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RULES OF PROCEDURE

As approved by the inaugural Congress of the Maldivian Democratic Party held at [] in [] 2004.

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CONSTITUTION OF THE MALDIVIAN DEMOCRATIC PARTY

PREAMBLE

WHEREAS on the [], various eminent Maldivian people met at a meeting in Male, to discuss various issues of concern regarding the Maldives.

AND WHEREAS the convention unanimously noted the failure and inability of the present Maldivian Government to govern the Maldives justly, transparently, honestly, fairly and equitably.

AND WHEREAS the said meeting identified and raised serious concerns and unhappiness at the manner the Maldives has been governed.

In particular the convention noted:

- the inability of the economy to address the basic needs of most Maldivians;
- the disempowerment of the people and breach of the rule of law through state sponsored violence and abuse of human rights;
- [the severe decline in incomes, employment, health, food, security and well being of people];
- [the decline and in some cases collapse of public services];
- [the weak growth in industry and marginalisation of the vast majority of the nation's entrepreneurs];
- the persistence of regionalism, racism and other divisions undermining national integration;
- widespread corruption and lack of public accountability in political and economic institutions.

AND WHEREAS the meeting noted the need and desire for forming a political movement that will seek to address the broad concerns of the convention.

AND WHEREAS it was subsequent to the meeting established through wide consultations throughout the Maldives that there is an overwhelming desire for the formation of a broad based political party.

AND WHEREAS various meetings were held with the Home Ministry requesting formalisation, registration and official recognition of an opposition political party (per Article 27 of the constitution of the Maldives), at which such requests were ignored.

AND WHEREAS it was decided to lunch in exile a political party known as the Maldivian Democratic Party dedicated to the promotion and advancement of human rights and to setting up a government based on the principles of freedom and good governance.

AND WHEREAS the inaugural Congress of the Maldivian Democratic Party was held at [] on the [] and it was resolved to adopt a constitution.

NOW THEREFORE the Maldivian Democratic Party (“MDP”) adopts the following constitution (hereinafter referred to as the “Constitution”).

ARTICLE 1

NAME, SYMBOL AND HEADQUARTERS OF THE PARTY

- 1.1 The name of the political party shall be the Maldivian Democratic Party (hereinafter referred to as “MDP” or where appropriate “Party”).
- 1.2 The Party shall have an official symbol as approved by Congress.
- 1.3 The party shall have offices at such places as may be determined from time to time by the National Council.

ARTICLE 2

LEGAL STATUS

- 2.1 The MDP shall be a body corporate with perpetual succession, capable of suing and being sued and acquiring and disposing of property in its own name.
- 2.2 The MDP shall have the power to do everything necessary or conducive to the furtherance of its aims, values and objectives.

ARTICLE 3

AIMS, VALUES AND OBJECTS

- 3.1 The MDP shall be a [social] democratic party. It believes that the key to prosperity and development is the empowerment of the people through participation in democratic structures which operate on the basis of transparency and accountability.
- 3.2 The MDP shall be an all inclusive dynamic political party with a truly national base and which shall seek to win political power and form a government of the people through free, fair and direct elections.
- 3.3 The MDP shall seek the mandate of the people to govern the Maldives and work for:
- (a) A dynamic economy built on the principles of a mixed market economy with a strong social conscience.
 - (b) An open democracy, in which national government is accountable to the people through the devolution of power and decision-making to the provinces and local institutions and structures.
 - (c) A just society in which the weak and poor are assured of a decent standard of living and equitable social services such as in the field of health and education and in which equal opportunities are available to all people.
 - (d) Respect for the individual through provision and protection of fundamental human rights.
 - (e) A sustainable environmental and natural resources policy in which the environment is protected and held in trust for future generations.
 - (f) The eradication of all forms of corruption.
 - (g) The eradication of all forms of discrimination including gender, place of origin, and beliefs.
 - (h) Respect for and recognition of, cultural diversity within a united society built on the principle of national integration and eradication of negative cultural practices.
 - (i) The equitable and fair distribution of the Maldives's national resources among regions.
- 3.4 The MDP believes in the principle of active civic participation in public affairs and shall in pursuit of this principle work with trade unions, business and employers' organisations, human rights organisations and other civic groups in the formulation of national policies.

