

UIM CONSTITUTION



Together we will

PREAMBLE

We, the members of the United Independent Movement, in pursuit of justice, liberty, equality, collective well-being and driven by a collective vision of a just, participatory and accountable governance, hereby establish this political constitution. With a profound respect for our history and inspired by our shared aspirations, we solemnly declare our commitment to shaping a just, inclusive and prosperous society, and a future defined by Godly values and principles.

Embracing the fundamental principle that all individuals are born free and equal in dignity and rights, we affirm our dedication to safeguarding the inherent human rights of every person within our borders. We pledge to uphold the rule of law and protect the rights and liberties of all citizens, irrespective of their backgrounds or beliefs. As diverse as we are, we unite under the banner of our national identity while celebrating the richness of our differences, fostering unity without erasing individuality.

Mindful of our rich cultural tapestry and the myriad threads that compose our nation, we recognize that our diversity is our strength. While embracing our common identity, we also celebrate the richness that stems from our various traditions, languages, and beliefs. We commit to nurturing an environment of inclusivity, where every citizen's voice is valued and heard.

Committed to the pursuit of the common good, we endeavour to create a political system that fosters transparency, accountability and the responsible exercise of power. We recognize that public office is a sacred trust bestowed by the people, and we emphasize the need for ethical conduct and principled leadership.

Acknowledging our responsibility to future generations, we commit to promoting economic growth, sustainable community development and safeguarding the environment. We recognize that our decisions today have far-reaching implications for the world of tomorrow, and we pledge to make choices that prioritize the well-being of both our citizens, our country and the planet.

We pledge to dismantle systemic inequalities, discrimination, crime and corruption. Furthermore to build a government of the people, by the people, and for the people by emphasizing transparency, accountability and active citizen participation. Through this constitution, we establish the framework for a government that serves as a custodian of the people's will, upholding the values of transparency, accountability and participatory governance.

With unity in our diversity, we embrace the responsibility of safeguarding and nurturing our political system. Through this political constitution, we commit ourselves and all future members of the United Independent Movement, to its ideals and principles. May it serve as a foundation for a vibrant, dynamic and responsive political order that advances our shared aspirations for a brighter future.

Together we will.

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1. FOUNDATIONAL PRINCIPLES**1.1 NAME**

1.1.1 The Party shall be registered as the United Independent Movement or the UIM and it shall be known by this name.

1.2 REGISTERED OFFICE

1.2.1 The Registered or National Head Office (NHO) of the UIM shall be in Pretoria, Gauteng, at an address designated by the Secretary-General.

1.2.2 The Secretary-General may at all times designate an alternate Registered or National Head Office.

1.2.3 The Secretary-General will serve as the head of the Registered or National Head Office (NHO).

2. FOUNDING PRINCIPLES**2.1 AIMS**

To serve as a political alternative and a political home for all South Africans. To ensure and secure a better future for all South Africans and everyone who reside in South Africa. By winning the heart of the nation through insightful education, truth, honesty, integrity, dedication and an unwavering commitment to our country and its people. To accept and responsibly make the most of all leadership opportunities afforded to us via local or national election, by efficiently and effectively protecting and nurturing the diverse population of this county and all its natural resources, through revisiting and upholding the Constitution of the Republic of South Africa, eradicating corruption and criminality, encouraging economic growth through controlled imports and increased in-house capital growth and exports, and, purposing to make all decisions through a filter of Godly values, principles and precepts.

2.2 OBJECTIVES

2.2.1 To achieve these objectives, the UIM shall:

2.2.1.1 Maintain its registration as a political party under the laws of the Republic of South Africa and promote education, understanding and insight into a better South Africa for all its citizens;

2.2.1.2 Adhere to and promote the values contained in the SA Constitution and this document;

2.2.1.3 Promote and advocate for a more equitable South Africa where citizens and residents can access and use the rights afforded to them in terms of the SA Constitution and be part of saving and changing South Africa with a bottoms-up approach of communities being involved in positive change in their regions;

2.2.1.4 Promote the values of truth, trust, equity, social justice, solidarity, sustainability, service, courage, transcendence and temperance in South Africa and give life to these values within our communities;

2.2.1.5 Champion a sense of belonging, feeling of safety and love for self, community and country within South Africans, thereby stimulating a sense of self-worth, credibility and autonomy towards stronger communities, economic and personal growth, to the benefit of all locally thereby also strengthening our global imprint and footprint;

2.2.1.6 Fight for and bring about a South Africa that is equitable and just and where no-one is left behind;

2.2.1.7 To ensure for all citizens a free and just life by actively promoting and implementing their rights.

2.3 VALUES

Our members and supporters will subscribe to the following values:

2.3.1 TRUTH

Truth can be subjective or objective. UIM purposes towards objective truth founded in theoretical and empirical experience. Present politics has earned a reputation for profound dishonesty and immunity from the truth. Leadership is a privilege. It is a privilege we will never abuse. We will lead in truth. Even when the truth is not popular.

