

**CONSTITUTION  
OF THE  
POPULAR  
DEMOCRATIC  
MOVEMENT**

**AS ADOPTED ON 4 NOVEMBER 2017**  
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## **PREAMBLE**

The Popular Democratic Movement (hereafter referred to as the PDM) was originally founded on 5 November 1977. The Party was formally rebranded as the PDM at an Extraordinary Congress, held on the 4<sup>th</sup> November 2017 in Windhoek, Namibia. The PDM is a political movement for and of the people of Namibia, committed to the principles of democracy, equality, freedom, peace and unity.

Cognisant of the history of Namibia, the fundamental aim of the PDM is the creation and maintenance of a united, non-racial, non-sexist, non-discriminatory, egalitarian, prosperous and democratic society in Namibia. The PDM shall strive to mobilise and rally the people of Namibia in defence of the Constitution of Namibia as well as to play an active role in the socio-economic advancement of Namibians through the strengthening of democracy. To this end, the PDM shall further strive to achieve fundamental social and economic change for the benefit of all Namibians. It shall serve as a catalyst for the civic education and political awakening of the Namibian people, facilitate the engagement of Namibians in public affairs, thereby allowing them to participate in and occupy their rightful place in the affairs of the country.

The PDM will play a critical role in ensuring that the roots of Namibia's nascent democracy are firmly grounded in the principles of accountability and transparency. It is committed to the advancement of the rights and interests of the Namibian people while striving towards their empowerment and the overall betterment of Namibian society.

## **CHAPTER 1 Name**

The name of the organisation shall be the **Popular Democratic Movement (PDM)**.

## **CHAPTER 2 Colours and Symbols**

1. The colours of the PDM shall be Blue, White and Red.

2. The emblem of the PDM is a hand signalling the internationally recognised symbol for peace, accompanied by a rainbow that runs through the hand signal in the colours of the PDM.



### **CHAPTER 3 Values**

The PDM stands with all Namibians who are mutually committed to values embodied by the following words:

Freedom, Egalitarianism, Fairness and Opportunity

In particular, the PDM and all its members believe that:

## **1. Namibia**

- a) The people of Namibia make this country special and it must, therefore, take its rightful place amongst the nations of the world;
- b) The Namibian society has not yet achieved the fairness and justice envisioned in the Constitution of the Republic of Namibia. It is our fundamental objective to establish, for the first time in our history, a fair, just and equitable society that will empower and enable the Namibian people to realise their full potential;
- c) The inalienable rights of every Namibian are contained in the Bill of Rights, Chapter 3 of the Namibian Constitution;
- d) The Bill of Rights is an irreversible victory over Namibia's unjust and dark past. Apartheid, namely the institutionalised system of racial discrimination and oppression, denied generations of Namibian citizens the rights, freedom and opportunities to fulfil their potential and improve their lives. Through individual and collective struggle, Namibians from many different organisations freed themselves when they defeated the Apartheid system;
- e) The injustices and atrocities suffered by previous generations harm and haunt those who follow. The effects of the past therefore continue to be felt by many born after Namibian independence;
- f) The past cannot be undone and neither can it be purged from the memories of the Namibian people. Therefore, as a nation we have a duty and responsibility to redress all disadvantages caused by our past, so that all Namibians may be able to make equal use of their opportunities;
- g) A prosperous future for Namibia and her people can only be assured when every child enjoys access to quality education and every adult is sufficiently skilled for dignified employment.

## **2. The Namibian People**

- a) The PDM is rooted in faith in the Namibian people. Through individual and collective effort, and supported by a capable state, the Namibian people have the ability to make this country a shining beacon in Africa and the world;
- b) The PDM stands with the freedom-loving, hardworking people of Namibia who wish to live and raise their children in safe communities, support one another, and abide by the rules, show respect and tolerance for their fellow countrymen and women, reap the rewards of their efforts and create a country where all Namibians, irrespective of their backgrounds, make progress and advance together;
- c) Resilient and strong communities are ideal environments where strong people and strong social structures such as families, in all their different manifestations, can flourish. The PDM has a duty and responsibility to do everything in its power

to nurture, support and strengthen the building of durable and resilient social structures that enable and promote cooperation within our communities, for history teaches that when Namibians are united in a common cause, we are unstoppable.

- d) Irrespective of their structure or manifestation, families are key in building successful individuals, and furthermore provides them with the foundation with which to make sense of the world, and to fulfil their potential as individuals;
- e) A successful nation is built on strong family structures, irrespective of their structure or manifestation, because no government can replace the role of the family;
- f) When an individual is not afforded the opportunity to work, his/her dignity and independence, as well as his/her ability to provide for his/her family and those who he/she cares for is undermined. Therefore, Namibia needs an economy that is able to create work.

### **3. Freedom and Opportunity**

- a) Freedom is not a favour nor is it a luxury afforded by Government. It is a right.  
The freedoms anticipated by the Constituent Assembly, that drafted our Constitution, were hard won for us all, are precious, and must be guarded;
- b) History reveals the responsible exercise of freedom as the only true driver of progress. Therefore, the Namibian people must enjoy the maximum measure of individual freedom in line with law and order, inclusive of the freedom to earn a living, accumulate wealth in a manner of individual choice, live in an area of one's choosing, express our beliefs, develop our talents and realise our potential;
- c) The ability to access opportunity breathes life and meaning into our hard won freedoms. The PDM believes that every Namibian must be afforded the chance to succeed in life, and this underpins our belief that opportunity must be extended as broadly as possible.

