



CONSTITUTION

OF CAPE COLOURED CONGRESS



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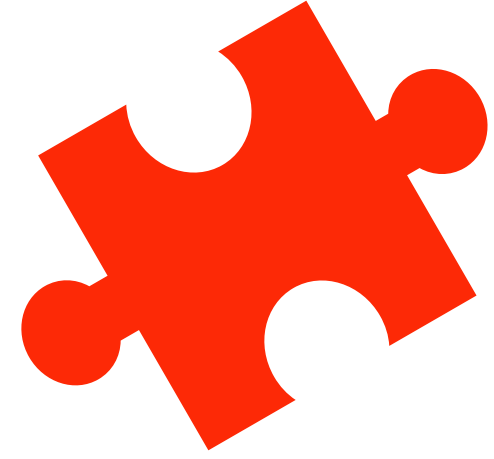
1. Preamble

Cape Coloured Congress believes that the people known as coloured, and those recognized as the minorities, are being marginalized Country Wide due to unfair implementation of various policies. For this reason Cape Coloured Congress believes that the only way forward for our people would be an independent state, based on the fact that almost all the people from this group are aboriginal to this land as descendants of the Khoe and San generally known as Khoisan, recognized as The First Nation as set out in UNDRIP's 107th plenary meeting held on 13 September 2007. Taking note of the recommendations of the Human Rights Council contained in its resolution 1st and 2nd June 2006, by which the Council adopted the text of the United Nations Declaration on the rights of the Indigenous Peoples. Cape Coloured Congress furthermore believes in Self Determination for the Khoi and San regarding the right to determine responsibilities of individuals to their communities. Cape Coloured Congress supports all minorities that has been marginalized and discriminated against..



2. Mission Statement

Cape Coloured Congress seeks to unite all the historically oppressed peoples, The First Nations Descendants of South Africa, and those that support the cause to recognize that the people commonly known as “coloured” or “brown people” are the descendants of the First Nations and have a historic claim to live and work peacefully in South Africa and especially in the Western Cape, Eastern Cape and the Northern Cape, where amongst other places, the colonialist settlers originally encountered the First Nations, and fully entitled to the protection and the rights as provided for by intent, purpose and purport of the South African Constitution for redress without favour.



To address poverty within communities.



To address food security within communities..



To address inequalities within communities.



To educate people regarding their human rights.



To highlight the plight of all minorities.



To address employment equity in the workplace.



To eradicate the scourge of gangsters and drugs



To move our people out of backyards and onto land of their own.



To impose local demographics in all spheres of life.

3. Our Vision

The vision of Cape Coloured Congress is for the First Nation Descendants and for all minorities that has been previously disadvantaged and are currently disadvantaged full recognition, active in all spheres of society as full participants in the economy, civil society and governance and in nation building. To be known as part of the people that makes up the diverse South African Nation.

To advance and highlight the plight of the Historical First Nation People aboriginal to this soil of the Country.



To see a community that is thriving because everyone is valued.

To promote changes within communities by changing mind-sets.



To work towards an independent Cape, including Western Cape, Northern Cape and parts of the Eastern Cape which are historically the territory of the Aboriginal Peoples of this soil.

To form coalitions with various groups sharing in the same vision.



To assist in poverty alleviation programs.

To facilitate opportunities for people to become self-sustaining.



To facilitate training programmes to individuals and groups interested in self sustenance.

To lobby relevant departments for housing for all.



To ensure that the rightful historical owners benefit fairly in the land expropriation process.



4. Name of the party

Political party id hereby established under the name:
Cape Coloured Congress
(Hereafter referred to as C.C.C)

5. Aims

Reclaim the heritage, dignity and status of the First Nations of South Africa through the full recognition of the First Nation descendants.
Recognize the First Nation genocide and the continued onslaught, reversing the extinct status of the people.
Does not advocate racial discrimination or any kind of racial ideology.
Identify and respond appropriately to racial discrimination advocated and practiced against South Africans that have been labelled "coloureds"
Identify and respond appropriately to any other discrimination advocated and practiced within South Africa.
Encourage a common ideology and understanding of issues affecting the descendants of the First Nations and formulating effective solutions to problems facing this group in the current socio-economic and political landscape of South Africa.

Create a party for social cohesion amongst all minority groups in South Africa, and others still to be identified or to offer them support.
Encourages intellectual, stimulating and constructive debate among other members that is not abusive, derogatory or inflammatory towards other members or groups.
Dispel negative stereotypes aimed at minorities and to argue against commonly held myths that seeks to undermine their advancement at any social sphere and particularly with regards to the economy and land rights.
To prohibit CSE in schools.
Implement relevant structures to assist in the eradication of Gender Based Violence.
Ensuring Fairness and representation in the LGBTQ community.
Death Penalty for rapists, murderers and child molesters.

Aims to encourage empowerment by:
Promoting self-owned businesses
Promoting education initiatives in oppressed and undeveloped communities.
Promoting the enforcement of policies that do not discriminate against employees or business owners amongst the minorities and the broader South African society within the principles of redress.

6. Objective

To close the gap of inequalities between communities.

To foster values at individual and collective levels by strengthening respect for our less privileged.

Responding to the problem of skill shortages in the community by creating opportunities for them.

Using training and development to promote social cohesion.

To develop and promote self-sustainable programmes amongst community members.

To create identities and common humanity.

To develop advocates for change addressing the problem of skills shortages through broader engagement with other sectors.

To build and maintain a broad membership and support base.

To network and form alliances with other entities sharing the same vision.

To lobby relevant departments in the advancement of the historical people of the Country.

7. Legal Status

C.C.C is a Political Party with its own legal identity that is separate from its individual members.

C.C.C shall continue to exist even if the members change.

C.C.C may own property, enter into contracts, and sue or be sued in its own name.