2.3.2 TRUST

Trust is the assured reliance of strong character projected and earned through building purposed relationship based on truth. We pledge to be truthful and trustworthy.

2.3.3 EQUITY

South Africa remains a state of deep-rooted inequalities. Despite progress, democracy hasn't reversed that. Equity is an outcome of addressing inequality, it is the purposed practice of being impartial, reasonable, fair and just, with the implicit purpose of adjusting imbalances.

2.3.4 JUSTICE

The centuries of oppression and exclusion that is our country's history still linger today. We believe in a South Africa built on spatial, social, economic and environmental justice. The ethical and philosophical idea that all persons should be treated impartially, fairly, reasonably and properly by the law and arbiters of the law, that laws are to ensure that no harm befalls another and in the instance that it does, remedial action is taken. Social justice is the notion that everyone deserves equal economic, political and social opportunities irrespective of race, gender or religion. Justice means to make right inter-living, inter-relationships and social equality. It is a mandate of fundamental expression of Godly values, to care for the needing, oppressed and helpless

2.3.5 SOLIDARITY

We recognise the critical bonds that exist between us. This is the foundation of our society. The progress and success of the country that we share, that we call home, depends on strengthening these bonds through recognising and realising the benefit of unity in diversity of strengths, social and culture differences.

2.3.6 SUSTAINABILITY

The world's climate is changing faster than scientists initially expected. Humans are consuming and destroying the natural resources that give us life. If we do not act now, our environment will not be able to sustainably and reliably provide us with the homes, food and water that we and our children will need. UIM purposes to learn from history, science and empirical experience and propose and develop measures that will protect our natural resources for generations to come.

2.3.7 SERVICE

Political powers are public servants, chosen by the people for the people to the betterment of the people, and those in power must embody and practice the privilege to serve, not to be served.

2.3.8 COURAGE

Having the strength of mind to persevere in the face of fear or danger, to speak out for those who are not able to speak for themselves in the face of injustice and unfairness. To focus towards being resolution based, in spiritual, mental and moral strength towards bigger picture purpose towards

truth, honesty and integrity whilst fighting inner fears to stay quiet and self-preserve rather than stand up towards the betterment of all peoples.

2.3.9 TRANSCENDENCE

Striving for greatness, climbing to higher heights and pushing the limits in all facets needed to save and change our country to the benefit of all citizens, and purposing to set an example and direct the thinking of others towards an attitude of gratitude, appreciation of beauty and excellence, and hope towards an improved SA.

2.3.10 TEMPERANCE

Avoiding extremes in action, word or deed and exercising discipline, self-control and rationality towards self, others and environmental choices in order to focus on the bigger picture of sustainable growth, social safety, security and respect to purpose a better SA for all its people.

3. STATUS, LEGAL PERSONALITY AND POWERS

- 3.1 The UIM is a body corporate with perpetual succession and shall be capable of suing and being sued in its name.
- 3.2 The President of the UIM may nominate another person suited for the task, to act on the UIM's behalf in all litigation and take steps and do all things as he/she may deem necessary in this regard.
- 3.3 The President and the Secretary-General have the individual power and authority to sign all contracts and agreements on behalf of the Party.
- 3.4 Only registered UIM members will be permitted to serve as staff, in public office positions, in leadership, designated or ad hoc positions, or as members of departments or committees in or on behalf of the Party.
- 3.5 All documents drafted by the President or Secretary-General and the contents therein, as per their mandates in terms of this constitution, will be valid and binding on the UIM and its members upon those documents being signed and released by either party.
- 3.6 Documents as per rule 3.5 will include but not be limited to policies, rules, regulations, procedures, appointment letters, contracts, statements, decisions, instructions and notices.
- 3.7 All mandated decisions taken in terms of the provisions of this constitution will be valid and binding on all members of the Party.

4. PARTY LEADERSHIP/NATIONAL LEADERSHIP COMMITTEE (NLC)

Members of the NLC will be *ex officio* members of all structures of the party, excluding the NHO and where this constitution provides otherwise. Selection to the NLC will occur in terms of the provisions of this constitution where specified or in terms of rule 5.1.2.