- 3.5 The MDP shall recognise the sovereign equality of all countries and shall promote progressive forms of international economic, social and political cooperation that advance national development goals.

ARTICLE 4

MEMBERSHIP

- 4.1 “Individual membership” of the Party shall be open to all citizens and permanent residents of the Maldives who share the aims, values and objects of the Party.
- 4.2 “Associate membership” of the Party shall be open to any civic organisation which shares the aims, values and objects of the Party and whose members are citizens or permanent residents of the Maldives.
- 4.3 (a) An application to become an individual member shall be submitted to any organ of the Party, on a membership application form by the individual or the Party organ recruiting the member.
- (b) An application by a civic organisation to become an associate member shall be submitted on a membership application form to either any branch secretary for transmission to the Secretary-General or directly to the Secretary-General.
- (c) An applicant shall be admitted to membership on acceptance of the membership application.
- (d) Decisions on an application for membership shall be made:
- (i) in the case of individual membership, by the relevant branch to which the application was submitted;
- (ii) in the case of membership by a civic organisation, by the Secretary-General.
- (e) Any applicant whose request for membership has been rejected shall appeal to the National Council, whose decision shall be final.
- 4.4 Every member shall have the duty:
- (a) to accept and conform to the Constitution, policies, principles, rules and regulations of the Party;
- (b) to conduct herself/himself in a manner which is not prejudicial to the interests of the Party and in particular, to adhere to the code of conduct of the Party;

- (c) to pay regular subscriptions as determined from time to time by the National Council and approved by Congress or the annual National Conference;
 - (d) to promote and defend the aims, values, policies and principles of the Party; and
 - (e) to register as a voter, vote for and support the Party in any election.
- 4.5 Failure to uphold the duties in section 4.4 of this Constitution may result in disciplinary action being taken against the member through the Disciplinary Committee.
- 4.6 Every individual member of the Party shall have the right subject to the provisions of this Constitution:
- (a) to vote in any Party election;
 - (b) to stand for and, if elected, hold any office in the Party; and
 - (c) to participate in all meetings and programmes of the Party;
- provided that the member holds a valid membership card and the member's name appears on the membership list.
- 4.7 Subject to this Constitution an associate member of the Party shall have the right to participate in all meetings and programmes of the Party but shall not have a right to vote.
- 4.8 An associate member shall not be represented in any meeting by a person who belongs to another political party.
- 4.9 There shall be a membership list which shall be confidential to the National Council who shall take all reasonable steps to ensure that information contained on the membership list is used solely for Party purposes and is not disclosed to any person other than persons authorised by this Constitution or by the National Council.
- 4.10 Membership of the Party shall be terminated if:
- (a) a member of the Party joins and/or supports a political party other than MDP (termination of membership in these circumstances shall be automatic); or
 - (b) a member sends written notice of resignation to such address as may from time to time be specified for communications relating to the membership list; or
 - (c) a member's subscription is three months out of time or in arrears and the Disciplinary Committee makes an order of termination (provided

that membership shall be restored if the arrears are paid for the period to which the subscription related); or

- (d) a member is expelled from membership of the Party in accordance with the provisions of this Constitution.

4.11 A member may be expelled if:

- (a) the National Council (by a two-thirds majority of all its members) is of the opinion that his or her continued membership would be seriously detrimental to the interests of the Party; provided that the member shall be notified in writing of the grounds on which the National Council is considering the termination of his or her membership and is given a fair opportunity to comment in writing or to make representations in person to the Council whereafter the National Council shall consider the member's written or oral comments and respond to them before making their decision; or
- (b) the Disciplinary Committee makes a ruling of expulsion in accordance with the provisions of this Constitution.

4.12 Any member who is expelled in terms of section 4.11(a) of this Constitution shall have a right of appeal to the Appeals Tribunal. Whilst waiting for the appeal to be heard the member shall be suspended.