8. Distribution Character

The income and property of C.C.C shall be used solely for the promotion of its stated objectives.

The members and office bearers shall have no rights to the property or other assets of C.C.C solely by virtue of them being members or office bearers.

No portion of the income or property of C.C.C shall be paid or distributed directly or indirectly to any person (otherwise than in the ordinary course of undertaking any public benefit activity) or to any member of C.C.C or Board, except as:

Members may be reimbursed for services rendered in the form of salaries or incentives as per internal policy.

Reasonable compensation for travel to and from Board meetings, and/or meetings and workshops mandated for the Board.

Compensation shall be calculated as a flat fee as agreed by the board payable to members travelling by either public or private transport and shall be made available to the members at attendance of such meetings.

Reimbursement of actual costs or expenses reasonably incurred on behalf of C.C.C and as agreed by the board.

Upon dissolution of C.C.C, after all debts and commitments have been paid, any remaining assets shall not be paid to or distributed amongst members, but shall be transferred by donation to some other non-profit organization which the Board (and failing which any division of the High Court) considers appropriate and which has objectives similar to the objectives of C.C.C.

Members will be awarded 10% of the income received from fundraisers as per internal policy.





9. Powers

C.C.C, acting through its Executive Council, or at a general meeting, shall have the powers necessary for it to carry out its stated objectives effectively.
Such powers shall include, but no limited to, the General Investment and Administrative Powers set out in Schedule A.

10. Members

The Executive members shall be those persons whose names and signatures appear in Schedule B.

The Executive Council may call for an election to admit additional members from time to time.

Subjects to due compliance with any conditions of membership (including payment of any membership fees) which the board may stipulate from time to time and...

In accordance with the following criteria:

Support the vision and mission of C.C.C

Support independence and are in favour of aboriginals.

The Executive Council may suspend or terminate the membership of any member provided that:

At least (14) fourteen days prior notice of the intention to suspend or terminate membership is given to the members of the Board; and

At least (14) fourteen days' notice is given to the member concerned.

The notice shall invite the member to make such written and/or verbal representations to the meeting as the member may consider appropriate.

The member may be represented by another member at the hearing provided that such notice was given in response to the notice of intended suspension.

The member shall inform the Executive Council of intention to defend the suspension or termination of membership within (10) ten days of receipt of notice.

The decision of the Executive Council to admit an applicant or nominee to membership, or to suspend or to terminate membership shall lapse unless confirmed by a resolution of two thirds of the members of C.C. present at the next General Meeting.

11. Structure of Cape Coloured Congress

The structure of C.C.C shall consist of:

The Executive Council

The Executive Committee

The members of the General Meeting

12. The Executive Council (Powers)

The affairs of C.C.C shall be controlled and managed by the Executive Council.

Subject to the terms of this constitution and to the resolutions of the members of the General Meeting the Executive Council and the Executive Committee may exercise all the powers of C.C.C.

In the General Meetings C.C.C may review, approve and amend any decision taken by the Board, but no such resolution of C.C.C shall invalidate any prior action taken by the Executive Council in accordance with the provisions of this Constitution.



13. The Executive Council (Election)

Executive Council members will be identified, interviewed and appointed by members of the Executive Committee. The Executive Council shall hold office for three (3) years.

At the second General Meeting, after the appointment of the Executive Council, nominations to the Executive Council will be considered and appointed.

Executive Council members may be

reappointed to office.

Executive Council members who elected to retire are eligible to appointment and co-option.

Members of the C.C.C will submit names of nominees to the Exco (90) day before a General Meeting for the appointment of Executive Councilors.

The General Meeting will approve the outgoing Executive Council to remain in office if new nominations were not

received.

The Executive Committee is accountable to the Executive Council. The Executive Council will meet quarterly and will be responsible for: Strategic

Financial and Policy oversight of the Party.

The Executive Committee will meet monthly to deal with:

Programmatic and

General operational work of the Party. Keep record of all activities.

Submit all necessary reports and documentation regarding the work and functions of the Party to the Executive Council.

Manage the office and staff.

Manage administration systems to facilitate and meet the contractual, financial, and service responsibilities of the Party.

14. The Executive Council - Composition

The Executive Council shall comprise of at least (7) seven members, but not more than (9) nine members.

The Executive Council members shall comprise of:

Chairperson

Deputy Chairperson

Secretary General

Treasurer

Shall include (3) three members of the Executive Committee.

The Executive Council may co-opt (3) three additional non-voting members as it may consider appropriate from time to time.

The co-opted members shall serve for such a period as the Executive Committee and the Executive Council considers appropriate.

The Executive Council will appoint from amongst the remaining members a:

Such other portfolio holders as may be necessary.



15. Executive Council vacating office

The office of an Executive Council Member shall be vacated if a member:

Resigns, or

Becomes unit and/or incapable of acting as such, or

Is removed by the Executive Council by resolution adopted by at least (3/4) three quarters of its members in office from time to time, being not less than the required minimum of (4) four.

The Executive Council shall only furnish reasons for its decision/s regarding removal/appointment to the member removed and to the members of C.C.C in a General Meeting.



Should a position on the Executive Council fall vacant, the Executive Council, by resolution adopted by at least (2/3) two thirds of its members may co-opt a member/s to fill the vacancies.

If the number of members are less than (6) six the Executive Council shall co-opt members to fill vacancies.

The office of any co-opted person shall lapse unless confirmed by resolution of members at the next general Meeting.



16. Procedure at Executive Council Meetings

The Chairperson shall chair all meetings and in the absence of the Chairperson the Deputy Chairperson shall chair the meeting.

In the absence of both the Chairperson and the Deputy Chairperson, the remaining members of the Executive Council shall elect a chairperson from those present to chair the meeting.

The Chairperson shall convene an Executive Council meeting:

Quarterly and

At written request of any (2) two members of the Board and

May convene such a meeting at any other time.