4.1 THE PRESIDENT

- 4.1.1 The President of the UIM will be Albertus Cornelius de Beer.
- 4.1.2 His appointment will continue until:
- He resigns or upon death or permanent incapacity;
 - A new candidate is appointed as per the provisions of this constitution.
- 4.1.3 The role of the UIM President is to:
- 4.1.3.1 Assist in building the UIM nationally;

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- 4.1.3.2 Assist with fundraising for the UIM and other worthwhile causes;
- 4.1.3.3 Seek international links with like-minded organizations to build the UIM's profile both nationally and internationally;
- 4.1.3.4 Represent the UIM in the media on relevant issues, in response to other political leaders and/or on matters that affect the UIM;
- 4.1.3.5 Refer complaints regarding any matters to the relevant structures or members of the UIM for resolution;
- 4.1.3.6 Develop a succession plan for the UIM;
- 4.1.3.7 Develop new leadership and ensure that they participate fully in the structures of the UIM;
- 4.1.3.8 Prepare regular reports for the NEC and the National Conference;
- 4.1.3.9 Assist with policy development and implementation;
- 4.1.3.10 Appoint the Vice President and Secretary-General.
- 4.1.4 The President is empowered to make policy decisions, political decisions and associations to other organisations, that are binding on the Party and all its members, within his or her mandate in terms of this constitution.
- 4.2 **THE VICE PRESIDENT**
- 4.2.1 The Vice President of the UIM will be appointed by the President of the UIM, as soon as reasonably possible after the registration of the Party and his/her appointment will continue until:
- He/she resigns or upon death or permanent incapacity;
 - A new candidate is appointed as per the provisions of this constitution.
- 4.2.2 The Vice President shall assist the President, deputise for him or her when necessary and carry out whatever functions that are entrusted to him or her by the President or the Secretary-General.
- 4.2.3 In the event of dismissal, death or permanent incapacity of the President or the Vice President, the Provisions of rule 4.3.3 will apply. The NEC shall, at the first NEC meeting that takes place after such an event occurs, appoint the new President or Vice President.
- 4.3 **THE SECRETARY-GENERAL**
- 4.3.1 The Secretary-General of the UIM will be appointed by the President of the UIM, as soon as reasonably possible after the registration of the Party and his/her appointment will continue until:
- He or she resigns or upon death or permanent incapacity;
 - A new candidate is appointed as per the provisions of this constitution.
- 4.3.2 The Secretary-General of the UIM will be the day to day manager of all the affairs and the business of the UIM. In addition, the Secretary-General will perform duties that will include, but not be limited to the following:
- 4.3.2.1 Be the head of administration of the Party and be responsible for the proper administrative function and management of the UIM;
- 4.3.2.2 Be responsible for the establishment and management of all UIM Party structures, the appointment of staff or members to such structures, and the appointment of members in leadership, designated or ad hoc positions within the Party;
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- 4.3.2.3 Determine and establish the rules, regulations, duties, mandates and procedures pertaining to all established departments, committees and structures within the Party;
- 4.3.2.4 Determine and establish the criteria, requirements, duties and mandates pertaining to all established positions or appointments within the Party;
- 4.3.2.5 Determine and establish the rules, regulations and procedures pertaining to all election, voting and appointment processes within the Party;
- 4.3.2.6 Together with the National Chairperson be responsible for the political education of all structures;
- 4.3.2.7 Convey the decisions and instructions of the President and NEC to all relevant structures and facilitate the implementation of decisions taken by the President and NEC and see to it that all units of the UIM carry out their duties properly;
- 4.3.2.8 Assist the National Chairperson in preparing for the National Conference and NEC meetings;
- 4.3.2.9 Keep the minutes of the National Conference and NEC meetings as well as other relevant records of the UIM;
- 4.3.2.10 Conduct the correspondence of the NEC and send out notices of all conferences and meetings of the UIM, held at national level;
- 4.3.2.11 Assist with political policy drafting, development and implementation;
- 4.3.2.12 Draft structural, administrative and management policies;
- 4.3.2.13 Appoint the National Treasurer;
- 4.3.2.14 Be the chief administrator of all Party bank accounts and finances.
- 4.3.3 In the absence of the President and the Vice President, the Secretary-General shall assume the functions and role of the President.
- 4.3.4 All departments, committees, structures, members in designated, leadership or ad hoc positions, staff, and members serving in public office positions, will report on their activities on request and be accountable to the Secretary-General.
- 4.3.5 Administration and management of the Party will include but not be limited to finance, Party structure, communication, branding, logistics, marketing, media and social media, membership, disciplinary procedures and the enforcement of the rules and regulations of this constitution.
- 4.3.6 All administrative decisions have to be authorised and ratified by the Secretary-General before validation and implementation.
- 4.4 **THE NATIONAL CHAIRPERSON**
- 4.4.1 The National Chairperson of the UIM will be elected at an appropriate time at the discretion of the NLC, from amongst the membership of the UIM. His/her appointment will continue until:
- He/she resigns or upon death or permanent incapacity;
 - A new candidate is appointed as per the provisions of this constitution.
- 4.4.2 The National Chairperson of the UIM shall be a fit and proper man or woman, for purposes of fulfilling the duties stipulated in terms of this constitution.
- 4.4.3 The National Chairperson will:
- 4.4.3.1 Convene and organize the National Conference, in consultation with the other members of the NEC and NLC;
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- 4.4.3.2 Co-ordinate and chair NEC meetings;
- 4.4.3.3 In consultation with the Secretary-General draw up the agenda and minutes of NEC meetings;
- 4.4.3.4 At every NEC meeting, ensure that a quorum is present, motions are cleared before voting begins, matters are dealt with in strict order, that the will of the majority is expressed, and that right of members to express their opinion is protected;
- 4.4.3.5 Assist the President and Secretary-General with their duties in terms of this constitution, to the extent that this is required or requested by the President or Secretary-General;
- 4.4.3.6 Act as National Election Coordinator during election periods.
- 4.4.4 In the absence of the National Chairperson, the President shall chair all NEC meetings, followed by the Secretary-General in the absence of the President.
- 4.4.5 In the absence of the National Chairperson, the Secretary-General will fulfil the duties of the National Chairperson.

