

THE CONSTITUTION

OF

Swazi

Democratic

Party

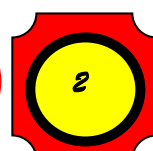
"Inkhululeko yeMaswati"

FOUNDED IN 2011

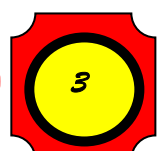
**THE
INCOMING
GOVERNMENT**

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The Constitution of the Swazi Democratic Party (SWADEPA)

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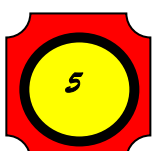
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INTRODUCTION

- **Believing in the Supremacy of the Constitution**
- **Believing in the principle of the Separation of Powers**
- **Believing that independence is not just transfer of autocratic power from the colonial order to national autocratic regimes, but freedom of the citizens to choose their leaders who in turn account to them as mandate givers.**
- **Believing that Swaziland is a land for all who live.**
- **Believing that freedom is not only the occupation of parliament without consideration of the economic empowerment of the people**
- **Believing that Swaziland is not an Island but a global player economically, politically and otherwise as such has a duty to comply in law and in practice with all international covenants to which she is a signatory.**
- **Believing that the Swazi economy proceeds if fairly distributed can lift the standard of living for the majority of the population**
- **Believing that as a privileged nation with no tribes, one nation, one country, one culture, one language with a manageable population have the ability of being a strong economy if resources were fairly distributed and underpinned with good governance and democratic principles.**
- **Believing that independence has no positive meaning if people have no access to land entitlement to use as collateral for their own development.**
- **Believing that culture is dynamic and should remain as such and should not be used for manipulation and deprivation of rights, just as it should neither be neither politicized nor commercialized.**
- **Believing that education is the only guarantee for development and social progress as such should be made available to all.**
- **Believing that the youth and women form the basis of the future of the nation they should access those rights that prepare them for such**
- **Believing that Pluralism brought this country's independence, and that the Swazi people spoke in the NDS about multi party and that the constitution drafting committee's report show that 20% who submitted to the constitution making process called for multi parties whilst the other 80% only spoke about community development issues at their different locations, as such retaining the status quo is not consistent with the will of the people.**



- Following that apart from these two reports there has never been a referendum in Swaziland on the question of the system of government.
- Lack of clarity on property rights remains an impediment in attracting new investments
- Lack of job creation and new investors and lack of investment policy even after 40 years of independence is an indictment of a sick system of governance
- The latest crises which has since lead us to the IMF ICU clinic, constitutional crisis, economic crisis, financial and cash-flow crisis and now the Judicial crisis and educational crisis, is an indictment to a system that lacks fiscal discipline, checks and balance mechanisms which is none other than political parties, and the impact of this is dire to the entire Swazi Nation.

All the above non exhaustive episodes which are a roll-out over a long period of time are the cause of the ideas that promoted the formation of this new Organization whose objective is to put the people of Swaziland and the country first before individuals.

Whilst most political organizations in the regions were formed to fight colonialism, we have a duty to make independence have a meaning to the electorate and not to the leadership only.

We believe in people centered development

We believe Swaziland can be transformed through an all-inclusive result oriented meaningful dialogue and such dialogue to ensure political will and objectivity from the authorities.



Article 1 PREAMBLE

Whereas the Swazi Democratic Party(SWADEPA) Founded to put the people of Swaziland and the country first before individuals TO DEFEND, ADVOCATE AND ADVANCE the rights of the people of Swaziland after a long extended State of emergency decree of April 12th 1973 and other oppressive complimentary statutes

Whereas the Impact and the duration of the State of emergency decree has robbed people of the ownership and practice of their fundamental and God given alienable rights, to an extent that the majority of the people and institutions were depoliticized, SWADEPA seek to reclaim the peoples' social , cultural economic and political rights, democratic values and social justice.

Whereas SWADEPA has emerged to inculcate peoples' rights and call for their enforcement as they appear in the entire international treaties to whom Swaziland is party including the African Union Charter which was ratified in 1995, some of whom are enshrined in the Bill of Rights chapter of the constitution of Swaziland

SWADEPA acknowledges itself as a friend to all progressive democratic forces including and not limited to worker organizations, informal sector organizations, social movements, civil society organizations and faith based organizations as long as they subscribe to human dignity and social justice.

Whereas Swaziland belongs to all who live in it SWADEPA aspires for all to be treated with dignity and justice irrespective of gender, social status beliefs race and association.

Whereas, other forms of systems of governance have been tried world over including Swaziland, multipartism and independent members who would wish to stand alone, provides checks and balances and inculcates accountability and transparency to the governing structure, yet at the same time provide both the choice and the right to the citizens to democratically decide their leader or organization of their choice.

SWADEPA believes that those that govern should do so with the mandate of the governed by ensuring accountability and transparency to the citizens.

SWADEPA believes in subscribing to the spirit of servant hood

SWADEPA believes in the fair distribution of the wealth created in the country and in people driven prioritization of the budgetary thereof with the view of making significant efforts to reduce poverty.



Article 2 NAME

The name of the organization shall be the “Swazi Democratic Party” (SWADEPA)

The logo and the colors of SWADEPA are as described in the attached schedule.

Article 3 AIMS AND OBJECTIVES

- 3.1 To unite the people of Swaziland for the complete democratization of the country
- 3.2 To transform Swaziland to a non-discriminatory, non-nepotistic and non-racial democratic state.
- 3.3 To support ensure that the institution of the Monarchy is revered and positioned above reproach and daily politics.
- 3.4 To support and ensure that culture and tradition remain our identity as a nation but remains dynamic and not used to undermine/suppress fundamental rights and development of the people.
- 3.5 To fight for social justice and to eradicate vast inequalities that exist within our society.
- 3.6 To build a Swaziland with common purpose, loyalty in which there is respect for culture and tradition without compromising all good values of human rights and modernity.
- 3.7 To promote economic development for all to benefit.
- 3.8 To support advancement of women and youth emancipation.
- 3.9 To support the rights of people with special abilities and children.
- 3.10 To defend the democratic gains of the people and to advance towards a society in which the government is freely chosen by the people according to the principles of universal suffrage on a common voters' role.



Article 4 THE CHARACTER OF SWADEPA

4.1 SWADEPA is a non-racial, non-sexist non-discriminatory and democratic political party.

4.2 Policies are determined by the membership, and the leadership is accountable to the membership in terms of the procedures laid down in the constitution.