4.13 All expulsions from the Party shall be endorsed by Congress.

ARTICLE 5

ORGANS OF THE PARTY

5.1 The Party shall have the following organs:

- (a) The Congress
- (b) The National Conference
- (c) The National Council
- (d) The Province
- (e) The Branch

5.2 The Congress

5.2.1 The Congress shall be the supreme organ of the Party and shall be composed as follows:

- (a) all members of the National Council;
- (b) all members of the Provincial Executive Committees;
- (c) the Chairperson of each Branch Executive Committee.

5.2.2 The Congress shall meet once every five years, provided that an extraordinary Congress may be convened, at any time, in accordance with the provisions of this Constitution.

5.2.3 The functions of the Congress shall be:

- (a) to formulate the policies and principles of the Party;
- (b) to supervise the implementation of policies, principles and programmes of the Party;
- (c) subject to clause 5.4, to elect members of the National Council, save for those members referred to in section 5.4.2 (t);
- (d) to repeal or amend the Constitution; *and*
- (e) to dissolve the party in terms of this Constitution.

5.2.4 A notice convening the Congress shall be sent to all members entitled to attend and to each branch by the National Council at least two months before the date of the meeting.

5.2.5 An extra-ordinary Congress may be called:

- (a) by the National Council;
- (b) upon the written request received from at least one-third of the members entitled to attend the Congress submitted to the Secretary-General; or
- (c) upon the written request received from at least two-thirds of the Provincial Executive Committees submitted to the Secretary-General.

5.2.6 A notice convening the extra-ordinary Congress shall be sent to all members entitled to attend and to each branch by the National Council at least one month before the date of the meeting

5.2.7 The quorum of the Congress shall be two-thirds of the members entitled to attend, provided that if one hour after the stipulated time for commencement a quorum is not reached, the meeting will continue subject to decisions being approved by an extra-ordinary Congress called by the National Council within six months of the date of the inquorate Congress.

5.2.8 The interim Provincial Executive Committees shall have the power to call the Party's inaugural Congress.

5.3 **National Conference**

- 5.3.1 There shall be a National Conference to which the National Council shall report annually between Congresses.
- 5.3.2 The National Conference shall be composed of:
- (a) the National Council;
 - (b) all members of the Provincial Executive Committees.
- 5.3.3 The functions of the National Conference shall be:
- (a) to review progress of Party programmes between Congresses;
 - (b) to fill any vacancy in National Council caused through resignation, death or other causes;
 - (c) to approve the audited financial statements of the Party and appoint or reappoint auditors; and
 - (d) do all things necessary for the furtherance of Party interests which do not conflict with the powers of Congress.

5.4 **National Council**

- 5.4.1 There shall be a National Council which shall be the administrative and implementing authority of the Party.
- 5.4.2 The National Council shall be composed of the:
- (a) President and Deputy President;
 - (b) National Chairperson;
 - (c) Secretary-General and Deputy Secretary-General;
 - (d) Treasurer-General;
 - (e) Director of National Elections;
 - (f) Secretary for Economic Affairs;
 - (g) Secretary for Education;
 - (h) Secretary for Health;
 - (I) Secretary for Information and Publicity;
 - (j) Secretary for International Relations;
 - (k) Secretary for Labour and Social Services;
 - (l) Secretary for Land, Agriculture and Natural Resources;
 - (m) Secretary for Legal Affairs;
 - (n) Secretary for Organising;
 - (o) Secretary for Research and Policy;
 - (p) Secretary for Security;
 - (q) Secretary for Transport, Logistics and Welfare;
 - (r) ten committee members;
 - (s) Chairperson, Secretary and Treasurer of each Provincial Executive Committee.

- 5.4.3 The President, Deputy President, National Chairperson, Secretary General and Deputy Secretary General and Treasurer General shall be elected directly by Congress from nominations made by the provinces.
- 5.4.4 After the election of the President, Deputy President, National Chairperson, Secretary General, Deputy Secretary General and Treasurer General, Congress shall elect [24] other members of the National Executive Committee.
- 5.4.5 The [24] members referred to in section 5.4.4 shall be nominated by the Party's [12] provinces and Congress shall elect them in such a manner that each province has [2] representatives among the [24].
- 5.4.6 At its first meeting after Congress, which shall be held within one month of the date of the inaugural Congress, members of the National Council shall appoint or elect all the other office bearers referred to in section 5.4.2 (e) to (r) from among the [24] members elected at Congress. Provided that the National Council shall have power to appoint no more than 3 office bearers from outside the [24] elected members.
- 5.4.7 Notwithstanding 5.4.6 above, there shall be a National Executive Committee of the National Council which shall exercise all the functions of the National Council in between meetings, provided that the National Executive Committee shall have no power to make any decision in conflict with a standing decision of Congress. The National Executive Committee shall comprise of the:
- (a) President and Deputy President;
 - (b) National Chairperson;
 - (c) Secretary-General and Deputy Secretary-General;
 - (d) Treasurer-General;
 - (e) Director of National Elections;
 - (f) Secretary for Economic Affairs;
 - (g) Secretary for Education;
 - (h) Secretary for Health;
 - (I) Secretary for Information and Publicity;
 - (j) Secretary for International Relations;
 - (k) Secretary for Labour and Social Services;
 - (l) Secretary for Land, Agriculture and Natural Resources;
 - (m) Secretary for Legal Affairs;
 - (n) Secretary for Organising;
 - (o) Secretary for Research and Policy;
 - (p) Secretary for Security; and
 - (q) Secretary for Transport, Logistics and Welfare.
- 5.4.8 The National Executive Committee shall meet at least once a month and one-half of its membership shall constitute a quorum.

5.4.9 All decisions taken by the National Council or the National Executive Committee shall be by simple majority provided that in the event of an equality of votes the motion shall be lost.

5.5 **The Province**

5.5.1 There shall be [twenty] provinces of the Party each with a Provincial Executive Committee. The [twenty] provinces are: [ha – seenu].

5.5.2 The Provincial Executive Committee shall comprise of an elected Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Organising Secretary, Deputy Organising Secretary and Secretary for Information and Publicity.

5.5.3 The Provincial Executive Committee shall be elected at a Provincial Assembly meeting held once every five years provided that elections shall take place at least two months prior to each Congress.

5.5.4 The Provincial Assembly shall comprise of:

- (a) the Provincial Executive Committee; and
- (b) the chairpersons of the Branch Committees in the province.

5.5.5 The quorum of the Provincial Assembly meeting shall be two-thirds of its membership.

5.5.6 The main functions of the Provincial Executive Committee shall be:

- (a) to build the Party in the Province;
- (b) subject to the control of the National Council, to implement the policies and principles of the Party in the Province.

5.5.7 Members of the Provincial Executive Committees shall be eligible for re-election.

5.6 **The Branch**

5.6.1 There shall be branches established in each province by the Provincial Executive Committee.

5.6.2 The minimum number of members for the establishment of a Branch shall be twenty give, provided not more than [] Branches shall be established in any one province.

5.6.3 No member shall be a member of more than one Branch.

5.6.4 There shall be a Branch Executive Committee for each Branch.

- 5.6.5 The Branch Executive Committee shall comprise of a Chairperson, Deputy Chairperson, Secretary, Treasurer, Organising Secretary and two other members.
- 5.6.6 The Branch Executive Committee, shall be elected at a Branch Assembly meeting held once every five years provided that elections shall take place at least two months prior to each Provincial Assembly meeting held in terms of section 5.5.3.
- 5.6.7 The Branch Assembly shall be composed of all members of the Party in the Branch and one-half of the membership shall constitute a quorum.
- 5.6.8 Members of the Branch Executive Committees shall be eligible for re-election.
- 5.6.9 A Branch shall cease to exist if:
- (a) its membership numbers drop below 12 for a period of six months, without the consent of the Provincial Committee being obtained; or
 - (b) it is decided by a majority vote at a meeting of which 14 days notice has been given to all members of the Branch that the Branch be dissolved; or
 - (c) the Provincial Committee decides, after consultation with the Branch Committee and with the approval of the Provincial Executive Committee, to abolish the Branch.

