

# CONSTITUTION OF THE ANTI-PRIVATISATION FORUM

## A. The founding Provisions

### 1. Preamble

The APF is open to the working class of the world regardless of colour, creed, gender, age, sexual orientation or place of origin. It is a place of struggle, where those involved in struggle can come and find support and co-ordination. When those in struggle do come they will find that the APF has policies on a range of issues to guide the APF. The issue of struggle is a first priority and comes before the issue of who can and can't affiliate to the APF and the conditions attached to this.

### 2. Objectives

The objectives of the APF are:

- To struggle against reactionary ideas in the working class and its organisations: xenophobia, tribalism, racism and sexism.
- To struggle against Privatisation and related policies that benefit the capitalists, including neo-liberalism and imperialist wars.
- To achieve free services and land for all under working class control.
- To use working class methods of struggle including mass democratic organisation, mass action, mobilisation, solidarity and campaigning as the foundation to win our struggles.
- To forge unity in struggle between communities and workers against the greed and profits of capitalists and their state.
- To always try and sharpen the class line between the capitalist and the working class.

To eradicate gender inequality.

To build working class alternatives that put the needs of the working class before the needs of capitalists for profit.

- To fight a system that benefits the few at the expense of the majority.
- To build the working class alternatives to capitalism, which is socialism.
- To expose those forces propagating the capitalist agenda.

**( Amended 2004)**

## **Legal Personality (Amended 2007)**

1. APF shall be a legal person which capacity to litigate on its own name and chairperson as well as secretary shall represent APF in all legal proceedings, organize external forces and intervene.
2. Officials or agents of the APF shall be indemnified from derelicts committed while performing authorized duties of the APF within the scope of his or her mandate.
3. APF shall acquire, own and dispose property in its own name.

## **B Membership of the APF**

1. Membership of the APF is open to any organisation or individual which opposes privatisation and neo-liberalism and its negative effects on the majority of the South African population and which supports the objectives of the APF as set out above.
2. Members shall be admitted by making an oral or written application to the APF Co-ordinating Committee (CC) who shall have the sole discretion as to whether to admit a member or not.
3. New affiliates shall be inducted into the organisation and the Executive Committee (EC) must first set up a process of interview of potential affiliates. The EC must submit a report on the potential affiliate to the CC and such a report shall assist the CC in deciding whether to admit a new affiliate or not.
4. The APF CC shall be entitled to expel any affiliate or individual from the APF when in the opinion of the APF CC such an affiliate or individual has materially contravened any of the objectives or resolutions of the APF.
5. When an organisation applies for affiliation and that organisation operates in the same area as an existing affiliate, the APF will look at the history, nature and struggles of that organisation, and where possible unite them into one organisation, and if that is not possible the APF may consider the affiliation request and encourage unity and co-operation so that the long-term aim of one organisation may be achieved.  
**(Amended 2007)**
6. The APF does not encourage splits in affiliates/organisations and where there are problems such problems are to be raised and struggled for in the affiliate/organisation. However, in the event of a split taking place in an affiliate and a request is made for affiliation, the APF OBs shall investigate the reasons thereof and submit a report to the CC and the latter shall decide on the report and the affiliation request.  
**(Amended 2007)**



## C. The Rights and Obligations of Affiliates

### Rights

1. Community-based affiliates will have access to the resources of the APF as determine by the relevant policies and structures
2. Community based affiliates are entitled to expect that the APF will strengthen and support their struggles and organisations.
3. Affiliates are entitled to participate in the decision-making of the APF as set out in this constitution
4. Community based organisations will have more organisational weight in terms of representation in the APF structures than political groups— in particular Co-ordinating Committee and AGM
5. Affiliates are entitled to express their views and opinions freely in the APF and the necessary tolerance and respect will be accorded to them.
6. Minority views will be accorded the right for their views to be recorded and the right to propagate their view in the APF
7. Those individuals who are not democratically elected into positions (at any level of the APF) will have observer status and will have speaking rights but no voting rights.