4.3 SWADEPA shall support the principles of freedom of association, Speech and expression, assembly and movement in line with the entire Bill of rights as enshrined in the African Charter and the Universal Declaration of Fundamental Rights of the United Nations.

4.4 Membership will be open to all irrespective of gender, race, beliefs age and status.

4.5 SWADEPA cooperates with faith bodies in the country for the spiritual needs and beliefs of the people

4.6 SWADEPA believes in achieving democratic transformation through meaningful engagement and dialogue with all concerned for the sake of progress peaceful advancement and stability in the country.

4.7 SWADEPA will fight for the creation of democratic space for the free exercise of the fundamental freedoms and social justice for all.

4.8 SWADEPA abhors ethnic chauvinism, racism, nepotism, exclusivism and discrimination of any sort.

4.9 SWADEPA views itself a political party of choice for all the people of Swaziland irrespective of their belief and social status as we believe in religious diversity, culture, tradition and modernity without compromising fundamental rights.



Article 5 MEMBERSHIP

5.1 Membership to SWADEPA is open to all people of Swaziland living inside and outside the country

5.2 Spouses and children of Swazis who have manifested a clear Identity with the laws and people of Swaziland are welcomed to become members.

5.3 Naturalized and people in possession of Swazi citizenship are welcomed to take SWADEPA membership.

5.4 The NEC will have power to grant honorary membership to whosoever they believe would add value to the organization even if they do not qualify in terms of articles 5.1; 5.2; and 5.3 above.

5.5 Application of membership shall be considered at the branch level

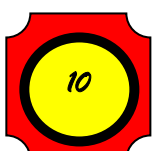
5.6 Objection to any application will be done at the branch level.

5.7 Members shall pay annual subscriptions as shall be determined by the NEC from time to time.

5.8 Members shall declare under Oath the following:

Make the following solemn declaration to the body or person designated to administer such oaths:

I,, SOLEMNLY DECLARE THAT I WILL ABIDE BY THE AIMS AND OBJECTIVES OF SWADEPA AS SET OUT IN THE CONSTITUTION, THE AFRICAN CHARTER FOR HUMAN AND PEOPLES' RIGHTS ND OTHER DULY ADOPTED POLICY POSITIONS, THAT I AM JOINING THE ORGANIZATION VOLUNTARILY AND WITHOUT MOTIVES OF MATERIAL ADVANTAGE OR PERSONAL GAIN, THAT I AGREE TO RESPECT THE CONSTITUTION AND THE STRUCTURES AND TO WORK AS A LOYAL MEMBER OF THE ORGANIZATION, THAT I WILL PLACE MY ENERGIES AND SKILLS AT THE DISPOSAL OF THE ORGANIZATION AND CARRY OUT TASKS GIVEN TO ME, THAT I WILL WORK TOWARDS MAKING SWADEPA AN EVEN MORE EFFECTIVE INSTRUMENT OF LIBERATION IN THE HANDS OF THE PEOPLE, AND THAT I WILL DEFEND THE UNITY AND INTEGRITY OF THE ORGANIZATION AND ITS PRINCIPLES, AND COMBAT ANY TENDENCY TOWARDS DISRUPTION AND FACTIONALISM



5.9 Members who fail to pay subscription for 3 months shall not be regarded as members in good standing.

5.10 Membership of SWADEPA shall be open to all people of Swaziland above the age of 16 years, irrespective of race, colour and creed, who accept its principles, policies, values and programmes and are prepared to abide by its Constitution and rules.

5.11 The National Executive Committee may, acting on its own or on the recommendation of branch or Regional executive committees, grant honorary membership to those men and women who do not qualify for membership under Articles 5.1, 5.2 or 5.3, but who have demonstrated an unwavering commitment to SWADEPA and its policies.

5.12 Applications for membership shall be considered by the branch executive committee where such exists, and by the regional executive committee if no branch executive committee exists. The branch executive committee, the regional executive committee, or such interim structures as the NEC may create from time to time to decide on applications, shall have the power to accept or refuse any application for membership provided such acceptance or refusal shall be subject to review by the next higher organ of SWADEPA.

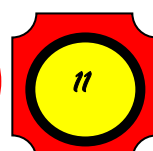
5.13 Membership cards shall be issued to registered members of SWADEPA and to persons whose application for membership has been accepted, subject to review as aforesaid, and, in all cases, subject to payment of the prescribed subscription. An applicant shall be issued with an acknowledgement of provisional membership and the details of the branch and constituency/area in which the applicant resides and any available information about the local branch structures.

- a. Provisional memberships shall apply to persons who wish to join the organization for the first time or who wish to re-join the organization after a considerable lapse of time.
- b. Provisional membership rights commence from the date of production of acknowledgement following receipt of the application and the appropriate membership subscription. A provisional member shall have the right to attend branch meetings only in a non-voting capacity.

5.14 Any objection to any application for membership may be made by the membership to the branch or regional secretary within eight weeks of the notification.

5.15 At any time before the individual is accepted as a full member of the organization, or in exceptional circumstances even after the member has been admitted, the Secretary-General may rule that the application or the membership may be rejected if it was invalidly obtained.

In the absence of any objection from the structures and/or any ruling by the Secretary-General, the applicant shall, on the expiry of eight weeks from the date of notification of provisional



membership, become a full member. The provisional member shall then be transferred to the national membership list as a full member as soon as is practicable.

5.16 The reasons for the rejection of an application for membership by the Secretary-General or the objection by the membership to the application for membership must be sent to the individual applicant in writing.

5.17 Membership cards shall be issued to registered members of SWADEPA and to persons whose application for membership have been accepted, subject to review and subject to payment of the prescribed subscription in all cases.

5.18 Members shall pay an annual subscription fee as determined by the National Executive Committee.

5.19 Non-earning members or those on reduced incomes will pay such fees as are determined by the NEC.

5.20 On being accepted in SWADEPA, a new member shall express themselves in a language they know well,

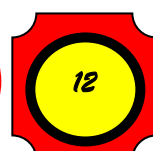
5.21 The following acts will be regarded as an abuse of organizational rules, whether committed by individuals or groups:

- a. The payment of membership subscription of the organization for persons or groups of persons who would otherwise be unwilling or unable to pay their own subscriptions;
- b. The offer of reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;
- c. The recruitment of members who do not reside at an address claimed, where this is done in order to manipulate branch meetings or the outcome of organizational votes.

5.21 The commission of any of the abuses described in rule 5.24 will be considered as behavior likely to invoke disciplinary proceedings.

5.22 Any member of SWADEPA who stands in an election for local government or national government elections or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the REC or NEC shall be ineligible to be or remain a member.

- a. Any member who joins a political organization or party other than SWADEPA shall be automatically expelled by the REC or NEC where applicable.
- b. Any member who supports a political organization or party other than an organization in alliance with SWADEPA in a manner contrary to the aims, objectives and policy of SWADEPA shall be liable for disciplinary action.



5.23 Members who fail to pay their subscriptions for three months and having being reminded of their lapse shall not be regarded as members in good standing until they pay their arrears.

Article 6 RIGHTS AND DUTIES OF THE MEMBERS

6.1 Rights:

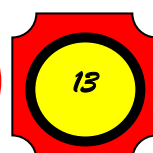
A member of SWADEPA shall have the right to:

- a. Take a full and active part in the discussion, formulation and implementation of the policies of SWADEPA.
- b. Receive and impart information on all aspects of SWADEPA policies and activities.
- c. Offer constructive criticism of any member, official, policy programme or activity of SWADEPA within its structures.
- d. Take part in elections and be elected or appointed to any committee, structure, commission or delegation of SWADEPA.
- e. Submit proposals or statements to the branch, region or NEC, provided such proposals or statements are submitted through the appropriate structures.

6.2 Duties:

A member of SWADEPA shall:

- a. Belong to and take an active part in the life of his or her branch.
- b. Take all necessary steps to understand and carry out the aims, policies and programme/s of SWADEPA.
- c. Explain the aims, policies and programme/s of SWADEPA to the people.
- d. Deepen his or her understanding of the social, cultural, political and economic problems of the country.
- e. Combat propaganda detrimental to the interests of SWADEPA and defend the policies, aims and programs of SWADEPA.
- f. Fight against racism nepotism, xenophobia, ethnic chauvinism, sexism, religious and political intolerance or any other form of discrimination.
- g. Observe discipline, behave honestly and carry out loyally decisions of the majority and decisions of higher bodies.



- h. Inform his or her branch of movement to any other area and report to the branch committee secretary on arriving at any new area.
- i. Refrain from publishing and/or distributing any pamphlets without authorization which purports to be the view of any organized grouping, faction or tendency within SWADEPA.
- j. All members shall ensure that they are registered as voters in the constituency where they live.
- k. SWADEPA members who hold elective office in any sphere of governance at national, regional or local level are required to be members of the appropriate caucus, to function within its rules and to abide by its decisions under the general provisions of this Constitution and the constitutional structures of SWADEPA.



Article 7 ORGANIZATIONAL STRUCTURES

7.1 SWADEPA shall consist of the following organs:

- a. The Executive Committee
- b. The National Conference which elects the National Executive Committee.
- c. The Regional Conference which elects the Regional Executive Committee.
- d. The Branch Annual General Meeting which elects the Branch Executive Committee.
- e. The Zone structures which elect coordinators of the cells/chiefdoms and townships
(Comment by handbook team: This is not a correct depiction of the actual function of zones that consist of chiefdoms and should therefore be changed at the first possible occasion.)
- f. Founders and Vision bearers

7.2 Cells may be grouped together in zones and may be subdivided into smaller units such as street committees, and zones may be grouped into sub-regions. *(Comment by handbook team This is not a correct depiction of the actual function of zones and cells that are both smaller entities than branches. This should therefore be changed at the first possible occasion.)*

7.3 SWADEPA Women's League shall be open to women who are members of SW DEP and shall have the same basic structure, namely, national, Regional and branch. Its objectives will be to defend and advance the rights of women, both inside and outside SWADEPA, against all forms of national, social and gender oppression and to ensure that women play a full role in the life of the organization, in the people's struggle and in national life. The Women's League will function as an autonomous body within the overall structure of SWADEPA, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of SWADEPA.

7.4 The SWADEPA Youth League shall be open to all persons between the ages of 14 and 35. It will operate on a national, regional and branch basis. Its objectives will be to unite and lead young men and women in confronting and dealing with the problems that face the youth, and in ensuring that the youth make a full and rich contribution to the work of SWADEPA and the life of the nation. The Youth League will function as an autonomous body within the overall structure of SWADEPA, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of SWADEPA.

7.5 Members of the Youth League over the age of 18 shall be expected to play a full part in the general political life of SWADEPA.

7.6 A member of the Youth League shall not be eligible for any position as office-bearer of SWADEPA or to attend SWADEPA conferences, members' or executive meetings of SWADEPA (unless specially invited), unless he or she is a full member of SWADEPA.



Article 8 THE HEADQUARTERS

Swazi Democratic Party

Physical address: Hatzin Centre Office Number S4, Tenbergen Street
Manzini, Kingdom of Eswatini

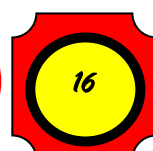
Article 9 REGIONS

9.1 For purposes of SWADEPA structures, the country shall be divided into the following Regions:

HHOHHO, SHISELWENI, MANZINI AND LUBOMBO

9.2 The Regional headquarters will be determined by the Regional Conference.

9.3 The National Executive Committee may from time to time alter the number, the boundaries or the names of the Regions.



Article 10 THE NATIONAL CONFERENCE

10.1 The National Conference shall be the supreme ruling and controlling body of SWADEPA.

It shall be composed of:

10.2 Voting delegates:

- i. At least 90% of the voting delegates at Conference shall come from branches which shall be represented by elected delegates. The number of delegates shall be in proportion to the paid up membership.
- ii. The number of delegates to be elected to National Conference by each Region shall be fixed by the NEC in proportion to the paid up membership of each Region.
- iii. The remainder of the 10% of voting delegates at the Conference shall be allocated by the NEC from among the Regional Executive Committees, the SWADEPA Youth and Women's League.
- iv. All members of the National Executive Committee shall attend as ex-officio and as full participants in the conference.

10.3 Non-Voting Delegates:

The NEC may invite individuals, who have made a special contribution to the struggle or who have special skills or experience, to attend the Conference.

10.4 The NEC shall appoint a conference organizing committee which will circulate conference information in advance, determine the precise procedure for selection of delegates and indicate how the membership can then ensure their concerns are on the agenda.