ARTICLE 6

OFFICE BEARERS, NATIONAL COUNCIL & THEIR ELECTION PROCEDURES

6.1 The President

- 6.1.1 It shall be the duty of the President:
- (a) to uphold and defend the Party Constitution;
 - (b) to chair meetings of the National Executive Committee;
 - (c) to uphold and defend the principles of the Party;
 - (d) to promote the principles of democratic discourse and participation and equality of all members within the Party;

- (e) to present the reports of the National Council to the National Conference and Congress; and
- (f) to perform such other functions and duties and exercise such powers as may be assigned to him or her within the provisions of this Constitution by the National Council.

6.1.2 The President:

shall in general act as spokesperson of the Party on major policy issues and shall be the principal public representative of the Party, provided that nothing in this section shall be construed as empowering the President to act or do anything contrary to the Party's principle of open, transparent and democratic decision making.

6.1.3 The President shall serve for a maximum of two terms of [five] years each.

6.2 **Deputy President**

6.2.1 It shall be the duty of the Deputy President:

- (a) to assist the President with the exercise of his or her powers, functions and administrative duties as provided for in this Constitution;
- (b) to act on behalf of the President whenever the President is absent from the Maldives or is for any reason unable to perform his or her powers, functions or administrative duties;
- (c) to perform such functions relating to the function of standing committees and other general matters as may be assigned to him or her by the National Council; and
- (d) to chair the Disciplinary Committee.

6.2.2 The Deputy President shall serve for a maximum of two terms of [five] years each in the office of Deputy President.

6.3 **National Chairperson**

6.3.1 It shall be the duty of the National Chairperson to:

- (a) perform the duties of the President's office in the event that both the President and Deputy President are unable to perform the functions of the President's office;
- (b) chair Congress, the National Conference *and National Council*;

- (c) conduct the elections at Congress, except where the election is for the position of National Chairperson, in which case such election shall be conducted by the Appeals Tribunal President;
- (d) conduct the elections for the Provincial Executive Committees; and
- (e) be responsible for the conduct of Party elections elsewhere.
- (f) to chair meetings of the Party including Congress and National Council meetings.

6.3.2 The National Chairperson shall serve for a maximum of two terms of [five] years each.

6.4 **Secretary-General**

6.4.1 The Secretary-General shall:

- (a) under the supervision of the National Council convene and organise the meetings of Congress and the National Conference in consultation with the President;
- (b) primarily be responsible for the efficient organisation and administration of the Party;
- (c) be responsible for all Party affairs in the National Secretariat;
- (d) ensure that meetings of the National Council, Congress and the National Conference take place as provided for in the Constitution;
- (e) be responsible for administrating the Party structures;
- (f) be the custodian of all important Party documents, lists, papers and records;
- (g) to maintain and supervise the maintenance of the Party membership list; and
- (h) perform such other functions and duties and exercise such powers as may be assigned to him or her within the provisions of this Constitution by the President or the National Executive or the National Council.

6.4.2 The Secretary-General shall serve for a maximum of two terms of [five] years each.

6.5 **Party Secretariat**

6.5.1 There shall be a National Secretariat consisting of paid employees of the Party with such structures and offices as defined by the Congress

and the National Council, provided that all employees in the Secretariat must:

- (a) subscribe to the aims and objectives of the Party; and
- (b) be vetted and approved by the Secretary-General under the supervision of the National Council.

6.6 **Elections to the National Council**

6.6.1 The first members of the National Council, listed in section 5.4.2(a) to (s) of this Constitution, shall be elected at the Party's inaugural Congress.

6.6.2 The elections at the inaugural Congress shall be conducted in the following manner:

- (a) The interim Provincial Executive Committees shall nominate in writing members in good standing as candidates for election no later than one day before the date of the inaugural Congress.
- (b) Each province shall nominate a candidate for the positions referred to in section 5.4.2 (a) - (d) and two candidates for the 24 remaining positions in the National Council.
- (c) The elections of such members nominated shall be conducted by a member of the Party who is qualified to be appointed a judge in terms of the constitution of the Maldives and who is not contesting any of the positions.
- (d) The elections shall be conducted in accordance with the principles set out in section 6.6.3(e) of this Constitution.