4.5 THE NATIONAL TREASURER

- 4.5.1 The National Treasurer of the UIM will be appointed by the Secretary-General of the UIM, as soon as reasonably possible after the registration of the Party and his/her appointment will continue until:
- He/she resigns or upon death or permanent incapacity;
 - A new candidate is appointed as per the provisions of this constitution.
- 4.5.2 The National Treasurer will:
- 4.5.2.1 Take overall responsibility for the fundraising of the UIM;
- 4.5.2.2 Together with the Secretary-General be responsible for the proper financial administrative function of the UIM;
- 4.5.2.3 Prepare regular reports to the Secretary-General;
- 4.5.2.4 Be informed about the latest financial and political developments in the UIM, and shall align the financial management accordingly, to ensure that there is proper financial governance and legal compliance;
- 4.5.2.5 Ensure that regular audited financial reports are prepared and presented to the Secretary-General for approval;
- 4.5.2.6 Plan and implement national fundraising strategies;
- 4.5.2.7 With the Secretary-General's authorisation make payments, whether by electronic transfer, cheque or by any other means when required to do so;
- 4.5.2.8 Together with the Secretary-General, develop rules to ensure proper and lawful financial governance of the funds and the financial interests of the UIM;
- 4.5.2.9 Be the co-administrator of all UIM bank accounts together with the Secretary-General.

5. PARTY STRUCTURE

5.1 THE NATIONAL CONFERENCE

- 5.1.1 The first National Conference will be held in 2023 and thereafter every 5 years in December of that year or on a date determined by the Secretary-General.

5.1.2 The Secretary-General will determine the program of the 1st National Conference and establish the rules, regulations and procedures pertaining to the 1st National Conference and all subsequent National Conferences thereafter.

5.2 THE NATIONAL EXECUTIVE COMMITTEE (NEC)

5.2.1 An inaugural National Executive Committee will be established amongst the movement's members and appointed by the President or Secretary-General.

5.2.2 The inaugural NEC will be replaced by the official NEC, appointed in accordance with the established provisions in terms of this constitution.

5.2.3 The NEC will be the political policy decision-making body of the UIM.

5.2.4 The NEC shall have all the powers and functions required to give effect to this constitution and to achieve the aims and objectives of the UIM.

5.2.5 The President or Secretary-General will have the power to add, remove or replace members of the NEC in accordance with the established provisions of this constitution.

5.2.6 The President or Secretary-General may assign any task or refer any non-administrative decision to the NEC for completion, deliberation and/or vote.

5.2.7 All decisions, policies or motions must be ratified in writing by the President or Secretary-General before becoming official and valid.

