

CONSTITUTION OF THE ABAHLALI BASEMJONDOLO MOVEMENT

1. ORGANISATION'S NAME

1.1 The organisation hereby constituted will be called the Abahlali baseMjondolo Movement South Africa.

1.2 Its abbreviated name will be ABM. It will also be referred to as 'The Movement' in this document.

1.3 The movement shall

- Exist in its own right separate from its members
- Continue to exist even when its membership changes and there are different office bearers
- Be able to own property and other possessions
- Automatically cease to exist if the Movement Secretariat does not call an Annual General Meeting (AGM) once every calendar year and, at the AGM, open up all positions in the Movement Secretariat for election for one year terms.

2. OBJECTIVES

The movement is a non-profit civil society organisation which is independent of all party and electoral politics which is established for the following reasons:

2.1 To improve the lives and living conditions of shack dwellers with a special focus on asserting the human dignity of shack dwellers. Although shack dwellers will be the primary focus ABM will work with poor people not living in shacks where this is appropriate. This work will take the following forms:

- working to fully democratise the internal governance of all settlements
- working to develop and sustain co-operative projects aimed at generating income for shack dwellers
- working to establish and sustain various social projects within settlements such as, but not limited to, crèches, community media, vegetable gardens, cleaning projects, reading, writing, discussion, theatre, sport and music groups, workshops on important social issues, the formation of youth, women's and old people's groups and the establishment of meeting halls and social centres.
- working to ensure that shack dwellers are able to express their views loudly, clearly and directly in all areas and levels of society
- working to ensure that shack dwellers are aware of all their rights under South African law and are able to access and defend these rights
- working to ensure that shack dwellers receive the support from the state due to them by law such as, but not limited to, free access to school education, state grants, health care, disaster relief etc
- working for genuinely democratic participation in the making of policies that affect, directly or indirectly, the lives of shack dwellers
- working to offer maximum support to shack dwellers living with and affected by

HIV/AIDS

- working to actively oppose all forms of prejudice within settlements including sexism, racism, xenophobia, ageism and HIV/AIDS stigma
- working to challenge undemocratic leadership within settlements
- working to advance the status and rights of women and children within the settlements
- working to defend the interests of shack dwellers working in the so called 'formal' and 'informal' economies
- working to ensure that shack dwellers are aware of all state, corporate, university, international organisation and NGO policies, projects and programmes that may affect their communities
- working to challenge the policies and actions of the state, corporations, university, international organisations and NGOs when they are not in the interests of shack dwellers
- working to provide care, support and solidarity to all those who feel forgotten and who feel hopeless because of broken promises around service delivery, genuinely democratic participation in policy making as well as the general subordination of shack dwellers in society
- working to ensure that where ever possible the skills and equipment required to undertake the work of ABM be developed and acquired by the movement to ensure that shack dwellers have maximum control over their own movement.

3. INCOME AND PROPERTY

- 3.1 The movement will keep a record of everything it owns and this will be available to any member on request.
- 3.2 The movement will keep a detailed record of all income and expenditure and this will be available, in full or in part, to any member on request.
- 3.3 The movement may not give of its money or property to its members or office bearers unless this is in the form of disaster relief, in which case at least 5 members of an appropriate committee must agree, or in compensation for expenses incurred in which case a full meeting of the appropriate committee meeting must agree.
- 3.4 Neither ordinary members nor office bearers have individual rights over the movements' money and property – i.e. all money and property is to be held in common.
- 3.5 No individual ABM member, branch, settlement committee or sub-committee may raise or accept money or property in the name of the movement or any of its branches, settlement committees or sub-committees without this being discussed and approved at an appropriate meeting.
- 3.6 While income generating projects are encouraged all such projects must be run co-operatively, must be approved through a meeting of the secretariat and must report all new opportunities, as well as any problems that arise that could lead to conflict or to the undermining of the good name of the movement, to the secretariat. This includes T-shirt making.