**(Amended 2007)**

### Obligations

1. Community based affiliates are expected to operate on the basis of democracy and community control over the organisation
2. Mass meetings, mandates and accountability must be the operative principles of affiliates.
3. Affiliates must actively participate in the activities, campaigns, struggles of the APF. This also applies to individuals.
4. Affiliates must send mandated representatives to the structures of the APF.
5. Affiliate delegates must reflect and represent the mandate/view of the community
6. Affiliates must report back the decisions of the APF to their constituencies.
7. It is expected of affiliates to promote the APF and its objectives.
8. Affiliates must as far as possible carry out the decisions of the APF. Where there is a fundamental difference of opinion between the APF and affiliate, then the affiliate shall have the right to choose whether to implement the APF view or not. However, before exercising the right of autonomy the affiliate must first give the APF the opportunity to engage with the affiliate constituency on the APF's view.
9. Political groups must not substitute for community-based organisations where there is an overlap of membership and delegates.
10. Political groups must be sensitive to the political and organisational weight of the community-based organisations.
11. Political groups must respect the democratic processes of community-based affiliates.

**bisdiscipline**  
**(Amended 2007)**

1. Any member of the APF shall be disciplined for violation of the constitution, policy and resolutions of the APF in accordance with APF code of conduct clearly adopted by APF AGM or CC whichever sits first.
2. Five (5) persons elected at a EC shall constitute the disciplinary committee provided where OB members are involved, a neutral independent body may be appointed by the CC.
3. Rules of natural justice shall be followed in all APF disciplinary injunctions.

**b. Structures of the APF**

**Executive Structure of the APF**

**1 APF Co-Ordinating Committee ( CC )**

- 11 The highest decision-making body of the APF in between the Annual General Meetings ( AGM) shall be the APF Co-ordinating Committee.
- 12 The APF CC shall be composed of 5 (five) delegates per community-based organisation, 3 (three) delegates per political group, the elected Office Bearers who are the Chairperson, Deputy Chair, Secretary, Deputy Secretary, a Treasurer and Campaigns & Project Co-ordinator, and co-ordinators of sub-committee. Individual members may attend as observers.  
**(Amended 2007)**
- 13 The Chairperson, Deputy Chair, Secretary, Deputy Secretary, a Treasurer and Campaigns & Project Co-ordinator shall be elected by the APF's Annual General Meeting. They shall serve in office for a period of two years but shall be eligible for re-election.
- 14 Each delegate shall have one vote and decisions pertaining to the APF shall be undertaken first by consensus and if no consensus then by a simple majority of votes. In the event of an equality of votes, the Chairperson shall have a casting vote.
- 15 The APF CC shall meet at least once a month.
- 16 The quorum for meetings of the APF CC shall be thirty percent of community-based affiliates.
- 17 Not less than 1 (one) week notice shall be given of the date, time and venue of an APF CC meeting.
- 18 Meetings of the APF CC shall be convened by the Chairperson, or in his/her absence, by the Secretary of the APF.
- 19 Minutes shall be taken by the Secretary at each meeting and shall be made available to affiliates at most two weeks after the meeting has taken place. Minutes shall be kept in a file at the APF office for members to consult and shall be distributed to each affiliate at the next APF CC meeting in order to be checked and adopted.

## **2 Powers and duties of the APF CC**

21. The APF CC shall manage all the affairs of the APF and shall have the full power and authority to carry out all the objectives of the APF and shall more particularly:
  - 2.1.1. Interpret, implement and promote the aims and objectives of the APF;
  - 2.1.2. Obtain support, financial or otherwise for the APF;
  - 2.1.3. Administer the financial affairs of the APF;
  - 2.1.4. Seek, canvas or apply for any financial or other assistance calculated in the opinion of the APF CC, to be in the interest of the APF;
  - 2.1.5. Determine the conditions upon which organisations or members thereof may become affiliated with, or expelled from, the APF;
  - 2.1.6. Deposit any funds with a bank selected by them in the name of the APF and to nominate the person or persons to sign cheques;
  - 2.1.7. Grant any honorarium to any members of the APF for services rendered and to remunerate him/her accordingly;
  - 2.1.8. Register the name and, if necessary, the Memorandum of Association of the APF under any law;
  - 2.1.9. Appoint an auditor to examine and report upon the accounts of the APF and remunerate him/her accordingly;
  - 2.1.10. Institute or defend any legal proceedings in the name of the APF;
  - 2.1.11 Appoint any APF members to task sub-committees. All decisions of such sub-committees shall be subject to ratification by the APF CC or Executive Committee.