10.5 The Conference shall determine its own procedures in accordance with democratic principles.

10.6. Voting on key questions shall be by secret ballot

10.7

- a. The National Conference shall be convened at least every five years. A National General Council may be convened by the NEC from time to time, provided that the NEC shall convene a National General Council not later than 30 months after National Conference.
- b. The NEC shall, after consultation with Regions, determine the composition of the National General Council.



c. The National General Council shall:

- i. Subject to paragraph (iv) below, determine and review the policies and programmes of SWADEPA;
- ii. receive and discuss reports of the NEC;
- iii. have the right to ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of SWADEPA, including the evaluation of the performance of members of the NEC;
- iv. Have the power to discuss any issue it deems necessary taking into account policies and directives of the National Conference.
- v. Subject to Article 11.3(g) it may fill vacancies that have arisen in the NEC provided that such vacancies do not exceed 50% of the Executive.



Article 11 DUTIES AND POWERS OF THE NATIONAL CONFERENCE

The National Conference shall:

- 11.1 Decide and determine the policy, programme/s and Constitution of the SWADEPA.
- 11.2 Receive and discuss the reports of the NEC which shall include the Presidential Address, the Secretary General's Report, which shall include a report on the work and activities of the Women's League and Youth League, and the Treasurer General's Report.
- 11.3 Have the right and power to review, ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of the SWADEPA.
- 11.4 Elect the President, the 1st and 2nd Deputy Presidents, National Chairperson, the Secretary General, 1st and 2nd Deputy Secretary Generals, the Treasurer General, the National organizing Secretary and the remaining 40 members of the NEC.
- 11.5 Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

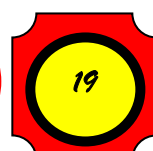
Article 12 NATIONAL EXECUTIVE COMMITTEE

12.1 Powers

The National Executive Committee is the highest organ of SWADEPA between Conferences and shall have the authority to lead the organization, subject to the provisions of this Constitution.

12.2 Without prejudice to the generality of its powers, the NEC shall:

- a. Carry out the decisions and instructions of the National Conference.
- b. Issue and send directives and instructions to and receive reports from the Regions.
- c. Supervise and direct the work of SWADEPA and all its organs, including national, Regional and local government caucuses.
- d. Ensure that the Regional and branch structures of SWADEPA function democratically and effectively. The NEC may suspend or dissolve a REC where necessary and call for new elections within three months. The suspension may not last for more than three months.
- e. Oversee the work of the Women's League and the Youth League.
- f. Establish departments and set up committees as it considers appropriate.
- g. Manage and control all the national and international property and assets of SWADEPA.



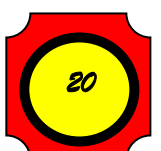
- h. Receive reports, supervise the work of, and delegate such functions to the NWC as it considers necessary.
- i. Issue documents and other policy directives as and when it deems fit.
- j. Confer such honors as it may deem appropriate.

12.3 The National Executive Committee, except where otherwise stipulated, shall be elected by secret ballot by the National Conference and shall hold office for five years and shall be constituted as follows:

- a. The President, the 1st and 2nd Deputy Presidents, National Chairperson, the Secretary General, the 1st and 2nd Deputy Secretary Generals, the Treasurer General and the national organizing Secretary who shall be elected separately by the National Conference. Ten (10) members of the NEC who shall be elected by secret ballot by the National Conference.
- b. The Chairperson and the Secretary of each elected SWADEPA Regional Executive Committee shall be ex officio members of the NEC.
- c. The National President and Secretary of SWADEPA Women's League shall be ex-officio members of the NEC.
- d. The National President and Secretary of SWADEPA Youth League shall be ex- officio members of the NEC.
- e. The NEC shall have the power to co-opt not more than five (5) additional members at any time during its term of office in order to provide for a balanced representation that reflects the true character of the Swazi people, provided that such co-option enjoys the support of the Regional Executive Committee of the Region from which the proposed person comes.
- f. Should a vacancy occur on the NEC for any reason, the NEC shall have the power to fill the vacancy by appointing a replacement.
- g. The quorum for meetings of the NEC shall be 50%+1 of its total membership.
- h. A person shall have been a paid-up member of the SWADEPA for at least six months before she or he can be nominated to the National Executive Committee of SWADEPA.

12.4 Nominations for the NEC members referred to in Article 12.3(a) and 12.3(b) above shall be by the following procedure:

- a)
 - i. Nominations for the posts of:
 - a. President
 - b. 1st Deputy President



- c. 2nd Deputy President
- d. National Chairperson
- e. Secretary General
- f. 1st Deputy Secretary General
- g. 2nd Deputy Secretary General
- h. Treasurer General shall be made by any Region and placed before the National Conference.
- i. The National Organizing Secretary
- ii. A delegate to the Conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by minimum of 25 percent (25%) of Conference delegates, then such nomination shall be regarded as having been duly seconded, in which event the name of such nominees shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of conference delegates, such nomination shall fall away.

b) Nominations of candidates for the National Executive Committee other than the above positions shall be carried out by the following procedure:

- i. Subject to sub-section (ii) below, only those candidates who have been proposed by a Region shall appear on the National Conference ballot paper.
- ii. A delegate to the conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a show of hands by a minimum of 25 percent (25%) of Conference delegates, then such nomination shall be regarded as having been duly seconded, in which event the name of such nominee shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of delegates, such nomination shall fall away.
- iii. Not more than two persons per Region may be successfully nominated in terms of b) (ii) above.

12.5 Voting shall take place by secret ballot. Each voting delegate shall vote once in each ballot.

12.6 If any Regional Chairperson or Secretary is elected to the NEC in his or her own right or as a national official, such person shall vacate the Regional position, provided that the Region has the right to make representations to the NEC, in a special case, where extraordinary circumstances may warrant an exception to this rule. However, when such a regional officer is allowed to retain his or her NEC position, the Region shall not be entitled to an additional member on the NEC.

12.7 subject to the provisions of this Constitution, the Secretary General, the Deputy Secretary



General and the Treasurer General shall be full-time functionaries of SWADEPA.

12.8 The NEC shall meet in plenary session at least once every three months and shall provide broad political and organizational perspectives to the National Working Committee.

Article 13 NATIONAL WORKING COMMITTEE

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

13.2 The National Working Committee shall be constituted as follows: The President, the 1st and 2nd Deputy Presidents, National Chairperson, Secretary General, the 1st and 2nd Deputy Secretary Generals, the National organizing Secretary and the Treasurer General.