### **4. Fairness and Egalitarianism**

- a) A fair and egalitarian society is one in which individual achievement is built on choice and hard work, not by the circumstance of birth;
- b) Essential elements of a fair and egalitarian society are the requirements of ample opportunity, and not concentrated in the hands of the few, that everyone has access to the means to exploit their opportunities, that the weak are not exploited by the strong, that all are free from unfair discrimination, and that we demolish the barriers created by Apartheid which continue to haunt us today;

- c) For Namibia to be a fair and egalitarian country, justice must be applied to all in a consistent and equal manner irrespective of social status, race or class;
- d) Where widespread and large scale inequality exists, a society cannot be considered fair and egalitarian. A fair and egalitarian society needs a growing economy and must assure that all Namibians enjoy access to opportunity.

## **5. Government**

- a) The government is accountable to the people. It serves to enable the Namibian people to access and enjoy their freedoms. Government enjoys no power except that which is delegated to it by the people and the Constitution. The government is obliged to reflect the will of the people, defend their rights and advance their interests. Elected representatives must be directly accountable to the people, and those to whom we entrust our nation's highest offices have a sacred duty to uphold that trust;
- b) Government must always act and conduct itself in a manner that is honest and transparent, and in the best interest of all Namibians;
- c) Namibians pay tax, and as such every cent of government money and all of its resources belong to the people of Namibia. Taxpayers' money and government resources should be spent and employed for the benefit of the people, not the connected few;
- d) To represent the needs and advance the interests of all Namibians, Government must be close to those who are affected by its decisions. Representatives and officials in Government must be entrusted with these positions by the people whose lives their positions affect, thereby guaranteeing that the people can exercise accountability over these representatives and officials for their actions;
- e) Government must at all times be ready to help and render assistance to those in need thereof. However, its main function is to empower the people to access their freedoms in such a manner that they may progress and advance their own lives;
- f) Integral to empowering Namibians, is the assurance that they are free from the deprivations that impede and obstruct access to opportunity. This requires:
  - f1) A social security system that is able to shelter people from the scourge of extreme poverty;
  - f2) The delivery and provision of quality basic services;
  - f3) High quality education and healthcare;
  - f4) A functional and efficient criminal justice system;
  - f5) A growing economy; and

f6) Means to ensure a level playing field of opportunities, as efficiently and effectively as possible, for those who today continue to suffer a disadvantage due to the injustices of the past.

## **CHAPTER 4 Principles**

The vision of the PDM is rooted in the advancement, defence and extension of the following principles:

- a) The supremacy of the Constitution of the Republic of Namibia, the rule of law and the defence and preservation thereof;
- b) The protection of the fundamental rights and freedoms of every person, including the right to free speech, association, movement and conscience, as enshrined in the Constitution of the Republic of Namibia;
- c) The rejection and combating of racial prejudice and all other forms of discrimination whatever the grounds therefore, and the redress of past discrimination;
- d) The religious, language and cultural rights of individuals and the communities they establish through free association;
- e) Commitment to and promotion of accountable, transparent, efficient and responsible governance;
- f) Equality before the law;
- g) The promotion and advancement of the spiritual and material welfare, as well as the quality of life of all Namibians;
- h) The separation of legislative, executive and judicial power;
- i) A prosecuting authority and justice system that is efficient, effective and independent;
- j) Regular elections that are conducted in a free and fair manner;
- k) The election of a government on the basis of the principle of universal adult suffrage;
- l) The decentralisation of power and authority to local government as close as possible to the people;
- m) A clear division between the state and the governing party;
- n) Respect for and promotion of the right to a vibrant civil society and a free and independent media;
- o) The rejection and combating of intimidation and violence as a political instrument;
- p) The promotion and advancement of the right of all people to private ownership and free participation in the market economy;

- q) The progressive realisation of access to housing, healthcare and social security for all people who are unable to help themselves;
- r) The total formalizing of informal housing in all urban centers, by affording each Namibian housing through urban resettlement and ensuring affordable housing for all.
- s) The promotion of Namibia's self-sufficiency through agrarian reforms that are based on equal and equitable development of each communal, resettled and commercial farmer.
- t) The promotion of a fair distribution of agricultural land among the demographic groups of Namibia, taking into account historical dispositions.
- u) The protection and conservation, and the promotion thereof, of the environment;
- v) The promotion and advancement of the right of all people to protection by the state from crime and violence;
- w) Access to quality education and training.

## **CHAPTER 5 Aims and Objectives**

The aims and objectives of the PDM are to:

- a) Mobilise and rally the people of Namibia to unite behind and support the PDM, to actively work towards the socio-economic emancipation of the Namibian people; as well as the formation and maintenance of a non-discriminatory, non-racial, non-sexist, prosperous, democratic and united society;
- b) