectly interested in any contract with the co-operative and fails to declare his interests and the nature thereof in the manner required by this constitution.
  - Notwithstanding anything to the contrary here in before contained.
  - A two-third majority of NEC members in office at any time, shall be entitled to remove any one or more of the NEC members considered to be necessary and in the interests of the party.
  - A majority vote at a general meeting of the NEC may remove, substitute, or appoint a NEC member or hire members as it may deem



appropriate. No any member or member of the NEC shall be removed due to external or outside forces. Provided that the party image or progress is badly or will be badly hampered.

- No removal of a member or NEC member shall be of force and effect, unless adopted at a special general meeting called on not less than twenty-one days, prior written notice, which shall state the intention to propose a resolution for the removal of a member or NEC member.
- Provided that the rules of natural justice shall be adhered to when a NEC member or employee is removed.
- The NEC or member shall be informed of the charges against him/her timeously to prepare his/her defence.
- The person shall have the opportunity to address the NEC members at a general meeting with reference to the matters in issue.
- The person shall have the right to be assisted or represented by another NEC member or member witness.
- The person shall be informed of the outcome of the decision and given reasons for the decision. Procedures at NEC meetings The NEC may regulate their meetings as they think fit, but with the following reservation:
- The chairperson and deputy chairperson are elected at a general meeting where the NEC are elected, and hold office for the term to be decided by all board members.
- Questions arising at any meeting shall be decided by a majority of votes. In the event of an equality of votes, the chairperson shall have a second or casting vote. The chairperson or deputy chair has the discretion to convene a meeting from time to time, but is obliged to convene a meeting on request of at least one or two board members. The notice of such a meeting must be in writing and must include an agenda, at least seven days before the meeting, unless in special circumstances an urgent meeting is required, in which case notice shall be given in a manner prescribed by a chairperson or deputy chair.
- Subject to the provisions of this constitution, a board member shall not vote in respect of any contract or proposed contract with the NEC, in

which he/she is interested, or any matter arising therefrom and if she/he does so vote his/her vote shall not be counted.

- The quorum necessity for the transaction of the business of the Board shall be three or 75% of the Board serving at any given time.
- The chairperson shall ensure that minutes are kept of all appointment of offices, staff, and employees, and related contracts or ventures of names of NEC members and their date of appointment. And all proceedings at all meetings of the Board and members, and names of the NEC and members present at every meeting of the Board.
- Minutes shall be signed by the chairperson of the party/NEC.

### **37 LIMITATIONS OF POWERS OF NEC**

- The powers of the Board may be limited by the terms of a special resolution passed at a general meeting of the Board, duly convened, and constituted in the manner hereinafter provided.
- The powers of the Board shall be limited to the extent that any matter constituting special business, as envisaged by this constitution, may not be undertaken by Board unless such matter has been duly authorized by a special resolution taken at a special general meeting, duly convened and constituted in the manner herein after provided.

### **38 SPECIAL BUSINESS**

- No decision of the NEC or of a general meeting, involving a matter which represents special business shall be of force or effect unless it is approved, either generally or specifically as follows:
- In terms of a special resolution passed at a general meeting adopted by a majority of all the members of the Board duly convened in the manner hereinafter stipulated, on condition that the notice convening such meeting shall state the nature of the special business concerned. The following matters shall be considered special business.
- The allocation of duty or work to specific employees.
- The allocation of equipment, clothes and related work material to the Board members and employees.
- The granting of membership to all employees and board members.

- Amendment of the rules regarding the use of assets, movable and immovable.
- The discussion of entering ventures, loans, business partnering and related matters.
- For the purpose of any loan, the Board must obtain the consent of 75% of its members at a special general meeting. The board will draw up conditions for repayment of the loan, which conditions have to be agreed to by majority of the Board members.

### **39 GENERAL MEETINGS**

- General meetings shall be held at any time with due and proper notice in writing to members or employees, at such time and place, as the board shall appoint.
- General meetings shall deal with the affairs of the co-operatives, including but not restricted to the appointment, removal and replacement of the board or employees, guiding and commanding of the board, the handling of such other matters that require the consent of board members as prescribed by this constitution.
- General meetings shall be called by not less than 7 clear days' notice in writing to the members or employees whose names appear on the membership register at any given time.

### **40 ANNUAL GENERAL MEETINGS**

At the Provincial, National and Local level:

- The NEC shall hold its first annual general meeting within 18 months after date of its registration, and shall thereafter in each year hold an annual meeting. Provided that not more than 15 months shall elapse between date of one annual general meeting and that of the next. The annual general meeting shall be held within 6 months after the expiration of the financial year of the party.
- Annual general meetings of the NEC may be held at any place as the NEC shall appoint.

- An annual general meeting shall be held by not less than 30 clear days' notice in writing to all members of NEC, whose names appear on the membership list at any given time.

Agenda for the annual general meeting shall include the following:

- The submission and approval of the written annual report by the board.
- The audited financial reports.
- Approval of new projects, ventures, loans, purchasing of machinery, buildings or structures, or the expansion of the business.
- The election of new board members if any one resigned, died or has been terminated.
- Such other matters deemed appropriate by the board members present at the meeting.

#### **41 PROCEDURES AT GENERAL MEETING**

At the Provincial, National and Local level: General meetings may at any time be conducted on request of the following:

- The chairperson or deputy chair of the NEC.
- Any two board members.
- Any three of the investors in the party.
- No business shall be transacted at any general meeting or annual general meeting unless a quorum of 65% of the members are present at that time when the meeting proceeds to business.
- If within 30minutes after the time appointed for the meeting a quorum of 65% in not present, the meeting if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to a day not earlier than 7 days and not later than 21 days after the date of the meeting. If at such adjourned meeting a quorum in not present within half an hour after the time appointed for the meeting, the members present shall be a quorum.
- Where a meeting has been adjourned as aforesaid, the board shall upon a date not later than 3 days after the adjournment send a written notice to each board

member stating: The date, time and place to which the meeting has been adjourned, and the grounds for adjournment.

- The chairman in his absence, the deputy chairman of the NEC act as chairperson at a general meeting or annual general meeting.
- At any annual or general meeting, a resolution put to the vote, shall be decided on show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by the chairperson.
- The majority of the NEC members present at the annual or general meeting must vote in favour of the matter, whether on a show of hands or on a poll, before the matter that was voted for will be accepted.
- In case of an equality of votes, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands or at which a poll is demanded, shall be entitled to a second or casting vote.
- The instrument appointing a proxy shall be in writing under the hand of the appointer. Stating confidential information, residence, and time frame of a proxy. A proxy need not be a board member of the party, whether she/himself a member or not, given by a member shall be entitled to attend meetings and vote. If duly authorized under that power to attend and take part in meetings and respect party procedures and constitution.
- Minutes of all meetings shall be kept by a secretary or vice-secretary of the NEC and shall be signed by the chairperson. Notice of Annual or General Meetings Notice of annual or general meetings is addressed to all NEC members of the cooperative whose names are reflected in the membership register at any given time.
- Notice of annual or general meetings will be served at the last known address of the member by hand or by post and shall be published or displayed in a manner as the NEC may deem appropriate from time to time.

#### **42 FINANCIAL MATTERS**

- The NEC shall ensure that they keep proper financial records at all times. Financial records are drafted at least once a year according to acceptable accounting principles and practices, and must clearly reflect the financial position of the party.

- Such records shall be audited and certified by an independent, practicing accountant.
- All contracts, check, promising notes and other documents requiring a signature shall be signed in a manner decided by the board from time to time.
- If the NEC is to appoint contractors/ consultants to develop or carry out given tasks, the issue must be discussed in a general meeting or a meeting for that purpose where it will be decided how much money will be required to pay contractors or consultants.
- All the cash of the co-operative shall be deposited in an account opened in the name of the party.
- Any property obtained with funds of the co-operative, loan or credit obtained by the party will be registered in the name of the co-operative.
- The NEC will keep in their possession an updated list clearly identifying all property of the party, and where such property is situated and what the estimated value is of such property, clearly identifying any person or entities with contactable addresses or telephone numbers who has portions of the property in his/her possession, control or future possession and control.
- If any NEC member is called upon to perform an extra service or to attend any special meeting, workshop, or in going or residing abroad or otherwise, for any purpose of the party, the party shall remunerate that board member either by a fixed sum or by percentage of fees or otherwise as may be determined by the board.
- A person has to be legible to qualify as a NEC member and has to be of sound mind and to have at least one year experience (in-service training) in the cooperative.
- The NEC shall accept and acquire for the purpose of the co-operative aims and objectives, any money, gifts, payments from any person, firm or company or association as an addition or with the intention to add to the funds hereby donated to them. Any donations accepted and acquired shall be deemed to form part of the party assets and to be dealt with subject to this constitution and are not refundable or reclaimable. The board shall not accept any donations that is unilaterally revocable at the insistence of

the donor, therefore seeks to impose a condition on the NEC members that is inconsistent with the terms and conditions of this constitution.

#### **43 CAPITAL SHORTAGE**

Should there be any capital shortages during the perpetual existence of the party, the NEC may obtain further capital through loans from banks, financial institutions, grants, unless the board members cannot agree on the capital amount needed and if agreed such amount can be donated to the board or co-operative account.

#### **44 INDEMNITY**

- Subject to the provisions of any relevant statute, each NEC member and all other office bearers, shall be indemnified by the NEC in respect of authorized acts done in good faith on its behalf. It shall be the duty of the NEC to pay all legitimate and reasonable costs and expenses which any such person may have incurred or become liable for. In complementing the instruction of the NEC by reason of any contract entered into, or act deed done in such capacity as office bearer, in Bonafede discharge of his duties on behalf of the NEC and with its authority.
- Subject to the provisions of any relevant statute, no NEC member or office bearer of the NEC shall be liable for the acts, receipts, neglects or defaults of any other NEC or office bearer, for having joined in any receipt or other act for conformity, or for any loss or expense suffered by the NEC through insufficiency of deficiency.
- Any security in or upon which the assets of the NEC or co-operative shall be invested, or for any loss or damage arising from the bankruptcy or tortuous act of any person with whom any assets or securities shall have been deposited, for any other loss or damage otherwise occasioned which shall occur in the execution of his/her duties or in relation thereto, unless it arises in consequence of his/her dishonesty or failure to exercise the degree of care, diligence and skill which is required of members by law.

**45 AMMENDMENT OF THE CONSTITUTION**

- This constitution may be varied on vote of at least 75% of all board members, who are allowed to vote as members on a general meeting called for the purpose of variation unless this constitution requires a different percentage in which instance such percentage will be applicable.
- Should the constitution or agreement be varied, such variation will not have retrospective unless the parties agree thereto.

**46 ADMINISTRATION, LIQUIDATION AND DEREGISTRATION**

- A decision to dissolve the co-operative must be passed at a general meeting called for that purpose, provided that such a decision is passed by 75% of all NEC members whose names are reflected on the membership register at any given time.
- The meeting shall have the power to pass a resolution by a majority vote for the appointment of a liquidator. The assets of the party will be distributed in the following manner:
- All assets that have been isolated for the exclusive use by a NEC member will become the property of that member in full unrestricted ownership.
- All other remaining or business assets shall be sold, and after payment of all debts and obligations of the party, all the funds will be distributed evenly among the NEC and PEC members.

**47 ACCEPTANCE OF THE NEC**

The NEC hereby undertake to conduct the terms and conditions and stipulations contained in this constitution.

Signed at \_\_\_\_\_ on this \_\_\_\_\_

Day Of \_\_\_\_\_ 2023 \_\_\_\_\_

_____	Witness	NEC	_____
_____	Witness	NEC	_____
_____	Witness	NEC	_____
_____	Witness	NEC	_____
_____	Witness	NEC	_____



**DEFINITIONS OF TERMS USED IN THE CONSTITUTION:** Means the constitution contained in this document and any variation hereof; It contains the rules and principles that prescribe the rights and duties of its official structures and members.

It is the basic law of the movement which must be observed by all members.

**CONTRACTUAL LIABILITY:** The effect of this is to protect the AMC against being held responsible by outsiders (e.g., money lender) for the actions of an individual member who may have been acting on his/her own account.

**CO-OPT:** This is an option whereby an elected body appoints further (non-elected) members to itself.

**DEEMEB (NECESSARY):** Considered, regarded as subjective opinion, indicates a situation which does not necessarily on in fact exists, but is taken or regarded to exist.

**DIRECT:** To conduct the affairs of, manage, regulate.

**DIRECTIVE:** An order or instruction, especially one issued by a central authority.

**DISREPUTE:** The absence or loss of reputation, discredit, disgrace.

**ELECTIVE OFFICE:** Refers to an office held as councillor, member of the provincial legislator or Member of Parliament.

**CONSISTENT WITH:** Agreeing, compatible not contradictory.

**DECISION:** Means majority or 51% or more unless mentioned otherwise or context indicates the contrary.

**CANDIDATE DULY ENDORSED:** A candidate nominated and elected democratically by the constitutional structures of the AMC at the appropriate levels and endorsed by the NEC, the PEC, or the branch.

**BRIBE:** A bribe includes any promise or offer to give something, usually money to procure services or gain influences in an improper manner.

**ASSIGN:** To give out as a task.

**ANNUAL SUBSCRIPTION FEE:** The NEC decides the annual subscription fee.

**ADDITIONAL MEMBERS:** NEC, PEC, NWC, members who are elected.

**ACCOUNTABLE:** To answer for, or explain one's conduct, decisions or acts.

**CHAPLAINCY:** Does not have the usual meaning which necessarily refers to one faith only, and it is therefore qualified by the word "interfaith" in the next time.

**ELECTION AGENT:** Representative of a candidate contesting an election and who represents interests of the candidate.

**EX-OFFICIO:** Means by virtue of his or her position or office.

**ELIGIBLE/INELIGIBLE (FOR MEMBERSHIP):** These are rules that determine which persons are eligible for (qualified for or worthy to be) members of the organization. A person qualified for membership is not necessarily entitled to membership.

**ENDORSED:** Approved by or supported.

**ETHNIC CHAUVINISM:** A prejudiced belief in the superiority of a certain ethnic group (a cultural or social group with certain characteristics like religion, language, ancestry, or physical traits).

**GOOD CAUSE SHOWN:** Sufficient reasons. Any fact or circumstance that would make it just and fair between the parties. Good cause should not merely be alleged but must be able to be shown.

**HONORARY MEMBERSHIP:** Membership given as a mark of honour without the usual requirements or privileges of membership.

**IMPENDING (ACTIVITIES):** Lack of strength or ability, disability, helplessness.

**INVALIDLY OBTAINED (MEMBERSHIP):** Membership obtained falsely, not in accordance with the constitution and therefore legally ineffective.

**LEGAL RELATIONSHIP:** A relationship, such as a contract, from which legal rights, obligations (like debts.) and duties flow. **LOGO AND COLORS:** The ASEP is the sole copyright holder of its logo and colours.

**MEMBER:** A person who has applied for and being accepted as a paid-up member of the AMC. South African citizens over 18 years of age may apply for membership.

**MEMBERS NOT IN GOOD STANDING:** A member who fails to pay his/her subscriptions for 3 months and whose membership has lapsed.

**MISAPPROPRIATION:** To use money or funds wrongly or dishonestly, especially for one's own use.

**NATIONAL DEMOCRATIC REVOLUTION:** Refers to the process of transforming the country from an apartheid state to a non-racial, non-sexist, united democratic society in which all people enjoy equal rights.

**NOMINATE:** To propose by name as candidate.

**OFFICIAL:** A person who holds an office or position of authority in the organization.

**PROVISIONAL MEMBERSHIP:** Refers to a member whose membership has not yet been confirmed, but who may participate in the activities of the organization except election onto any committee, structure commission or delegation of the AMC.