The quorum necessary for the

transaction of any business by the Executive Council shall be (2/3) two thirds of the Executive Council members serving at any given time.

At meeting of the Executive Council each Executive Council member shall have (1) one vote.

Questions arising shall be settled by majority vote.

Should there be an equality of votes the Chairperson shall have a casting or second vote.

Proper minutes shall be kept of the proceedings of the Board.

The minutes shall be signed by the Chairperson of the meeting and

Shall be available at all times for inspection or copying by any

member of the Executive Council.

And on (2) days' notice to the Secretary General of the Party.

Proper attendance registers shall be kept for all meetings.

A resolution signed by all members of the Executive Council shall be as valid as if passed at a duly convened meeting of the Executive Council.

17. Delegation of Powers

1.

The Executive Council may delegate any of its powers to any of its members.



2.

The member to whom such delegation is made shall conform to any regulations and procedures that may be stipulated by the Executive Council from time to time.

18. General Meetings

Annual General Meetings

An annual general meeting of C.C.C shall be held within (15) fifteen months of the adoption of this constitution.

Subsequent AGM's shall be held within (3) three months of the end of each financial year.

Subsequent AGM's shall be convened by the National Chairperson on not less than (21) twenty one days prior written notice too all members entitled to attend the meeting.

His notice shall state the date, time and place of the meeting and also the agenda to be tabled at the meeting.

The business of the AGM shall include:

Presentation and adoption of the Annual Report of the National Chairperson; Consideration of the Annual Financial Statements; Consideration and ratification of the decisions made by the Executive Council since the last AGM; Appoint of members to serve on the Executive Council every second year at the General Meeting; Appointments of Auditors; General

Other General Meetings

Other general meeting of C.C.C shall be convened at any time by the Chairperson or at written request of the board or (1/4) on quarter of the members of C.C.C.

Any other General Meetings shall be convened on not less than (7) days written notice to all members.

The notice shall state the date, time, place and also the agenda to be tabled at the meeting.

Should the Chairperson, having been requested to give such notice, fail to it within (3) three days of the request, the persons requesting the meeting shall be entitled themselves to give notice to convene the meeting.

Quorum

A quorum constituting a General Meeting of the Party shall consist of (1/4) one quarter of the members.

Should any meeting be properly convened, but no quorum present, the meeting stand adjourned to another date, which shall be within (70) days thereafter and notice shall be served in the manner provided in this constitution.

At such a reconvened meeting the members present shall form a quorum.



18. General Meetings

Resolutions and Voting

At all General Meeting resolutions put to a vote shall be decided by means of a show of hands or by ballot.

A vote by ballot shall only be held if proposed by the Chairperson or by not less than (1/3) one third of those persons voting in person or by proxy.

The result of the vote shall be the resolution of the meeting.

Each member present or represented at such a meeting shall be entitled to (1) vote.

Disputes arising, shall be settled by majority vote.

Should there be equality of votes the National Chairperson shall have a casting or second vote.

Minutes and Records

Proper minutes of the meeting and a record of those present at the meeting shall be kept. Recorded minutes are admissible if written minutes are not available for whatever permissible reason.

The National Chairperson of the meeting shall be available for inspection and for copying by any other member on (2) two days' notice to the secretary or the deputy secretary.

Powers

Subject to the previous set out in the clause above, a duly convened General Meeting of C.C.C at which a quorum is present, is competent to carry out all the objectives and exercise all the powers of C.C.C as set out in this Constitution.

When meeting with outside entities no less than (3) three C.C.C members must be present. Failure to do so will result in disciplinary action.



19. Notices

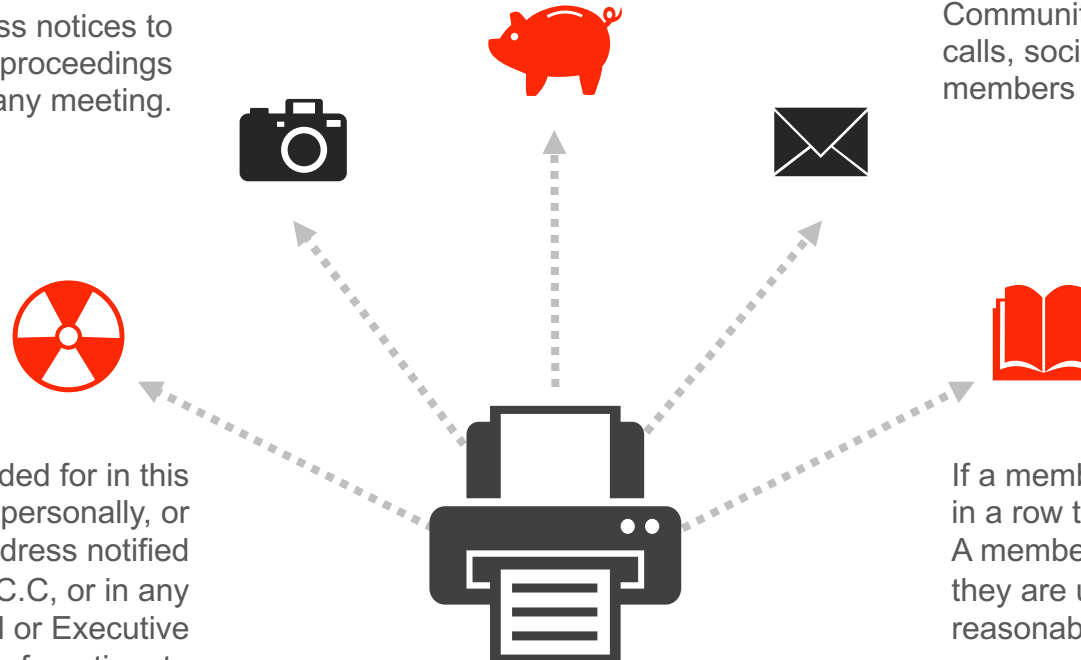
If notices were posted, notices shall be deemed to have been received (5) five days after posting.