5.2.8 In the event of a deadlock or if no required majority is reached on any motion, policy or decision, the NLC will by majority decision settle the matter.

5.3 MULTI-LEVEL LEADERSHIP AND GOVERNANCE

5.3.1 National, provincial, regional and local structures will be established. These structures will include committees, departments, and members appointed in designated or leadership positions.

5.3.2 Geographical boundaries pertaining to all structures will be determined and established by the Secretary-General.

5.3.3 All structure, department and committee members, as well as members appointed in any designated or leadership position will:

5.3.3.1 Carry out the policies and programmes of the UIM, and do all things necessary to further the interests, aims and objectives of the Party;

5.3.3.2 Carry out the mandates and duties pertaining to each structure, department, committee or position;

5.3.3.3 Submit reports to the Secretary-General, as often as is required on any matters as may be specified;

5.3.3.4 Attend all Party meetings, including virtual meetings, at the request of the members of the NLC;

5.4 NATIONAL HEAD OFFICE (NHO)

5.4.1 The NHO will serve as the political and administrative headquarters of the Party.

5.4.2 The Secretary-General has the sole authority to appoint staff or members to the Party's NHO.

5.4.3 The Secretary-General may establish specific positions or designations within the NHO to fulfil specific functions or for specific purposes and determine the criteria, mandates, duties and requirements pertaining to such positions or designations.

5.4.4 The Secretary-General will have the power to remove and replace members of the NHO at his or her discretion without requiring prior notice, grounds or reasons, or in terms of section 6 of this constitution and in terms of the provisions of an employment contract.

5.5 MEMBERSHIP

5.5.1 Membership will be open to every South African citizen who is 18 years or older, and who:

5.5.1.1 Subscribes to the aims and principles contained in the SA Constitution, as well as this constitution and the aims, objectives, values and policies of the UIM;

5.5.1.2 Undertakes to abide by the SA Constitution, and the constitution of the UIM and all its provisions including all future amendments to this constitution ;

5.5.1.3 Is not a member of any other political party, unless approved by the NEC, on good cause shown;

5.5.1.4 Applies to be a member of the UIM in the manner or methods prescribed by the Party, and pays any prescribed membership fee where applicable, subject to any conditions which may be imposed by the Party on the membership of any specific member or specific group of members.

5.5.2 Membership shall be valid until a member resigns, dies, or the membership of that member ceases or terminates.

5.6 APPLICATIONS FOR MEMBERSHIP

5.6.1 Persons who want to become members of the UIM will:

5.6.1.1 Apply in the prescribed manner, as determined by the Party;

5.6.1.2 Pay the prescribed membership fee where applicable;

5.6.1.3 Have their membership applications screened by an appropriately appointed committee, who may make a recommendation to the NEC that the membership of a specific person, or a specific group of persons not be approved, alternatively that it be approved only for a specific period, or subject to conditions.

5.7 CESSATION OF MEMBERSHIP

5.7.1 A member ceases to be a member of the UIM when he or she:

5.7.1.1 Fails to renew his or her membership on or before the date when it will terminate in terms of his/her previous membership application;

5.7.1.2 Publicly declares his or her intention to resign and/or publicly declares his or her resignation from the UIM;

5.7.1.3 Publicly declares his or her intention to join another political party and/or publicly declares that he or she has joined another political party;

5.7.1.4 Becomes or remains a member of another political party;

5.7.1.5 Has his or her membership application refused by the NEC;

5.7.1.6 Canvasses other UIM members to resign from the UIM;

5.7.1.7 Canvasses other UIM members to join or support another political party;

5.7.1.8 Stands or accepts nomination against an official candidate of the UIM in any public election;

5.7.1.9 After having been warned to desist, publicly and unreasonably disparages the UIM or decisions taken by its structures;