6.6.3 All elections, except those at the inaugural Congress, shall be conducted in the following manner:

- (a) Not less than 30 days before the date of the Congress, the Party's Secretariat shall call for nominations of individual National Council positions from members of the Party.
- (b) A member wishing to contest any position in the National Council shall submit to the Party's Secretariat no later than five days before the date of the Congress:
 - (i) the prescribed nomination form duly completed and endorsed by ten members; and
 - (ii) an undertaking that he or she will submit the prescribed disclosure form consistent with the code of conduct for office bearers within five days of his or her election to the National Council.

- (c) No later than 30 days before the date of each such Congress, the Party's Secretariat shall make available a list of members eligible to vote to any member of the Party who requests it.
- (d) The elections shall be conducted by the National Chairperson who shall be supported by the Party's Secretariat, except where the election is for the position of National Chairperson, such election shall be conducted by the Appeals Tribunal President.
- (e) The elections shall be held in the order listed in section 5.4.2(a) to (d) of this Constitution beginning with that of the President. In each case, the voting shall be by secret ballot. The election shall be determined by simple majority or, in the event of more than two people contesting a position, a person polling the highest number of votes shall be declared the winner. In the event of a tied vote in any election the election shall be held again.

6.7 Death or Resignation of Office Bearers

- 6.7.1 In the event of the death or resignation of the President the Deputy President assumes the role of Acting President.
- 6.7.2 In the event of the death or resignation of any other member of the National Council the National Council shall elect a person to act in that capacity pending the next annual National Conference.
- 6.7.3 In the event of the death or resignation of any other office bearer the National Council shall appoint someone to fill the post till the next annual National Conference.
- 6.7.4 At the next annual National Conference, the Conference shall have the power and duty to fill any vacancy which may be existing at that time within the National Council. An election shall be held to fill the post in accordance the provisions of 6.6.3 of this Constitution, except that only members entitled to attend the National Conference shall be eligible to vote.

6.8 Indemnity

- 6.8.1 Senior office bearers of the Party and other members of the National Council shall not be liable to the Party and its members for any loss arising from any mistake or omission made in good faith.
- 6.8.2 Senior office bearers of the Party and other members of the National Council shall be entitled to an indemnity out of the assets of the Party (including future assets) against all costs, damages and expenses

incurred by them, in respect of any liability incurred by them, in good faith, in the execution of their powers and duties.

ARTICLE 7

PARTY COMMITTEES

- 7.1 The Party shall have the following standing committees to promote the objects of the Party:
- (a) the Disciplinary Committee;
 - (b) the Directorate of National Elections;
 - (c) the Economic Affairs Committee;
 - (d) the Education Committee;
 - (e) the Finance Committee;
 - (f) the Health Committee;
 - (g) the Information and Publicity Committee;
 - (h) the International Relations Committee;
 - (I) the Labour and Social Service Committee;
 - (j) the Land, Agriculture and Natural Resources Committee;
 - (k) the Legal Affairs Committee;
 - (l) the Organising Committee;
 - (m) the Research and Policy Committee;
 - (n) the Security Committee; and
 - (o) the Transport, Logistics and Welfare Committee;
- 7.2 Save for the Disciplinary Committee and the Finance Committee, each committee shall be chaired by the relevant secretary of the National Council elected for that portfolio. The Treasurer-General shall chair the Finance Committee.
- 7.3 Save for the Disciplinary Committee, each committee shall consist of at least four other persons who are individual members of the Party appointed by the National Council.
- 7.4 (a) No committee shall make a decision in conflict with a standing decision of the National Council or with standing principles of the party.
- (b) No decision of any committee on any major policy issue shall be implemented before it has been considered and approved by the National Council.
- 7.5 The National Executive of the National Council may constitute and appoint such other committees as may be necessary from time to time.