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

13.4 The members of the National Working Committee shall not necessarily be full-time functionaries. However, the NEC shall determine the extent to which the elected members shall be full-time functionaries who may be allocated specific responsibilities.

13.5 SWADEPA Women's and Youth Leagues shall appoint one representative each to serve on the NWC.

13.6 The National Working Committee shall:

- a. Carry out decisions and instructions of the National Conference and the NEC.
- b. Conduct the current work of SWADEPA and ensure that regions, branches and all other structures such as parliamentary caucuses carry out the decisions of SWADEPA.
- c. Submit a report to each NEC meeting.



Article 14 THE ELECTORAL COMMISSION

14.1 The NEC shall appoint an Electoral Commission of not fewer than three members whose task it will be:

- a. To prepare the ballot papers as directed by the Constitution.
- b. To make provision for ballot boxes or other means of secret voting.
- c. To create machinery for the counting of ballot papers and the effective supervision of the counting of votes.
- d. To announce the results of all ballots and make known the number of votes received by each successful candidate.
- e. To establish procedures for voting and to determine any dispute that may arise in regard to elections and election procedures, and to determine how any tied vote should be resolved.

14.2. The names of the electoral commission whose work shall commence before Conference opens shall be submitted to the Conference for endorsement and they shall then be reinforced by a representative appointed by each Regional delegation.

Article 15 GENDER AND AFFIRMATIVE ACTION

15.1 In an endeavor to ensure that women are adequately represented in all decision-making structures, the SWADEPA shall implement a programme of affirmative action, including the provision of a quota of at least one-third (1/3) in all its structures to enable such effective participation.

15.2 The method of such implementation shall be addressed in all SWADEPA structures immediately and on a continuing basis.

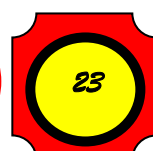
Article 16 THE NATIONAL FINANCE COMMITTEE

16.1 The NEC shall appoint the National Finance Committee.

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

16.3 The National Finance Committee shall open an account as mandated by the NEC through a resolution.

16.4 The National Finance Committee shall report to the NEC at least twice a year on the Finances and budget of SWADEPA.



16.5 The National Finance Committee shall nominate two signatories to the accounts of SWADEPA over and above the National Treasurer and the Secretary General

16.6 At least two Signatures of the designated signatories shall be mandated to withdraw from the accounts of SW DEP but at all times the national treasurer's signature shall always be one of the minimum of two.

16.7 shall be responsible over all accounts of SWADEPA and accountability thereof to the organization.

Article 17 DUTIES AND FUNCTIONS OF OFFICIALS

17.1 The President

The President is the head and chief directing officer of the SWADEPA and the leader of the house at a National Conference. He or she shall:

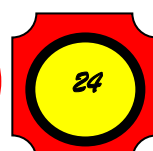
- a. Present to the National Conference a comprehensive statement of the state of the Organization and national political situation generally.
- b. Make pronouncements for and on behalf of the NEC outlining and explaining the policy or attitude of the SWADEPA on any question.
- c. Preside over meetings of the NEC in conformity with the Constitution, by-laws and rules of procedure adopted by the NEC.
- d. Preside over the overall supervision of the NEC, orient and direct the activities of the SWADEPA.
- e. Be an ex-officio member of the NWC.

17.2 1st Deputy President

- The 1st Deputy President shall assist the President, deputize for him or her when necessary and carry out whatever functions are entrusted to him or her by the National Conference, the President or the NEC. He or she shall be an ex-officio member of the NWC.

17.3 2nd Deputy President

- The 2nd Deputy President shall assist the 1st Deputy President, deputize for him or her when necessary and carry out whatever functions are entrusted to him or her by the national conference, the President or NEC. He or She shall be an ex-officio member of the NWC



17.4 In the event of absence, death or permanent incapacity of the President, the 1st Deputy President and the 2nd Deputy President, the NEC shall as soon as possible appoint an **Acting President** until such time as the National Conference meets.

17.5 The National Chairperson

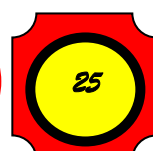
- a. Preside over the National Conference.
- b. Remain the custodian of the decisions taken by the National Conference and ensure that all organs of the SWADEPA implement these decisions and operate within the parameters of policy set out by Conference.
- c. Carry out such additional tasks as the Conference or NEC may instruct.
- d. Be an ex-officio member of the NWC.

17.5 in the absence or incapacity of the National Chairperson, the President shall assume his or her functions.

17.6 The Secretary General

The Secretary General is the chief administrative officer of SWADEPA and shall:

- a. Keep the minutes of the National Conference, the NEC, the NWC as well as other records of SWADEPA.
- b. Conduct the correspondence of the NEC and the NWC and send out notices of all conferences and meetings at the national level.
- c. Convey the decisions and instructions of the National Conference, the NEC and the NWC to the Regional executive committees, and see to it that all units of SWADEPA carry out their duties properly.
- d. Prepare annual reports on the work of the NEC and the NWC and such other documents which may, from time to time, be required by the NEC and the NWC.
- e. In the absence of the President or the Deputy President, the Secretary General shall assume the functions of the President.
- f. All departments, save those falling directly under the President, shall report on their activities to the Secretary General.
- g. Be an ex-officio member of the NWC.



17.7 Deputy Secretary General

1st Deputy Secretary General

- The Deputy Secretary General shall assist the Secretary General, deputize for him/her when necessary, carry out the functions entrusted to him or her by the National Conference or the NEC and shall be an ex- officio member of the NWC

2nd Deputy Secretary

- The 2nd Deputy Secretary General shall assist the 1st Deputy Secretary General, deputize in his absence and will carry other functions as will be assigned by the conference, the NEC and/the NWC.

17.8 The national Organizing Secretary

- Shall be responsible for all organizing work of the organization and such assignments as may be determined by the conference, NEC and the NWC.

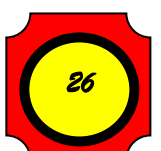
17.9 Treasurer General

The Treasurer General is the chief custodian of the funds and property of SWADEPA. He or she shall:

- a. Receive and bank all monies on behalf of the NEC and shall, together with any two members of the NEC, operate a banking account.
- b. Keep such books of account as may be necessary to record clearly the financial position of SWADEPA.
- c. Submit to the National Conference a report showing the Income and Expenditure Account and Balance Sheet of SWADEPA for the period since the previous National Conference, and shall submit periodic reports to the NEC and the NWC.
- d. Be responsible, with the National Finance Committee, for working out and executing plans for fund raising.
- e. Be an ex-officio member of the NWC.