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- 5.7.1.10 Fails to resign any position within the UIM, or any public office, after the Secretary-General has requested him or her to do so, on the basis that it is in the best interests of the UIM;
- 5.7.1.11 Is convicted by a Court of law, of any offence listed in Schedule 1, 2, 5, 6 or 7 of the Criminal Procedure Act, 51 of 1977;
- 5.7.1.12 Is in default with the payment of any compulsory public representative contribution for 2 weeks after having been notified in writing that he or she is in arrears and fails to make satisfactory arrangements, or fails to comply with such arrangements for payment of the arrears;
- 5.7.1.13 Being a public representative of the UIM in a legislative body, in any meeting of that legislative body, votes in a manner contrary to a UIM caucus decision which is consistent with UIM policy, in that legislative body, or being a single public representative in a caucus, votes in a manner inconsistent with the instructions of higher UIM structures, UIM policy or person(s) mandated by this constitution to issue instructions: save in the case where the UIM allows a free vote on the issue being voted on, or the caucus has given permission for that member to vote in a particular manner;
- 5.7.1.14 Being a public representative of the UIM in a legislative body, introduces a motion of no confidence in any government controlled by the UIM, or in which the UIM is in a coalition, or has one or more office-bearers in such a government, except with the leave of the President;
- 5.7.1.15 Being a public representative of the UIM in a legislative body, in any meeting of that legislative body, leaves the meeting at a time a vote is to be taken on a matter that has been agreed by the caucus, in a situation in which leaving the meeting prevents the decision from being taken, or which causes or results in a decision being taken that is contrary to the agreed caucus position;
- 5.7.1.16 Refuses to resign his or her membership of the UIM within forty eight (48) hours, after he or she is requested or instructed to do so, by the Secretary-General. The Secretary-General may only decide that a member is to resign his or her membership of the UIM if the Secretary-General determines that it is in the best interests of the UIM;
- 5.7.1.17 Is permanently suspended for a breach of the UIM's code of conduct, subject to the disciplinary procedures set out in this constitution;
- 5.7.1.18 Refuses to accept or abide by any amendments to this constitution or policies, addendums, procedures, structures, requirements, rules or regulations adopted or established as per the provisions of this constitution.
- 5.7.2 A member, who ceases to be a member of the UIM loses all privileges of UIM membership and, if that member is a public representative, he or she also loses the office which he or she occupies under his or her membership, with immediate effect.

5.8 TERMINATION OF MEMBERSHIP

- 5.8.1 The membership of a specific membership terminates when:
- 5.8.1.1 He or she resigns in writing or orally and that resignation is addressed to the Secretary-General of the UIM;
- 5.8.1.2 His or her membership has been terminated in terms of any of the provisions of this constitution;
- 5.8.1.3 He or she dies.

5.9 SUSPENSION OF MEMBERSHIP

- 5.9.1 The Secretary-General may at any time suspend the membership of any person who is suspected of having transgressed the provisions of this constitution or is in breach of any rule of the code of conduct, subject to the disciplinary procedures set out in this constitution.

5.10 CANDIDATE SELECTION FOR PUBLIC OFFICE

- 5.10.1 Candidate selection and amendment of candidate lists for public office will occur in terms of the requirements, criteria, rules, regulations and procedures that will be developed by the Secretary-General in the best interests of the UIM.
- 5.10.2 The Secretary-General will be responsible for the final submission of all candidate lists for public office in any national, provincial, regional and local position.

5.11 CAUCUSES

- 5.11.1 The NEC will ensure that in all legislative bodies where the UIM is represented, those caucuses are established and that there are rules developed for the proper functioning of such caucuses. A caucus shall comprise all the members of the UIM who are represented in a specific legislative body.

5.12 AMENDMENTS TO THE CONSTITUTION

- 5.12.1 This constitution will remain amendable at all times by the Secretary-General.
- 5.12.2 Any amendments to this constitution will take immediate effect and be valid and binding on the Party and all its members.
- 5.12.3 The most recent version of this constitution at any given time will remain valid for the duration of the Party's existence until amended.

5.13 DISSOLUTION

- 5.13.1 The UIM may dissolve if a unanimous decision is taken by the NEC by majority vote, at a meeting specifically called for this purpose.
- 5.13.2 The President or Secretary-General may overrule any such decision taken by the NEC which will result in no dissolution.
- 5.13.3 The property of the UIM shall upon dissolution be transferred to such political parties or societies having objectives similar to those of the UIM, within South Africa and as determined by the NEC at the meeting where it is determined to dissolve the UIM.

6. DISCIPLINARY MATTERS

For the purpose of this constitution and its Code of Conduct, a public representative shall be any member of the Party representing the UIM in any public office position or capacity at National, Provincial, Regional, municipal and local level. Staff shall refer to any member of the UIM that is formally employed by the Party. Member shall refer to any registered member of the Party in terms of the regulations of this constitution.