ARTICLE 8

FINANCES

- 8.1 The Party shall be financed by membership contributions, donations and any investments by the Party.
- 8.2 Subject to section 8.5 the Treasurer General shall be the custodian of Party funds.
- 8.3 The National Council shall prescribe the manner in which funds shall be kept and the manner in which money may be withdrawn for Party use, including a prescription of which officers shall be signatories to Party accounts.
- 8.4 There shall be an annual audit of Party funds by a firm of reputed auditors in the Maldives and a report of such audit shall be made annually to the National Council and to the National Conference.
- 8.5 There shall be a Party Trust established for the administration and management of trust funds that may be donated and/or deposited in the Trust account by those donors requiring that their donations be administered by a Trust.

ARTICLE 9

CODES OF CONDUCT

- 9.1 All office bearers shall comply with the code of conduct annexed to this Constitution, marked Appendix 1.
- 9.2 All Party members shall comply with the principles set out in paragraphs 2 and 3 of Appendix 1 annexed to this Constitution.

ARTICLE 10

DISCIPLINARY COMMITTEE

- 10.1 There shall be a Disciplinary Committee whose duty shall be to investigate breaches of the code and, where appropriate, impose the requisite penalties.
- 10.2 The Disciplinary Committee shall serve for a term of five years and shall comprise of:
 - (a) the Deputy President who shall be the Chairperson;

- (b) four other members of the Party, at least two of whom must be members of the National Council. Of the four members, one must be a legal practitioner.
- 10.3 The quorum of the Disciplinary Committee shall be three.
- 10.4 On the refusal or unavailability of any member of the Committee, the National Council shall have powers to fill any vacancies.
- 10.5 The Disciplinary Committee shall have powers to frame, enquire into and decide on charges against members and to reprimand, fine, suspend and expel members who have been found guilty of:
 - (a) a wilful breach of any of the provisions of this Constitution and any regulations made in terms hereof;
 - (b) conduct unbecoming and prejudicial to the interests or reputation of the Party and the objects and purposes for which it stands and/or conduct which may bring the Party into disrepute; or
 - (c) non payment, within two months of its imposition, of a fine imposed by the Disciplinary Committee.
- 10.6 An appeal shall lie from any decision or order made by the Disciplinary Committee to the National Council. The National Council shall have power to confirm, alter or set aside in any manner whatsoever any such decision or order.
- 10.7 The decision or order of the National Council, other than an order of expulsion, shall be final and not appealable to, or reviewable by, any court or body.
- 10.8 A notice of appeal against a decision of the Disciplinary Committee shall be lodged with the Secretary General within one month from the date of the decision or order appealed against.
- 10.9 A member's expulsion from the Party shall be further appealable to the Appeals Tribunal.
- 10.10 All expulsions from the Party shall be endorsed by Congress.

ARTICLE 11

THE APPEALS TRIBUNAL

- 11.1 The Party shall establish an Appeals Tribunal which shall have the function of hearing and determining appeals on any matter on which a member has a

grievance under the Constitution of the Party as well as on all matters in respect of which jurisdiction is conferred by this Constitution.

- 11.2 Any dispute over the interpretation of this Constitution may be referred to the Appeals Tribunal for a ruling.
- 11.3 The Appeals Tribunal shall consist of:
 - (a) the Appeal Tribunal President, who shall be a trained and qualified legal practitioner of at least two years experience, a member of the Party and at least 35 years of age; and
 - (b) eight other individual members of the Party.
- 11.4 The Appeals Tribunal shall be elected by Congress and shall serve for five years. Members shall be eligible for re-appointment. Nominations for members of the Tribunal shall be subscribed by two Congress representatives.
- 11.5 No person shall be eligible for appointment as a member of the Tribunal who is a member of the National Council. A member of the Tribunal shall cease to be so if elected to the National Council.
- 11.6 Not less than three members of the Tribunal (selected by the Appeal Tribunal President) shall sit to hear any appeal. If none of the three is a qualified legal practitioner, the Tribunal shall employ a duly registered legal practitioner (who may be another member of the Tribunal) to attend the Appeal hearing as an Assessor. The Assessor shall advise the Tribunal on points of law and equitable procedure.
- 11.7 All appeals shall be heard in private except where both parties to the appeal agree otherwise.
- 11.8 The Tribunal must give reasons for its decision, but shall have discretion whether to give publicity to a decision.
- 11.9 A record of decisions and reasons shall be kept by the Secretary-General.
- 11.10 An appellant must give notice of an appeal, in writing, within 14 days of receiving advice of any ruling, to the Appeals Tribunal President and shall give a copy of that notice to the Secretary-General or to the members of the Party with whom the appellant is aggrieved. Such a body shall act as respondent to the appeal. The Tribunal may refuse to hear an appeal if, in its opinion, there has been undue delay on the part of the appellant in giving notice of appeal in terms of this Rule or if the appeal is deemed to be frivolous or vexatious.
- 11.11 Except with the agreement of all parties to an appeal, an appeal shall be heard within two months of the receipt of notice of the appeal by the Appeals Tribunal President.