4. MEMBERSHIP

- 4.1 All shack dwellers living in South Africa, as well as all people working in the 'informal economy', are automatically eligible for membership. An application for

membership constitutes an agreement to abide by the ABM constitution. People who are neither shack dwellers nor working in the informal economy can only become members by the special invitation of the Movement Secretariat.

4.2 An annual membership fee, set an amount determined by the Secretariat, will be payable and cards will be issued to all members.

4.3 There will ordinarily be three types of membership

- Individual Members: In the settlements where there is not democratic governance (i.e. where leaders are not subject to annual free and fair election) or where there is no general desire to affiliate to ABM people may join as individual members. Individual members are welcome to stand for election to positions in the Secretariat and to be elected or nominated to take up ad hoc movement work.

- Branch Members: Individual members may form a branch when fifty or more individual members decide to do so.

- Settlement Members: Whole settlements may collectively decide to join ABM when that settlement is represented by an elected committee which will subject itself to re-election once a year and where a decision to choose collective affiliation has been made and ratified by a clear majority at an open mass meeting in the settlement.

4.3 All members will have equal rights and status within ABM

4.4 If a member accepts a managerial position within a Municipal, Provincial, State or NGO dealing with shack dwellers he/she must disclose this to the secretariat and should there, in the view of the Secretariat, be a conflict of interest that member will be asked to either resign the position or his/her membership of the movement.

4.4 Members may be expelled from the movement if a sub-committee of no less than 5 people, nominated at a Movement Secretariat meeting, reports that that Member has misused the Movement's resources or good name for personal gain, engaged in clear acts of racism, sexism, HIV/AIDS stigma or xenophobia and advises that the behaviour is likely to reoccur or that a Branch or Settlement Committee has not held regular meetings and subjected itself to election at an AGM.

5. COMMITTEES

5.1. All branches must form a Branch Committee which must meet on a set day once a week, hold a meeting for all Branch Members at least once a month from January to November and must hold an Annual General Meeting at which all offices for the coming 12 months are open to election. Branch Committees must consist of at least 5 people and must have 5 people present to be quorate except in times of disaster when immediate action is required. Then 3 people shall constitute a quorum. The Branch Committee must include a chair, deputy chair, treasurer, secretary and deputy secretary.

5.2 Every affiliated settlement must form a Settlement Committee that must meet on a set day once a week, hold an open mass meeting at least once a month from January to November and must hold an Annual General Meeting at which all offices for the coming 12 months are open to election. Settlement Committees must consist of at least 5 people and must have 5 people present to be quorate except in times of disaster when immediate action is required. Then 3 people shall constitute a quorum. Every Settlement Committee must include a chair, deputy

chair, treasurer, secretary and deputy secretary.

5.3 The Movement Secretariat will take overall responsibility for the movement. All ABM members and all Branch and Settlement Committees, as well as all sub-committees must abide by the decisions of the Secretariat. The Secretariat will act as the disciplinary body for the movement. It must include a President, Deputy Present, treasurer, secretary, deputy secretary and PRO. The Movement Secretariat can create other positions as it sees fit. Each Branch Committee with more than 100 card holding members will be entitled to elect one representative to a dedicated position on the Secretariat and all Settlement Committees will be entitled to elect at one representative to a dedicated position on the Secretariat. There will also be a minimum of ten open positions which can be filled by people from any Branch Committee or Settlement Commitment as well as any Individual Members. The Movement Secretariat must meet at least once a month from January to November and must call an AGM at least once a year. Office Bearers will serve for one year but are welcome to stand for re-election.

4.4 All Branches and Settlements Committees, as well as the Movement Secretariat, have the right to form sub-committees to perform ad hoc tasks. Where ever possible the members of these sub-committees should be elected. In some instances standing committees will be required but where ever possible committees should be elected afresh for each task to ensure that as many people participate in decision making and representation as is possible.