The accidental omission to address notices to any person shall not invalidate the proceedings of any meeting.

Community newspapers, faxes, emails, phones, calls, social media and SMS are ways in which members may be informed of meetings.

Notice of all meetings provided for in this Constitution shall be delivered personally, or sent by prepaid post to the last address notified by each person concerned to C.C.C, or in any many as the Executive Council or Executive Committee members may decide from time to time.

If a member does not attend (3) three meetings in a row they will face disciplinary action. A member should give (3) three days' notice if they are unable to attend a meeting with reasonable explanation and validation thereof.



20. Financial Matters

An accounting office shall be appointed at the general meeting. His or her duty is to Audit and check on the finances of the Party. The treasurer's job is to control the day to day finances of the Party. The treasurer shall arrange for all funds to put into a bank account in the name of the Party. The treasurer must also keep proper records of all finances.

Whenever funds are taken out of the bank account, at least (2) members of the Party's Executive must sign the withdrawal or cheque or requisition. An annual financial report must be completed and handed in at the AGM. If the Party has funds that can be invested , the funds may only be invested with the registered financial institutions.

The institutions are listed in section 1 of the Financial Institutions (Investment of Funds) Act, 1984. Or the Party can get securities that are listed on a licensed stock exchange as set out in the Stock Exchange Control Act, 1985. The Party can go to different banks to seek advice on the best way to look after its funds. An independent auditor will be appointed by the Executive Council to verify the accounts of C.C.C.

20. Financial Matters

Bank Account

The Executive Committee Members shall open a bank account in the name of C.C.C with a registered bank.

The Executive Committee Members shall ensure that all monies received by C.C.C are deposited in the above mentioned bank account as soon as possible after receipt. The banking details will be printed in the C.C.C Constitution



Signatures

All cheques, promissory notes and other documents requiring signature on of C.C.C shall be signed by (3) three of the Executive Committee



Financial Records

The executive Council and Executive Committee Members shall ensure that C.C.C keeps proper record and books of account which fairly reflects the affairs of C.C.C.

Annual Report



Financial Year End

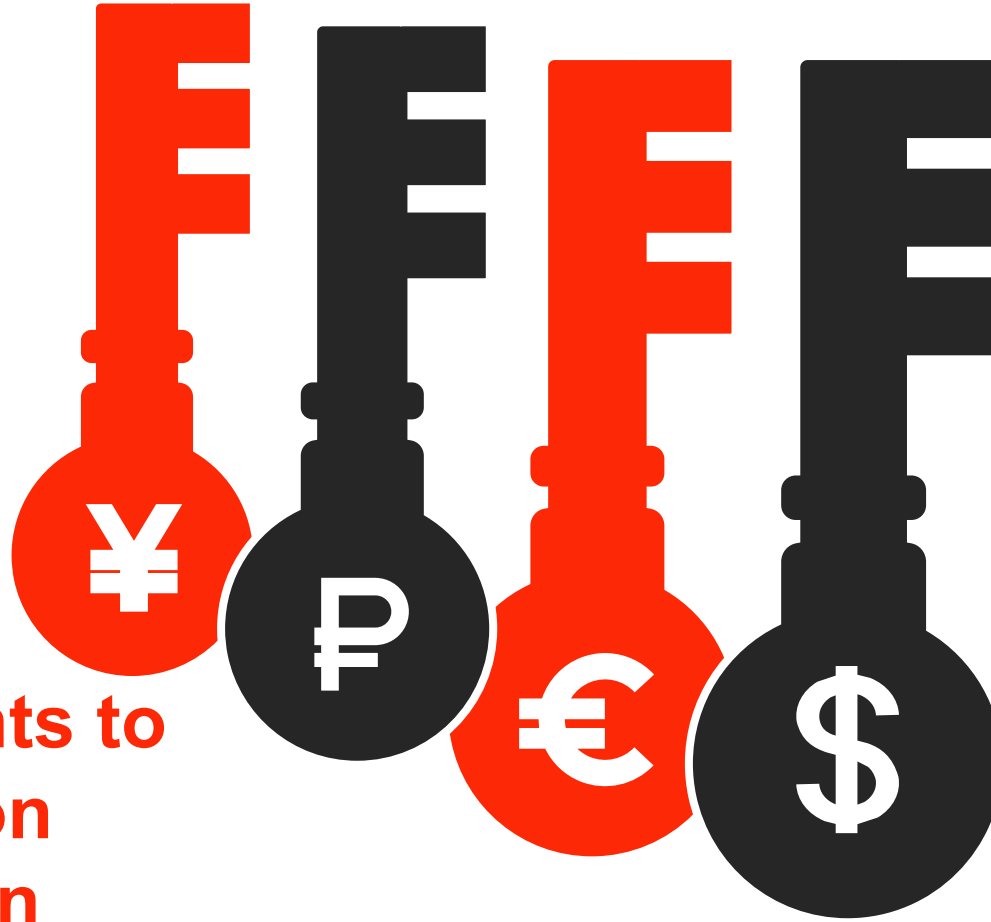
C.C.C Financial Year End shall be May 31st of each year.

Annual Report and Financial Statements

The Executive shall ensure that the Treasurer prepares an annual report describing C.C.C's activities with generally accepted accounting principles and shall include a statement of income and expenditure and a balance sheet of assets and liabilities. Within (2) months after drawing up the Annual Financial Statements, the Executive Council shall ensure that the books of account and financial statements are audited and certified in the customary manner by an independent practicing chartered accountant. A copy of the Annul Financial Statements and the Annual Financial Report shall be made available to all members as soon as possible after the clos of the Financial Year.