**PROVINCIAL LIST AND CANDIDATES COMMITTEE:** Refers to the committee in each province responsible for the compilation of elections lists and ward candidates.

**QUORUM:** The minimum number of officials or members of a structure, committee, or assembly. Usually, a majority who must be present for the valid transaction of the business of the meeting.

**RATIFY:** Approve, give formal sanction to.

**REASONABLE PERIOD:** The NEC may declare a period as to when an appeal may be logged, or meeting held.

**REGION:** This means the geographic area of the province.

**REGISTERED POLITICAL PARTY:** This refers to registration in terms of the Election Act, 1993.

**REVIEW (OF MEMBERSHIP APPLICATION):** The reconsideration of an acceptance or refusal of membership.

**RULES AND REGULATIONS:** In addition to the rules contained in this constitution, the NEC may also adopt subordinate rules for the better carrying out of the activities of the AMC.

**SECOND:** An utterance or show of endorsement of a proposal or nomination.

**SHALL/MAY/CONVENE ETC:** "Shall" normally means "must" (obligatory, no discretion) "may" is permissive, and usually confers a discretionary power or function.

**SUPERVISE:** To direct and inspect the performance of work, to oversee. TIED

**VOTE:** A state of equality of votes, a draw.

**SUSPEND/SUSPENSION:** To bar for a period from a privilege, office or position, to render temporarily ineffective or inoperative under certain conditions.

**TRIBALISTIC EXCLUSIVISM:** To prevent persons from certain tribes to play a role in the organization, or to admit only persons from certain tribal backgrounds to memberships or participation.

**UNDERMINES:** To weaken, injure or ruin insidiously or secretly.

**UNIVERSAL SUFFRAGE:** The right of all persons to vote.

**ZONES:** A (geographical) area distinguished from adjacent parts by some distinctive feature or character.

**BUREAUCRACY:** A civil service of the state.

**CAPITALISM:** A system that makes profit by exploiting people who work for a wage.

**COLONIALISM:** When countries establish their rule in other parts of the world outside their national borders.

**COLONIALISM OF SPECIAL TYPE:** A variant of colonialism where both the colonizer and the colonized share same boundaries within the same territory of one state.

**CONSENSUS:** Agreement of everyone involved.

**EMANCIPATION:** Liberation from bondage and the obtaining of the right to determine a community or nations destiny.

**EXOGENOUS FACTORS:** Factors that influence the balance of forces from outside.

**REVOLUTION:** Fundamental change in society.

**SOVEREIGNTY:** State independence and official status for its decisions, borders, and existence.

**STRATEGY:** The long-term objective and how to arrive there.

**TACTICS:** The immediate things that are done depending on objective situation to arrive at the strategic goal.

**HUMAN CIVILIZATION:** The existence of a human race on earth and its advancement in all areas of social activity, not restricted to corruption, nepotism and offences.

**NEC MEMBERS:** Means those persons/owners of the organization as party representatives of the party/organization, and such other (including juristic persons) as may be elected or co-opted to serve as NEC or PEC members in terms of this constitution.

**MAIN PROPERTY:** Means any property leased or purchased from private owners. **CHAIRPERSON:** Means the elected official or person in control of the organization and members.

**NEW MEMBER OR NEC MEMBER:** Means any natural person who qualifies to be a member, or obtains membership in terms hereof or whose membership is otherwise legally obtained according to this constitution.

**FINANCIAL YEAR:** Means a period of 12 months ending on 31st of March of each year. **ORGANISATION/PARTY:** Means the AFRICAN MOVEMENT CONGRESS.

**THE NEC, PEC, and NWC:** Means any member as may from time to time be admitted to party membership or membership in terms of this constitution, and in accordance with clauses contained in this constitution.

**IMPROPER CONDUCT:** Means that without derogating from the generality thereof, any action or omission by a member, or NEC member, or any other person acting for or on behalf of NEC member in terms of which he obtains an advantage to him from the party to the prejudice of other member or NEC members and conduct or attempted conduct aimed at obstructing the achievement of the aims and objectives of the organization.