## **3. Expulsion of an affiliate from the APF**

- 3.1. If a member organisation/OB/individual fails to attend three consecutive meetings of the APF CC without a written apology and a valid excuse, a written letter shall be written to such a member organisation/OB/individual seeking written reasons for non-attendance, and if no written reasons for non-attendance are obtained then the OBs shall submit a report to the CC and the CC shall decide on what to do.

**(Amended 2007)**

- 32 A member or member organisation shall cease to belong to the APF CC:

- 3.2.1. If such an affiliate resigns or decides to leave the APF.
- 3.2.2. If the majority of the APF CC vote to remove such an affiliate after it has been given an opportunity of making representations to the APF CC against such removal.

## **4. APF Executive Committee ( EC)**

- 41 The APF Executive Committee shall be comprised of 1 (one) representative per affiliate, the elected Office Bearers, the co-ordinators of sub-committees and

regions.

**(Amended 2007)**

42 The APF EC shall meet fortnightly.

43 The quorum for meetings of the APF EC shall be thirty percent of the affiliates.

44 The APF EC shall set the agenda for the APF CC and provide strategic direction in between CC meetings.

45 Matters and activities raised by the APF EC shall reflect direction from, and decisions taken, at the APF CC. A summary report of APF EC decisions and activities shall be provided at every APF CC for discussion

**(Amended 2007)**

46 Minutes shall be taken by the Secretary at each meeting and shall be made available to affiliates at most one week after the meeting has taken place. Minutes shall be kept in a file at the APF office for affiliate members to consult and shall be distributed to each affiliate at the next APF EC meeting in order to be checked and adopted.

## **5 APF Sub-committees**

51 The APF CC / EC shall decide upon the formation of sub-committees to facilitate the implementation of the APF's activities.

52 APF Sub-committees shall be composed of representatives from APF affiliates and individuals.

53. Each sub-committee shall appoint a co-ordinator for each sub-committee.

**(Amended 2006)**

54 APF Sub-committees shall meet when necessary but at least once a month.

55 Any matters or activities raised by APF Sub-committees shall be brought before the APF OB for discussion, except where major decisions need to be taken and then such matters are to be referred to the CC

**(Amended 2007)**

5.6. The number of affiliate representatives attending an APF sub-committee shall not exceed the number of total affiliates in the APF. If affiliates do not send representatives to participate in sub-committees, then their place can be filled by other interested affiliate representatives.

**(Amended 2007)**

57. Subcommittees shall have powers to apply all measures to facilitate execution of their mandate including raising funds and using them as directed by APF policy.

## **6 Office Bearers**

6.1. Office Bearers shall be composed of : a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and Campaign & Project Co-ordinator. The Office Bearers shall hold office for a period of 2 years.

**(Amended 2006)**

6.2. The co-ordinators of the Regions and sub-committees shall sit in an ex-officio capacity in the Office Bearers Committee.

**(Amended 2006)**



- 63 The right of recall exists in relation to the elected OBs. An affiliate, when exercising the right to recall shall submit written reasons for such a proposed recall before the CC and the CC shall decide on whether there are valid reasons for a recall of the office bearer, and where an office bearer is recalled, such vacated position shall be filled in the next CC.  
**(Amended 2007)**
- 64 Any vacate office bearer position shall be filled at a CC meeting and a person so elected shall hold the position in an acting capacity until the next electing AGM.  
**(Amended 2007)**