21. Amendments to the Constitution and Dissolution

The terms of this Constitution may be amended. The name of the Party may be changed and C.C.C may be dissolved by resolution of (66%) sixty six percent of the members are present at a General Meeting.



22. Indemnity

Subject to the provisions of any relevant statute, members of the Board and other office bearers shall be indemnified by C.C.C for all acts done by them in good faith on its behalf.

It shall be the duty of C.C.C to all costs and expenses which any person incurs or becomes liable for as a result of any contract entered into, or act done by him or her, in his or her said capacity, in the discharge in good faith, of his or her duties on behalf of C.C.C.

Subject to the provisions of any relevant Statute, no member of the Executive Council and other office barer of C.C.C shall be liable for acts, receipts, neglects or defaults of any other member or office bearer, or for any loss, damage or expense suffered by C.C.C, which occurs in the execution of the duties of his or her office, unless it arises as a result of his or her dishonesty, or failure to exercise the degree of care, diligence and skill required by law..

23. Disputes

In the event of serious disagreements between ,members of the Executive Council and/or C.C.C regarding the interpretation of this Constitution then any (2) two Executive Council or any (5) five Executive Committee Members of C.C.C shall be entitled to declare or dispute.

1

Such declaration shall be in writing, state the issue in dispute, and be addressed to the Executive Council.

2

The Executive Council shall consider such declaration with (7) working days of receiving it.

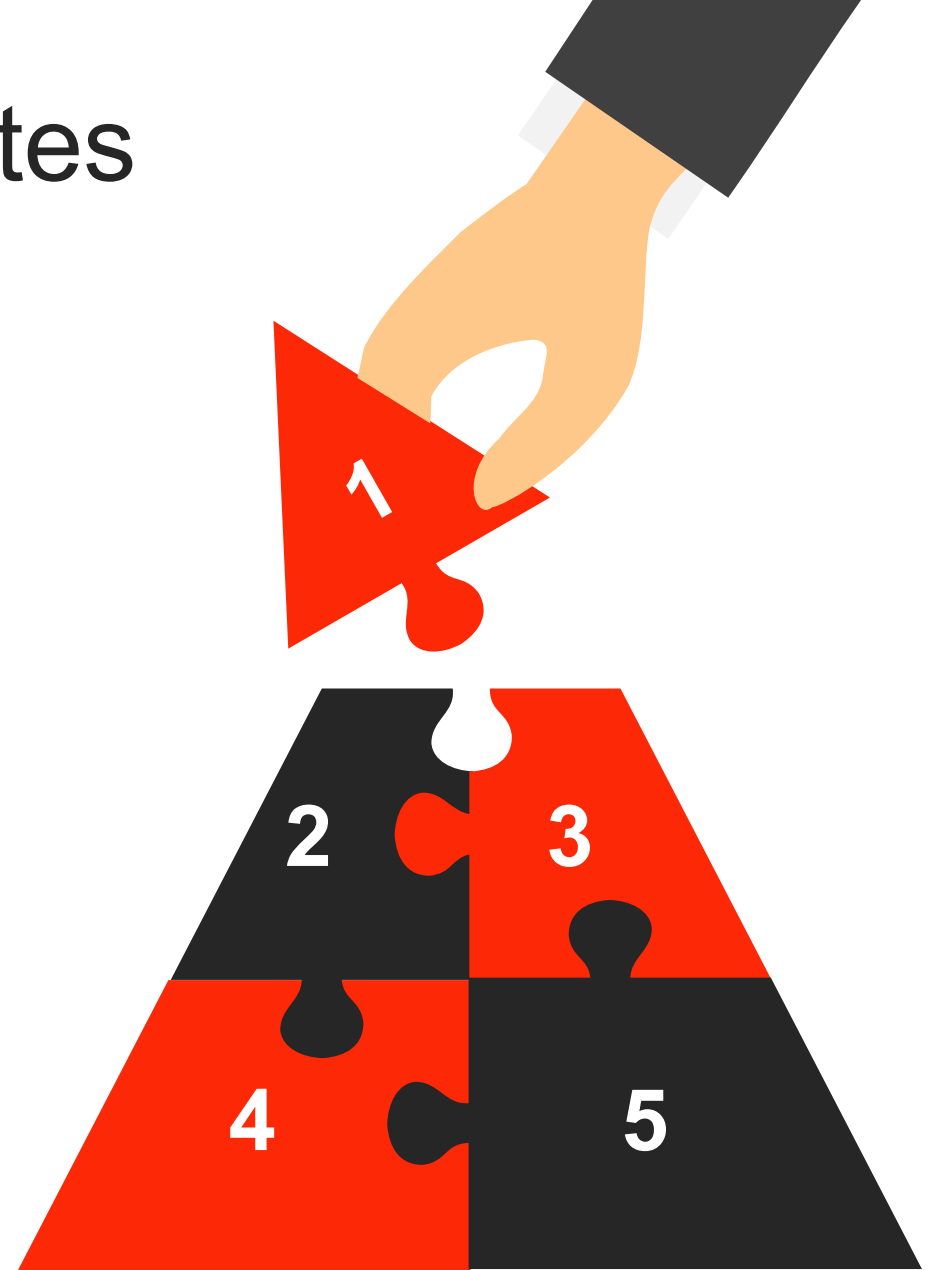
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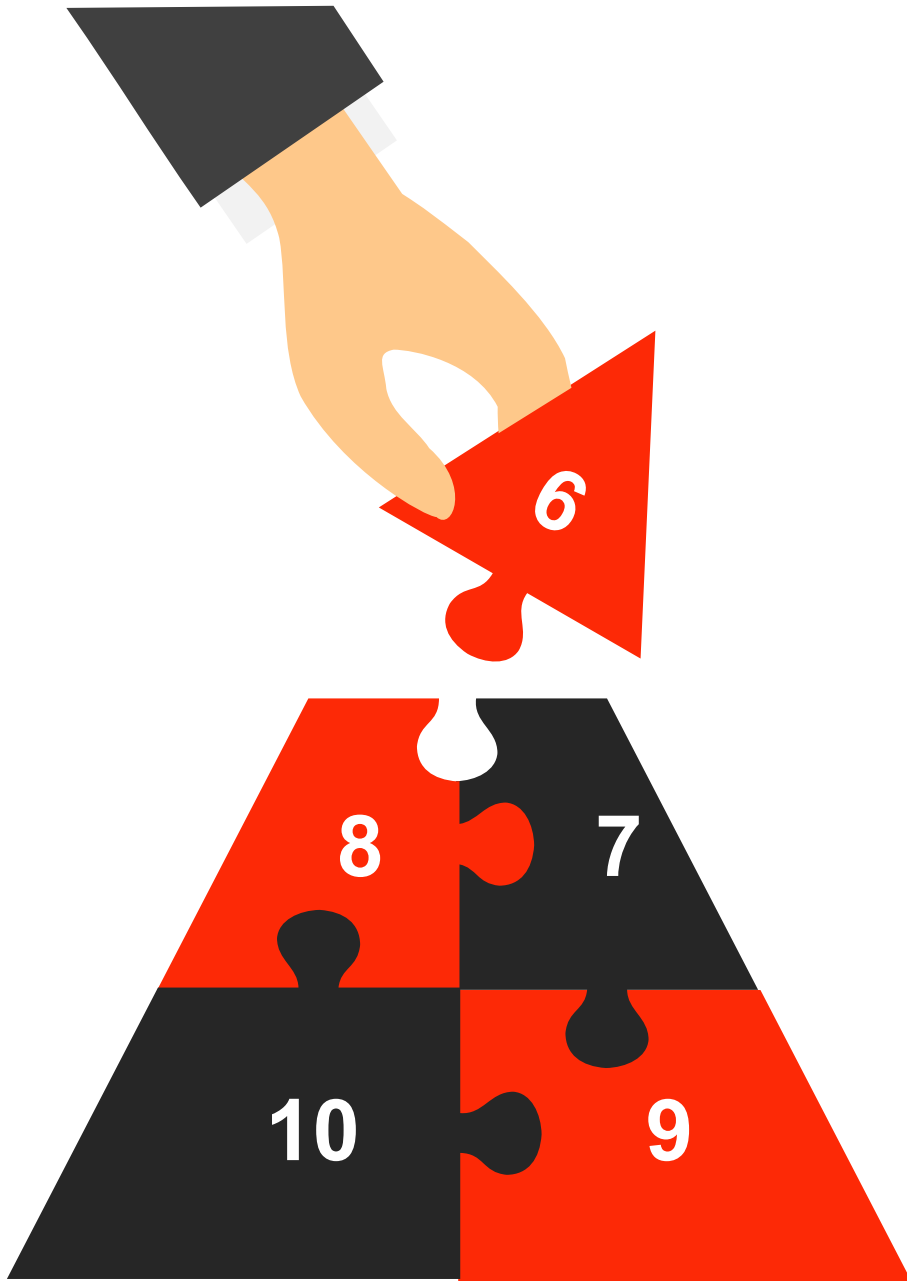
Should the Executive Council not be able to resolve the dispute to the satisfaction of the person/s declaring it, the dispute shall be referred either to a mediator or arbitrator.