Article 18 THE NATIONAL CHAPLAINCY

There shall be a National Chaplaincy appointed by the NEC on an interfaith basis to provide spiritual guidance.



Article 19 REGIONAL CONFERENCE

19.1 subject to the overall guidance of the NEC, the Regional Conference shall be the highest organ of SWADEPA in each Region.

19.2 The Regional Conference shall:

- a. Be held at least once every three years and more often if requested by at least one third of all branches in the Region.
- b. Be attended by delegates chosen on a democratic basis by all branches in the region with representation in proportion to membership, with attention being paid to ensuring representation of areas where membership is reduced?
- c. Be attended by members of the Regional Executive Committee who shall have full voting and speaking rights as ex officio participants.
- d. Be attended by representatives of the Women's League and Youth League with voting rights.
- e. Carry out the decisions of the National Conference, the NEC and the NWC.
- f. Receive and consider reports by the Regional Executive Committee.
- g. Elect the Regional Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and other members of the Regional Executive Committee who will hold office for 3 years. The Regional Secretary shall be a full-time functionary of the organization.
- h. Carry out and develop the policy and programme of SWADEPA in the Regional.

Article 20 THE Regional GENERAL COUNCIL

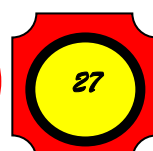
20.1 A Regional General Council shall be convened between Regional Conferences.

20.2 The regional General Council consists of all members of the Regional Executive Committee and delegates representing branches in proportion to membership, with a minimum of one delegate per branch. The Women's and Youth Leagues shall be represented by their RECs shall be appropriately represented as determined by the NEC.

20.3 The RGC shall meet at least once a year. A RGC shall, for good cause shown, be convened by the REC upon the request of one-third (1/3) of branches in the Region.

20.4 The Regional General Council may discuss and decide any issue it deems necessary, including any matter brought before it by the REC, and may decide on any matter falling within its competence, subject always to the policies and directives of the National Conference, National General Council ,Regional Conference or the NEC.

20.5 The RGC may fill any vacancy on the REC provided that the vacancies that need to be filled do



not exceed 50% of the membership of the REC.

Article 21 Regional EXECUTIVE COMMITTEE

21.1 The Regional Executive Committee shall be responsible for carrying out the decisions of the Regional Conference and Regional General Council always subject to Rule 18.4.

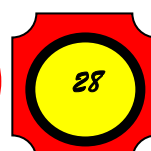
21.2 It shall consist of the Regional Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and not more than 13 other persons elected by the Regional Conference. A person shall undertake, in writing prior to the elections, to abide by the Constitution of SWADEPA and the relevant Code of Conduct for elected representatives.

Have been a paid- up member of SWADEPA for six months before she or he can be nominated to a Regional Executive Committee. Each region shall be equally represented by the Chair and/or the Secretary as determined by the REC provided that the number of regional representatives on the REC does not exceed the number of elected members of the REC.

21.3 The Women and the Youth Leagues in the Region shall be represented by two representatives with full voting rights.

21.4 The REC shall:

- a. Meet as soon as possible after its election to elect the Regional Working Committee and thereafter at least once a month.
- b. Carry out the decisions of the Regional Conference and the NEC.
- c. Manage and control the funds and assets of SWADEPA in the Region.
- d. Submit reports to the NEC Regional Conference and Regional General Council as often as is required on the state of the organization, the financial position of the Region and such other matters as may be specified.
- e. Appoint the regional organizer and staff as required.
- f. Organize, establish and service branches in the Region and supervise the work of the branches in the Region; suspend, dissolve, and re-launch branch executive committees and regional executive committees where necessary, subject to any directives from the Regional conference provided that where a BEC or REC has been suspended or dissolved there shall be a right of appeal to the NEC. A suspension shall not exceed a period of three months. Elections for dissolved structures shall be called within three months.
- g. Carry out the policy and programme of SWAEPA and do all things necessary to further the interests, aims and objectives of the organization
- h. Have the right to co-opt up to 3 persons subject to confirmation by the Regional General



Council.

- i. The quorum for any meeting of the REC shall be 50% (fifty percent) +1 of its total membership.
- j. Have the duty to appoint annually a regional List and Candidates Committee which will identify regulations for the drawing up of the Regional List of candidates for national elections, regional elections and for the selection of candidates for local government elections. The Regional Executive Committee shall report to the NEC and shall be bound by the recommendations of the National List Committee. Every candidate for elections must

Article 22 Regional WORKING COMMITTEE

22.1 The Regional Working Committee shall be a core group of the REC and shall consist of not less than one quarter of its members, including the Chairperson, Secretary and Treasurer of the Region and the Chair or Secretary of the Women's the Youth League in that Region.

22.2 It shall perform the duties and functions of the REC to which it shall report.

22.3 It shall meet at least once a week.

Article 23 FUNCTIONING OF THE REGIONAL EXECUTIVE COMMITTEE

23.1 Regional offices shall, with due allowance for differences of scale and level of work, perform the same functions as their national counterparts.

23.2 The REC shall, wherever possible, set up Regional departments in line with national departments.

23.3 The REC shall determine the boundaries of branches within the Regions, in consultation with the NEC.

Article 24 REGIONAL CHAPLAINCIES

Regional Chaplains may be appointed by the REC on the same basis as National Chaplaincy.

Article 25 BRANCHES

Every member of SWADEPA shall belong to a branch, which shall be the basic unit of the organization.



25.1 The branch shall:

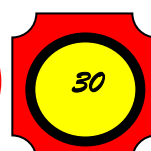
- a. Be registered with the REC and have a minimum of 100 members, provided that the REC may confer special recognition, where due to exceptional circumstances, the branch has fewer than 100 members.
- b. Meet as provided for in the rules and regulations.
- c. Be the place where members exercise their basic democratic rights to discuss and formulate policy.
- d. Be the basic unit of activity for members.
- e. Elect at a biannual branch meeting a Branch Executive Committee consisting of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and other committee members, consisting of not less than three and not more than ten persons. A person shall have been a member of SWADEPA three months before she or he can be nominated to a Branch Executive Committee of the Party, provided that where a new branch is being established, the REC may waive this provision. The Women's and the Youth League shall be entitled to two representatives each on the BEC.
- f. Meet at least once per month.