ARTICLE 12

BALLOTS

- 13.1 A consultative ballot of all members of the Party may be called on any fundamental question where the values and principles of the Party are in issue, or it is otherwise in the essential interests of the Party. Such a ballot may be called by Congress or by the National Council.
- 13.2 When a ballot is under consideration, the National Council shall present a statement as to the financial and administrative implications.

ARTICLE 14

AMENDMENTS TO CONSTITUTION

- 14.1 Any amendment to this Constitution shall require approval by at least two-thirds of the delegates present and voting at Congress.

ARTICLE 15

OVERSIGHTS AND OMISSIONS

- 15.1 In any place where the requirements of this Constitution cannot be satisfied because of an omission or oversight in draughtsmanship, or because a body provided for has not been established, or an officer provided for in this Constitution has not been elected or appointed, or because of a procedural problem; the National Council shall have the power to make such arrangements which, in their opinion, satisfy the spirit of this Constitution and shall seek approval for such arrangements at the next Congress.

ARTICLE 16

DISSOLUTION

- 16.1 A motion to dissolve the Party can only be placed on the Agenda of a meeting of Congress upon the written request of two-thirds of those entitled to attend Congress or upon written request of at least two-thirds of the Provincial Executive Committees.
- 16.2 A resolution to dissolve the Party shall be considered adopted if it has received the affirmative votes of at least $\frac{3}{4}$ of the total membership of Congress.

- 16.3 In the event of the dissolution of the Party its property and assets of whatever description shall be disposed of for such charitable purposes as determined by the National Council existing at the time of dissolution, provided that no member of the Party shall benefit from such disposal.

APPENDIX 1

CODE OF CONDUCT FOR ALL OFFICE BEARERS OF THE PARTY

- 1 All members holding any office in the Party shall subscribe to the following code of conduct in their public and private affairs.
- 2 Such members shall conduct themselves with the highest standards of personal integrity and honour and shall not involve themselves in dishonourable conduct, which conduct includes, without limitation, the following:
 - (a) corrupt application of public resources;
 - (b) discrimination on the grounds of race, tribe, place of origin, sex or religion;
 - (c) practice of nepotism, sexism, racism, tribalism, clanism or favouritism in the management of public affairs and for the Party's affairs;
 - (d) defrauding public revenue;
 - (e) incitement of people against the Party;
 - (f) criminal activity of any kind punishable with imprisonment without the option of a fine.
- 3 Such members shall subscribe to the belief in the equality of all persons irrespective of sex, race, tribe or religion and shall undertake to treat all persons on that basis and shall acknowledge that failure to do so shall constitute dishonourable conduct which will bar them from continuing to hold office.
- 4 Within one week of taking office every such member shall submit to the Treasurer-General a detailed statement recording:
 - (a) the member's business interests;
 - (b) a detailed list of the member's immovable assets; and
 - (c) a detailed inventory of all immovable property (including shares) owned by the member's immediate family, which shall include the member's spouse and children.
- 5 On seeking re-election to any post within the Party each such member shall be required to make an up to date inventory, in accordance with the provisions of paragraph 4 above to the Treasurer-General of the Party no later than 7 days prior to such an election taking place.