4

Should the dispute be referred, the person/s declaring the dispute, and the Executive Council must agree on a suitable mediator and the costs of such mediation.

5





6 The mediator or arbitrator may recommend an appropriate resolution of the dispute.

7 In the absence of agreement regarding a mediator or should mention not resolve the dispute, the dispute shall be referred to arbitration.

8 The arbitrator shall be such suitably qualified person/s as the person/s declaring the dispute and the Executive council may mutually agree.

9 Alternatively each of the parties shall be entitled to nominate one arbitrator who shall act jointly with a third person to be nominated jointly by the respective nominees of the parties, on the basis that a majority decision of the appointed arbitrators shall be final and binding.

10 The arbitration shall be held on an informal basis, and the arbitrator shall have the power to determine the procedure to be adopted subject to principles of natural justice.

The arbitrator may base his/her award not only upon the applicable law, but also upon the principles of equity and fairness.

11

The person/s declaring the dispute and the Executive Council, beforehand, may agree to share the costs of the arbitration.

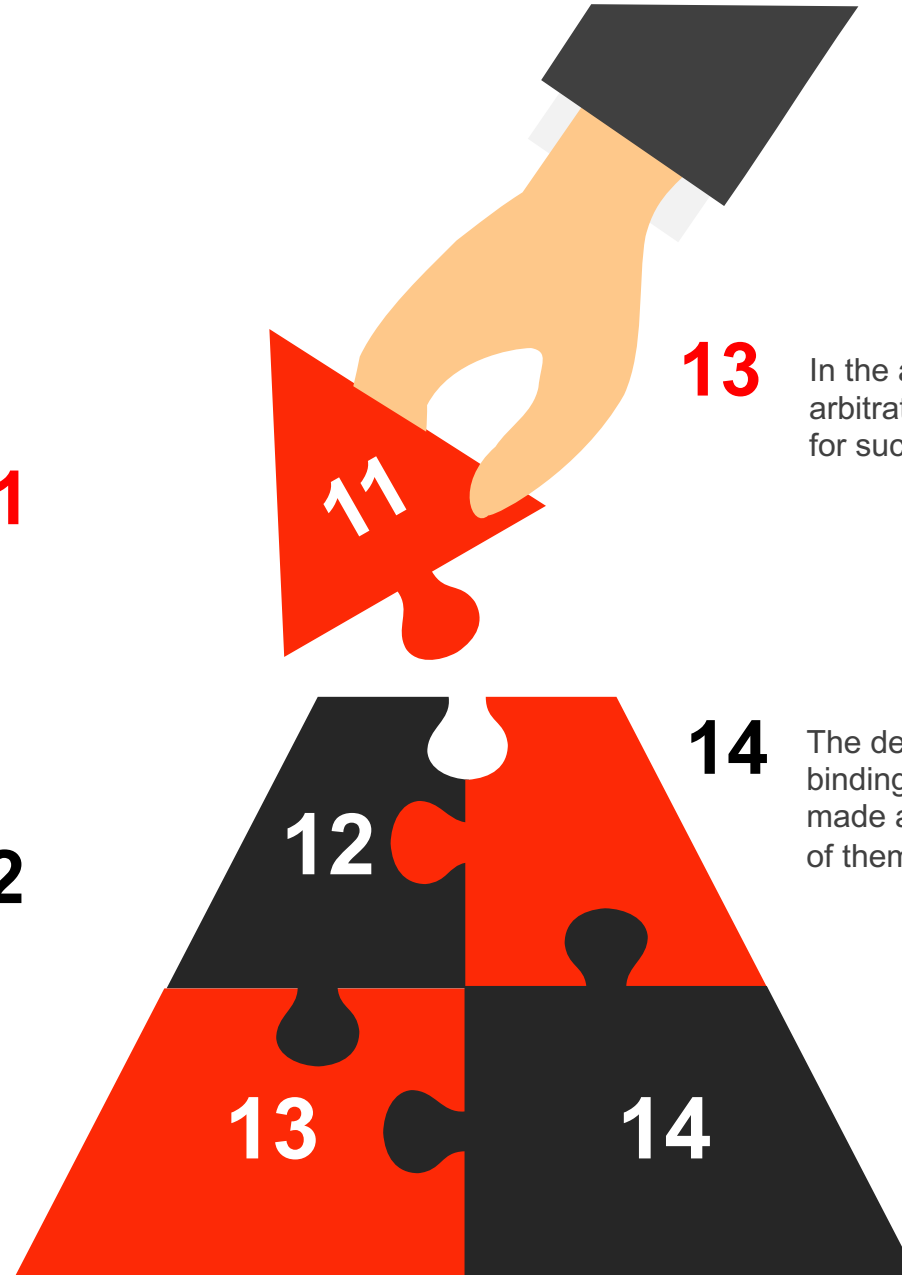
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13

In the absence of such an agreement the arbitrator shall decide which parties shall be liable for such costs.

14

The decision of the arbitrator shall be final and binding upon all parties and capable of being made an Order of the Court on application by any of them.



Schedule A

General Administrative and Investment Powers

To employ staff and hire professional and other services.

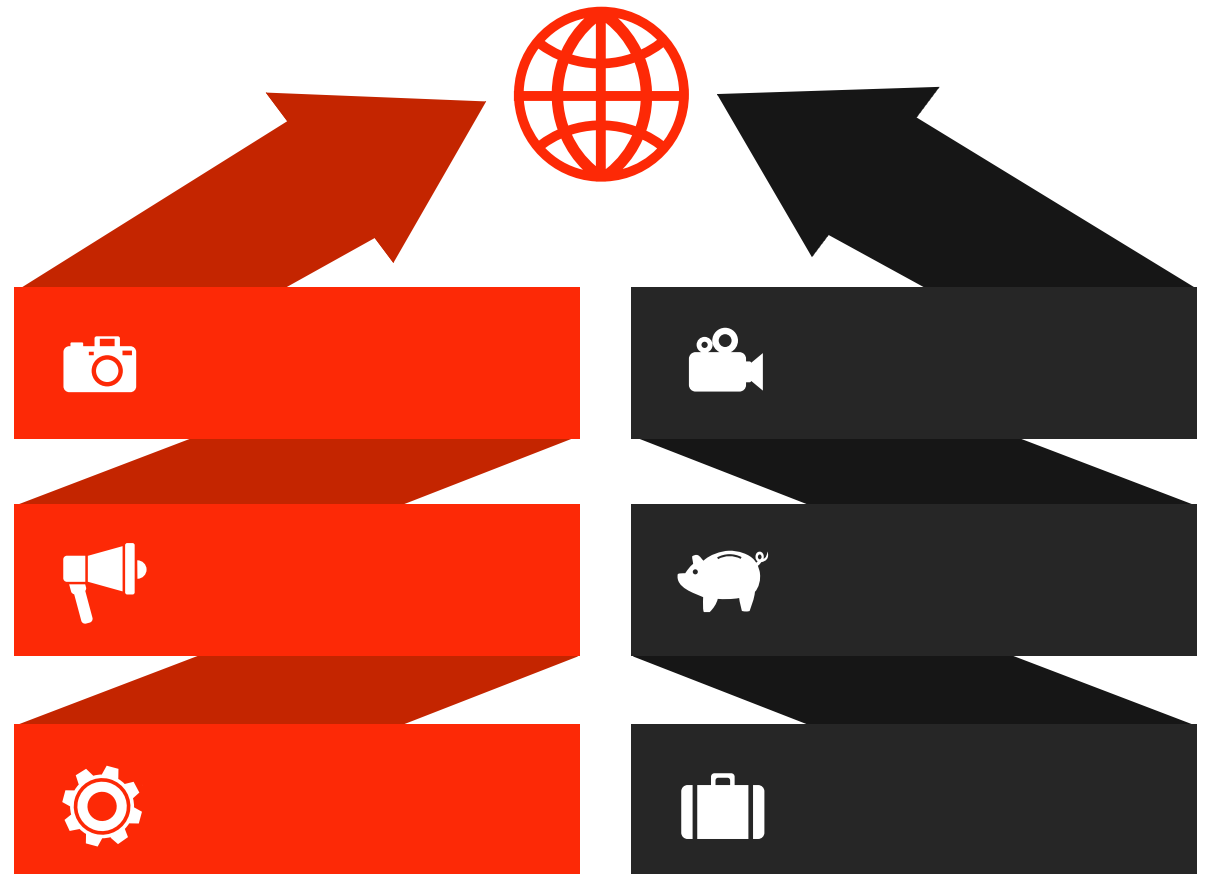
To institute or defend any legal or arbitration proceedings and to settle any claims made by or against C.C.C.