25.2 The branch executive committee shall:

- a. Meet as soon as possible after its election and allocate tasks and functions among its members to enable it to carry out the day-to-day activities of the Branch.
- b. Carry out the publicity and organizational work in its area in furtherance of the policy, programme and decisions of the organization.
- c. Meet at least once per fortnight.
- d. Submit reports on its work to the branch meeting and at least each month to the Regional Executive Committee.
- e. Co-opt not more than three persons, if it considers it necessary to ensure greater representatively.
- f. The quorum for each meeting of the Branch Executive Committee shall be 50%+1 (fifty percent plus one) of the total BEC membership.

Article 26 ZONAL STRUCTURES AND SUB REGIONS

(Comment by handbook team: This chapter is not a correct depiction of the actual function of zones and cells that are both smaller entities than branches. This should therefore be changed at the first possible occasion.)



26.1 Any three (3) or more branches within a Region for the purpose of co-ordination of activities and better organizational efficiency may be formed into a Zone at the instance of the Regional Executive Committee after consultation with the relevant branches, or on application to the REC, by at least two branches within an area of a proposed Zone.

26.2 Whenever a Zone has been established the Branch Executive of constituent Branches shall at a properly convened meeting, elect a Zonal Committee which shall consist of a Chairperson, Secretary, Treasurer and one (1) representative elected per Branch within the Zone.

26.3 Where Zonal structures of the Women's and Youth League exist, they shall be represented by one (1) member each, subject to the same provisions relating to the requirement for SWADEPA membership.

26.4 The tasks of the Zonal Committee will include:

- a. To meet at least once a month.
- b. To co-ordinate the work and activities of the constituent branches and submit reports to the REC.
- c. To see to the implementation of the instructions of the NEC, REC or the RWC, BEC in the Zone.
- d. To participate in the work of the Regional Council.
- e. To maintain effective links with all branches in the Zone.

26.5 Sub-regions may be formed by 3 or more Zones with similar arrangements and powers as between Zones.

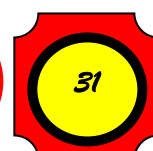
Article 27 DISCIPLINE

27.1 All members, without exception, must abide by the Constitution, the Rules, the Standing Orders and Codes of Conduct as adopted or amended from time to time by the organization.

27.2 Disciplinary proceedings against a member shall be confined to violations of the Constitution, Rules, Standing Orders, Codes of Conduct of the organization, or the commission of offences as set out in Article 26.1, and shall not:

- Be used as a means of stifling debate or denying members their basic democratic rights;
- Be instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the organization are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organization.

27.3 A serious offence shall be committed by any member who:



27.3.1 Prejudices the integrity or repute of the organization, its personnel or its operational capacity by:

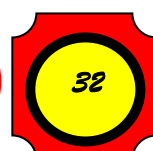
- a. Impeding the activities of the organization;
- b. Creating division within its ranks or membership;
- c. Doing any other act which undermines its effectiveness as an organization.
- d. Acting on behalf of or in collaboration with:
- e. Counter-revolutionary forces;
- f. A political organization or party other than an organization or party in alliance with SWADEPA in a manner contrary to the aims, policies and objectives of the organisation;
- g. Intelligence or the security services of other countries;
- h. Any person or group who seriously interferes with the work of the organization or prevents it from fulfilling its mission and objectives.

27.3.2 The following shall also be regarded as serious offences, without prejudice to the generality of this provision and the right of the NEC to add to this category of offences:

- a. Conviction in a court of law and sentenced to a term of imprisonment without the option of a fine, for any serious non-political offence;
- b. Misappropriation of the funds of the organization or destruction of its properties;
- c. Behaving corruptly in seeking or accepting any bribe for performing or for not performing any task;
- d. Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
- e. Abuse of elected or employed office in the organization or in the State to obtain any direct or indirect undue advantage or enrichment;
- f. Fighting or behaving in a grossly disorderly or unruly way;
- g. Deliberately disrupting meetings and interfering with the orderly functioning of the organization.

27.3.3 If, in the opinion of the NEC or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, a member is guilty of the following offences, disciplinary proceedings may follow:

- a. Behavior which brings the organization into disrepute or which manifests a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member;



- b. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- c. Behaving in such a way as to provoke serious divisions or a break-down of unity in the organization;
- d. Undermining the respect for or impeding the functioning of the structures of the organization;
- e. Participating in organized factional activity that goes beyond the recognized norms of free debate inside the organization and threatens its unity.

27.4 a. Disciplinary proceedings shall normally be conducted at the level where the alleged violation or offence took place, namely the zones, branch, region, or national, and may be heard by the relevant structure; (*Comment by handbook team: On zones, see act. 26.*)

b. The NWC may direct that the disciplinary proceedings should be heard at a higher level from where the alleged violation or offence took place.

27.5 a. Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defence.

b. The National Disciplinary Committee shall draw up guidelines for the interpretation of this section on discipline and for the rules of procedure including time limits to be followed before, during and after a hearing.

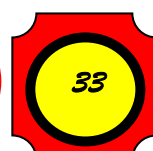
27.6 Any person found guilty in a disciplinary proceeding, or the complainant has the right, within a reasonable period, to appeal against the conviction or sentence, to the next higher body of the organization. The NWC may direct that any appeal should be heard by a body higher than the one to which the appeal has been made. The BEC may direct that an appeal against the decision by a branch should be heard directly by the regional Disciplinary Committee.

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

27.8 Temporary Suspension The Regional Disciplinary Committee, the National Disciplinary Committee or the NWC having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any member pending the preparation of a charge against the member and the finalisation of disciplinary proceedings against the member. The member shall be informed of such suspension. The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary suspension. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

27.9 All disciplinary proceedings shall be attended to as speedily as possible.

27.10 Decisions relating to disciplinary proceedings shall be publicly announced.



- i. The NEC shall appoint a National Disciplinary Committee from among its membership and from other structures of SWADEPA. The decisions of the NDC shall be final except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the NEC.
- ii. The National Disciplinary Committee shall hear and determine violations or offences on appeal from appropriate organs of SWADEPA. In addition, the national officers, the NWC or the NEC may refer such violations or offences directly to the NDC. In exceptional situations arising out of serious breaches of the Constitution, Rules or Codes of Conduct, the NDC itself may exercise jurisdiction to investigate and determine a complaint.