6.1 CODE OF CONDUCT

- 6.1.1 A public representative, staff or member of the UIM shall:
- 6.1.1.1 Act at all times in the best interest of the UIM and in such a way that the credibility and integrity of the UIM is not compromised;
- 6.1.1.2 Loyal execute the policies of the UIM established as per the provisions of this constitution;
- 6.1.1.3 Loyal execute all duties, instructions and requirements established in terms of any provisions of this constitution;
- 6.1.1.4 At all times satisfy the Party requirements and criteria established in terms of a public office position and perform the functions and duties of such a position in good faith, diligently, honestly and in a transparent manner;

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- 6.1.1.5 At all times satisfy the requirements and criteria of any appointed position within the Party, established in terms of any provisions of this constitution, and perform the functions and duties of such a position in good faith, diligently, honestly and in a transparent manner;
 - 6.1.1.6 Act in such a way that the spirit, purpose and objectives of the UIM, including the decisions of all authorised decision takers and the terms and goals of this constitution are promoted;
 - 6.1.1.7 Behave at all times in such a manner that his/her actions or conduct is not detrimental to the interest of the UIM and does not bring the UIM and/or its leadership into disrepute;
 - 6.1.1.8 Fulfil her/his financial obligations with regards to any contributions to the Party regularly, in terms the provisions of this constitution or any agreements entered into with the UIM;
 - 6.1.1.9 Assist relevant structures in building and advancing the best interests of the UIM;
 - 6.1.1.10 Act impartially and treat all people equally without favour or prejudice;
 - 6.1.1.11 Perform the functions of office and any established position in terms of the provisions of this constitution having due regard and respect for the values and principles of non-racialism and non-sexism;
 - 6.1.1.12 Adhere to all established Party rules, regulations and procedures as determined by this constitution and person(s) mandated by this constitution to establish such rules, regulations and procedures;
 - 6.1.1.13 Attend all Party meetings as per the provisions of this constitution and adhere to the rules, regulations and procedures pertaining to the conducting of such meetings;
 - 6.1.1.14 Furnish reports and provide information and updates on any matters related to or in the interest of the Party when requested to do so by the President, Secretary-General, person(s) or bodies mandated by this constitution to request such reports, information or updates.

6.2 BREACHES OF THE CODE

- 6.2.1 Any public representative, staff or member who commits any of the following acts shall be deemed to have committed a breach of the rules, provisions or policies of the Party:
 - 6.2.1.1 Committing any offence in respect of which criminal charges are laid against such person;
 - 6.2.1.2 Failing to adhere to or comply in all material terms with any instruction or decision by the President, Secretary-General, authorised body or official of the UIM as per its/his/her mandate in terms of this constitution;
 - 6.2.1.3 Conducting himself/herself in such a way as would be calculated or would be likely to lower the esteem of in which the UIM is held by the public;
 - 6.2.1.4 Collecting funds for or on behalf of the UIM when not authorized to do so;
 - 6.2.1.5 Misappropriation of UIM funds and acceptance of any undue benefit;
 - 6.2.1.6 Instituting false charges against any UIM member;
 - 6.2.1.7 Making unauthorized statements to the media, or in public;
 - 6.2.1.8 Disclosing confidential information to other political parties or unauthorized persons;
 - 6.2.1.9 Conducting himself/herself in a manner unbecoming a member of the UIM;
 - 6.2.1.10 Failing to adhere to, or non-compliance with any rule as per subsection 6.1;
 - 6.2.1.11 Voting against an agreed UIM caucus position;

6.2.1.12 Doing anything in clear contravention of any UIM policy, instruction or decision issued or taken by the UIM leadership, person(s) or bodies mandated by this constitution to make decisions or issue instructions.

6.3 DISCIPLINARY PROCEDURE

6.3.1 The Secretary-General may allow an investigation into the alleged offence.

6.3.2 A complaint of breach of any of the rules, regulations, provisions or policies of the UIM or recommendation from the NEC pertaining to the unsatisfactory performance of a local/municipal representative in council, will be forwarded to the Secretary-General, who may:

6.3.2.1 Suspend the member concerned pending a disciplinary hearing;

6.3.2.2 Appoint a Disciplinary and/or Appeal Committee, if deemed necessary, which may consist of three (3) or more competent persons. Only public representatives who may lose their positions as a public representative of the UIM, as a result of discipline or poor performance, will be entitled to an appeal, before final ratification of the relevant decision is made by the Secretary-General;

6.3.2.3 Delegate his/her functions under this section in writing to any member of the UIM, or a competent body, person or institution.

6.3.2.4 Refer any final decision concerning possible sanctions against a guilty party to a higher authority within the Party at his or her discretion.

6.3.3 All disciplinary matters will be dealt with internally by the Party according to its established disciplinary procedures.