## **7. Annual General Meetings**

- 71 The Annual General Meeting shall be held once a year, with an election AGM held once every two years, at such venue, time and place as determined by the APF CC and upon not less than 21 days prior notice given to members.  
**( Amended 2004)**

### **7.2. The Annual General Meeting shall:**

- 7.2.1 Receive and consider the APF CC's report and financial statements for the preceding years;
- 7.2.2 Nominate candidates for and elect the Chairperson, Deputy Chair, Secretary, Deputy Secretary, Treasurer and Campaign & Project Co-ordinator;
- 7.2.3 Consider any notice of motion which has been submitted to the APF CC in writing at least four weeks prior to the Annual General Meeting;
- 7.2.4 Transact any competent business.

### **7.3. Procedure for Annual General Meetings and other meetings**

- 7.3.1 Annual General Meetings shall be attended by 10 (ten) delegates per each community-based affiliate, 5 (five) per each political group, Office Bearers and 2 delegates from each of the sub-committees. **( Amended 2006)**
- 7.3.2 Each delegate shall have one casting vote.
- 7.3.3 A quorum shall be thirty percent of the community-based affiliates at the date of the AGM. If there is no quorum at the time of the meeting, then the meeting shall be adjourned for a further period agreed by those present, provided that no less than seven days notice in writing is given to all member organisations of the date, time and venue to which the meeting is adjourned. At the adjourned meeting, all those organisations present and voting shall constitute a quorum.
- 7.3.4 The Chairperson of the APF shall preside, and in his/her absence, the Deputy Chair and in his/her absence any other member of the APF CC elected by the members present.
- 7.3.5 Any matter before any general meeting shall be resolved by consensus and if not

by a simple majority of delegates present. In the event of an equality of votes, the Chairperson shall exercise a deciding or casting vote. Only delegates present shall be entitled to vote and there shall be no proxies.

- 7.4. Any special general meetings of the APF shall be called by the APF CC or on a written request signed by not less than twenty five percent of the community-based affiliates of the APF. Not less than 21 days written notice shall be given of such a meeting and a notice convening the meeting shall state clearly its purpose.

## **E Financial Matters**

1. All funds received shall be banked in the name of the APF and cheques, money orders or any withdrawal transaction shall be signed by two out of the OBs elected at the AGM with the organizer a third signatory as a practical back-up. OBs shall inform the banking institution(s) accordingly.

**(Amended 2007)**

2. The financial year-end of the APF shall be March 31 st.
3. The APF CC shall appoint a Financial Committee to assist the treasurer with the financial matters.

## **F Amendments to the Constitution**

1. The constitution shall only be amended by 75% of the votes cast in the AGM of the APF or in a special CC as directed by the AGM.

**(Amended 2007)**

2. The notice convening an APF CC meeting at which a motion to amend this Constitution is put forward shall be set forth fully the amendments to be proposed at such meeting, provided that the provision of this clause may be waived by a resolution at such APF CC meeting at which 75% of the votes cast are in support of such a waiver.
3. Notice of such proposed amendment shall be given at least four weeks before the Meeting.

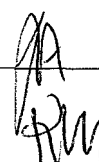
## **G Dissolution of the APF**

10.1. The APF may be dissolved by a resolution at an APF CC meeting at which 75% of the votes cast are in support of such dissolution.

10.2. The notice convening such meeting shall state that a motion to dissolve the APF is to be put at the meeting and notwithstanding any contrary provision of the Constitution it shall not be competent for such a meeting to waive the requirement of notice in terms of this clause.

10.3. The notice aforesaid shall be given not later than four weeks before the date of the meeting.

10.4. Upon dissolution, and subject to clause 1.5, the APF shall pay off its debts. In





the event that there are assets or money leftover, these shall not be distributed to any of its affiliates. Instead, the APF CC shall identify, at the meeting where the dissolution of the organisation is discussed, an existing non-profit organisation that shares similar objectives to those of the APF and which could benefit from the assets or money leftover. The APF CC at the above-mentioned meeting shall identify this non-profit organisation.



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**CHAIRPERSON**



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**DEPUTY CHAIRPERSON**