4.5 If the usual chair is absent from a meeting a temporary chair should be elected. Committees have the right to decided to have a revolving chair rather than a permanent chair.

4.6 The chair of any committee has a right to call special meetings. All members of that committee must be informed of the special meeting in good time and of the purpose of the meeting.

4.7 No decisions can be made by committees that do not have quorum.

4.8 In all committees every attempt will be made to make decisions via consensus. If this is not possible a vote will be taken. If the votes are equal then the matter will be decided by the chair.

4.9 Minutes will be taken at every Branch, Settlement or Secretariat meeting and presented to members before the next meeting for approval.

4.10 If a member of any Branch or Settlement Committee or the Secretariat does not attend three meetings in a row without having applied for and obtained a leave of absence then the Committee will be required to elect or appoint a new member to take that person's place.

4.9 Every effort must be made to ensure that there is a good representation of women in all committees. In general this should be at a minimum of 50%.

5. ANNUAL GENERAL MEETING (AGM)

5.1 The Movement Secretariat shall call an AGM once every calendar year. At least 30 days notice shall be given.

5.2 Each branch and settlement committee will be entitled to elect one voting representative for every 50 card holding members in that branch or settlement.

- 5.3 All ABM members will be invited to attend the AGM and all members can raise issues from the floor. However only the representatives elected to represent each branch and settlement at the meeting can vote at the meeting.
- 5.4 At the AGM there shall be reports from all office bearers
- 5.5 The AGM or special movement wide meeting are the only forums where changes to the constitution can be made. This shall be done via the proposal of a resolution. A resolution must secure the support of two thirds of elected representatives at the meeting to pass.
- 5.6 Election of office bearers shall be by simple majority.

6. SUBSCRIPTIONS AND FINANCES

- 6.1 All members, whether individual, branch or settlement, will be expected to obtain membership cards. Membership cards will be sold at a rate determined by the Movement Secretariat and approved at the Annual General Meeting.
- 6.2 The treasurer shall keep day to day records of all income and expenditure. This shall be reported on at every meeting.
- 6.3 All bank accounts must have three signatories, one of whom must be the Movement. The chair and one of the other signatories must sign all transactions.

7 PARTNERSHIPS

- 7.1 The movement will not enter in to any partnerships with any political party.
- 7.2 The movement will enter into ad hoc alliances and partnerships with non-party political poor people's movements as it sees fit as long as these are arranged and conducted in an open and democratic basis and are agreed to at meetings of the Movement Secretariat.
- 7.3 The movement will insist that the following procedure be followed before any partnerships are entered into with funded organisations and individuals paid a salary to do the proposed work with the movement (e.g NGOs, Film Makers, Research Organisations, Academics wanting to under take research projects etc):
- a representative of the individual or organisation proposing the partnership will approach the relevant committee to request an opportunity to discuss the matter with the committee. This approach must include the full disclosure of the origin and amount of all funding and the nature of the project
 - he or she will agree to live in a settlement for at least one week before the meeting at which their proposal is discussed
 - if, in the view of the relevant committee, a partnership seems like a good idea a deal will be negotiated whereby the proposer agrees to share all knowledge and other resources gained with ABM (including anything produced during the work – e.g. research, photographs, films etc), the proposer makes a clear plan for skills transfer of some sort or, if this is not possible, to make some sort of agreed on contribution to the movement's work.
 - all people engaged in partnerships must make themselves available to attend any meetings as required by the movement

8. DISSOLUTION

7.4 The movement may be dissolved if two thirds of the people present at an AGM or special movement wide meeting are in favour of closing down.

7.5 If the movement closes down it will pay off its debts and donate any remaining resources to another poor people's movement chosen by popular vote.

9. ADOPTION OF THIS CONSTITUTION

This constitution was approved and accepted at a special meeting of Abahlali baseMjondolo held at DURBAN on 26 NOVEMBER

: 2006

Secretary : HP mgube