6.3.4 A member against whom a complaint has been laid or any member party to a hearing or appeal, may not be entitled to external legal representation during either the enquiry, hearing or appeal proceedings.

6.3.5 A Disciplinary or Appeal Committee as established by the Secretary-General will adopt the rules, regulations and internal procedures, as determined and prescribed by the Secretary-General, to conduct a disciplinary enquiry and or hearing or appeal, and shall keep an accurate record of its proceedings.

6.3.6 All records of proceedings pertaining to enquiries, hearings or appeals must be forwarded to the Secretary-General upon completion.

6.3.7 A Disciplinary Committee must make a finding, based on its enquiry, on whether the charges against the member have been substantiated and a hearing warranted, or dismiss the complaint(s) or charge(s), after consulting with the Secretary-General, without a hearing.

6.3.8 If a member is found guilty, any of the sanctions referred to in subsection 6.3.11 below may be proposed by a Disciplinary Committee.

6.3.9 The Secretary-General will ratify, reject, or amend the recommendations a Disciplinary Committee within five (5) days of the completion of its proceedings.

6.3.10 Any decision by a Disciplinary Committee or Appeal Committee will be subject to final ratification by the Secretary-General.

6.3.11 After being found guilty of a breach, the following sanctions may be imposed by a Disciplinary Committee or Appeal Committee (subject to ratification by the Secretary-General):

6.3.11.1 A formal written warning;

6.3.11.2 A formal reprimand;

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- 6.3.11.3 A suspension of membership, to the extent determined by the Secretary-General for a specific period;
 - 6.3.11.4 Expulsion from membership of the UIM;
 - 6.3.11.5 Removal from any public office position held or designated position appointed in representing the Party at any level, structure, department or committee;
 - 6.3.11.6 Removal or dismissal as a member of any Party structure, department or committee at any level.

6.4 APPEAL PROCEDURE

- 6.4.1 If an appeal becomes relevant, then a public representative who wants to appeal the findings and recommendations of a Disciplinary Committee may within five (5) working days of being informed of the decision of a Disciplinary Committee, inform the Secretary-General in writing of his/her wish to appeal against such decision.
- 6.4.2 The Secretary-General will, in that event, convene an Appeal Committee, which may consist of three (3) or more competent persons, who will conduct an expeditious appeal in a manner that will allow for justice to be served, without delay.
- 6.4.3 An Appeal Committee as established by the Secretary-General shall adopt the rules, regulations and internal procedures as determined and prescribed by the NEC to conduct the appeal process, and shall keep an accurate record of its proceedings.
- 6.4.4 A public representative who wants to appeal, shall deliver a notice of appeal in writing and shall state clearly the grounds of appeal. The receipt of an appeal shall not be interpreted as the suspension of any sanction imposed against the member unless the Secretary-General determines otherwise.
- 6.4.5 All appeals must be finalised within five (5) calendar days from the time that an Appeal Committee is convened by the Secretary-General.
- 6.4.6 If an appeal is not determined within the aforesaid five (5) day period, due to:
 - 6.4.6.1 delays of the member who wants to appeal, then an Appeal Committee will inform the Secretary-General accordingly. The Secretary-General may then decide that the appeal has lapsed, or may, on good cause shown, extend the period for the appeal to be determined. In the event if the Secretary-General determines that the appeal has lapsed, the earlier decision of the Secretary-General will become final.
 - 6.4.6.2 reasons which are beyond the control of the member who wants to appeal, an Appeal Committee will inform the Secretary-General accordingly. The Secretary-General may extend the period for the appeal to be determined, on good cause shown and if the appeal remains undetermined at the end of that period of extension, the provisions of the paragraph will apply mutatis mutandis.

7. GENERAL

- 7.1 Only UIM meetings convened by members of the NLC or persons mandated in terms of the provisions of this constitution to convene such meetings, are applicable to rule 6.1.1.13.
- 7.2 Appointment of members in public office positions, staff, members to departments, committees or in leadership, designated or ad hoc positions in the Party, must be done in writing and signed by the person(s) mandated by this constitution to effect such appointments.
- 7.3 All ratifications by the President or Secretary-General must be done in writing and signed by the relevant party.

- 7.4 Only the members of the NLC or persons mandated in terms of their appointed positions within the Party may issue public statements on behalf of the Party.
- 7.5 All Party matters, information or documents will be regarded as strictly confidential unless specified otherwise and will be subject to rule 6.2.1.8.

END