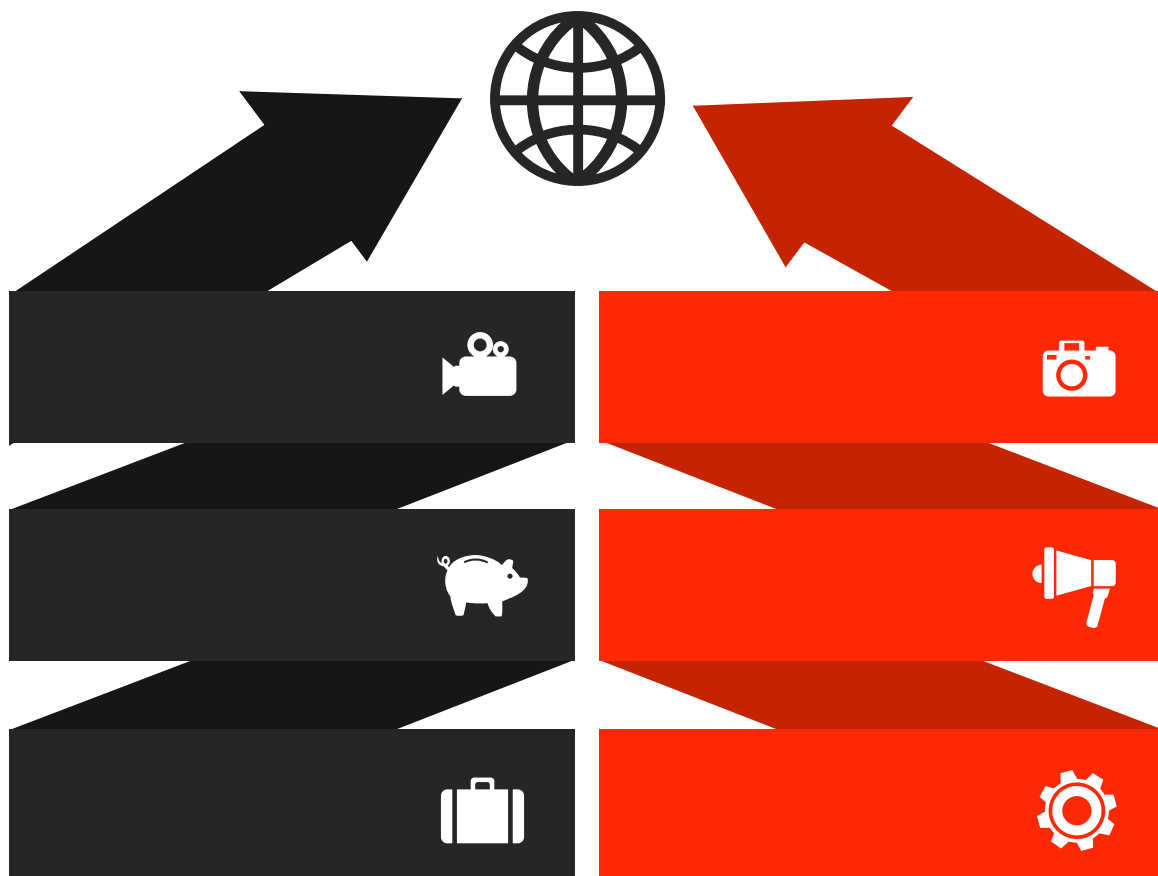
To open and operate accounts with registered banks and financial institutions.

To make vary investments and reinvest the proceeds of such investments on condition that any investments made by C.C.C shall be with Financial Institutions as defined in section (1) one of the Financial Services Board Act, 1990 (Act no. 97 of 1990); units of a Mutual Fund duly established in terms of The Unit Trusts Control Act (Act No.54 of 1981); and/or in securities listed on a duly licensed Stock Exchange in the Stock Exchange Control act (Act No.1 of 1985) noting that these Acts may become updated as new laws are written and passed.

To Accept donations made to C.C.C and retain them n the form in which they are received, or to sell them and reinvest the proceeds.

With regard to removable and immovable property and tangible and intangible assets: To purchase and acquire property and assets; To maintain, manage, develop, exchange, lease, sell, or in any way deal with the property and assets of the Party; To donate and transfer the property and assets of C.C.C to organizations with the same or similar objectives and the same exemptions from taxes and duties to those of C.C.C.





To borrow and to use property or assets of C.C.C as security for borrowing.

To guarantee the performance of contracts or obligations of any person on condition that any such person is primarily engaged in activities which further the objectives of C.C.C.

To execute any act or deed in any deeds registry, mining titles or other public office.

To work in collaboration with other organizations and to amalgamate with any organization with the same or similar objectives and the same exemptions from taxes and to those of C.C.C.

To exercise all the management and executive powers that is normally vested in the Executive Council of a Company.

Schedule B

Executive Members

[illegible]

Schedule B

Executive Members

**THIS CONSTITUTION HAS BEEN APPROVED AND ADOPTED BY THE ABOVE MENTIONED
EXECUTIVE MEMBERS OF CAPE COLOURED CONGRESS ON (date) _____
AT (place) _____**

FADIEL ADAMS – PRESIDENT

SAKEENA FRENCHMAN – SECRETARY GENERAL





THANK YOU

CONSTITUTION OF CAPE COLOURED CONGRESS