27.11 The NEC may authorize other structures of the organization to institute disciplinary proceedings and to set up appropriate structures to apply the provisions of this Rule.

Article 28 RULES AND REGULATIONS

28.1 The NEC shall have the power to adopt rules and regulations for the better carrying out of the activities of SWADEPA.

28.2 The RECs shall have the power to adopt rules and regulations for the better functioning of the organization in their respective regions.

28.3 All such rules and regulations shall be consistent with the constitutional norms of the organization, and rules and regulations framed by the REC shall only become operative when approved by the NEC, or, on a provisional basis pending approval by the NEC, by the NWC.

28.4 The NEC shall have the power to frame a code of conduct to cover all structures, officials, public representatives, office bearers and members.

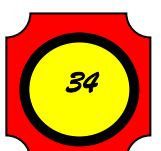
Article 29 GENERAL

SWADEPA 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 objects and defend its members, its property and its reputation.

Article 30 FOUNDERS CLAUSE

Founders shall have exclusive rights of consultation with the leadership of the organization

They shall elect their Chairperson and Rappateur



They will also be part of permanent advisory structures of the organization

They will be briefed by the National Executive Committee (NEC) about progress within the organization on quarterly basis

Can also be delegated to represent the organization in various assignments.

Are also eligible for election into the structures of the organization, during the period at which a founding member is in the structures of the organization, they will cease to function as founders.

They will be given an opportunity to advise on new policies developed by the organization

They will bank on rules of Protection which they will mandate to the NEC

They will assent to all policies and resolutions of the organization within 14 days after lapse thereof, the policies and resolutions shall be adopted as submitted by the NEC

Where they have issues with Policy/Resolution, Adhoc Dialogue Forum on the issues shall ensue between themselves and NEC and this dialogue should be concluded within two (2) days.

They will also play as Mediation/Reconciliation role on internal conflicts and grievances within the leadership. This process is not a replacement of the Disciplinary Structures, but only work as conflict prevention as opposed to Conflict Resolution.

They will enjoy ex-officio status in all structures of the organization

This position exists as long as they are still members of SWADEPA and remain in line with the values and beliefs of the organization

This status will be revoked upon resignation and or placing the organization in disrepute

Can co-opt people with special skills in their own deliberations to enrich debate on certain issues.

Article 31 AMENDMENTS

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 provide at least one month's notice for any Constitutional amendment.



Article 32 SPECIAL CONFERENCE

32.1 A special conference of SWADEPA may be convened by the NEC at any time or at the request of a majority of the Regions for a stated purpose or purposes.

32.2 Not less than one month's notice of such conference shall be given.

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

Article 33 CONTRACTUAL LIABILITY

Only the National Officials shall have the authority to bind SWADEPA or to create any legal relationship. Any other person purporting to bind the organization must produce a written authorization from one of the National Officials which must indicate the extent of that person's authority.

Article 34 TRANSITIONAL ARRANGEMENTS

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

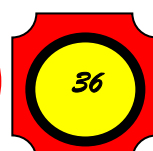
Article 35 DISSOLUTION

The National Conference or any Special Conference may dissolve the organization by a three quarters (75%) majority of delegates present and voting and transfer the assets and liabilities of the movement in such a manner as determined by the Conference.

SCHEDULE TO SWADEPA CONSTITUTION

SWADEPA Logo and Colours The organization's colours are four namely Black Yellow White and Red, positioned in a flag format and horizontal with a shield in black and white vertically positioned with various symbols such as

- The lap top symbolizing technology and advancement
- The Book symbolizing education
- The Tractor symbolizing agriculture and food security



- Calabash, the spear and the stick along the shield symbolizing culture and tradition
- Stethoscope symbolizing health
- People seated in a circle symbolizing the culture of dialogue as our vehicle in resolving issues

APPENDIX - Disciplinary Procedure

INTRODUCTION

Article 27 of the Constitution deals with discipline. This disciplinary procedure prescribes how the disciplinary procedure is to be used and how disciplinary proceedings are to be conducted.

OBJECTIVE OF DISCIPLINARY PROCEDURE

The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

- There is a formal procedure.
- There is a just and fair procedure.
- A member is presumed innocent until proven guilty.
- A member has a chance to defend herself or himself.
- A member has a right to representation by another member in good standing
- A member has the right to appeal.

STARTING DISCIPLINARY PROCEDURE

Disciplinary Proceedings may be instituted:

1. Only for violations or offences of SWADEPA Constitution, the Rules, the Standing Orders, Codes of Conduct, or the violations and offences set out in Article 27.3.1 or Article 27.3.2 or Article 27.3.3. (See Article 27.2. of the Constitution.)
2. By any organ or official of SWADEPA at Zone, Branch, Regional, or National level .However, the NWC may direct that the disciplinary proceedings should take place at a higher level than where a violation or offence was committed (Article 27.4).
3. By the National Disciplinary Committee which can hear and decide cases:
 - Referred to it by SWADEPA National Officials, NWC, or the NEC.
 - Of very serious violations or offences on its own initiative (Article 27.11).

At Zone, Branch, Regional, or National level by a Disciplinary Committee unless:



- The NWC directs that the disciplinary proceedings should take place at a higher level than where a violation or offence was allegedly committed (Article 27.4).
- The National Disciplinary Committee institutes disciplinary proceedings referred by SWADEPA National Officials, NWC, or the NEC (Article 27.11).
- The National Disciplinary Committee institutes disciplinary proceedings itself for very serious violations or offences.(Article 27.11)

HOLDING DISCIPLINARY PROCEEDINGS

1. A charge must be made within reasonable time of the violation or offence. (Article 27.9)
2. A charge must be prepared on behalf of the organ or officials of SWADEPA 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 SWADEPA Constitution, the Rules, the Standing Orders, and Codes of Conduct alleged to have been violated.
 - The violations and offences set out in article 27.3.1 or article 27.3.2 or article 27.3.3 alleged to have been committed.

The following procedure must be followed for appeals:

1. The appeal must be made at the next higher level or the level which the NWC or the REC directs to hear the appeal.
2. The appeal must:
 - Be made within fourteen 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.
 - Set out the grounds for the appeal in reasonable detail.
3. 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. No new charges may be brought at the appeal.
4. 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 and/or penalty.

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

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

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

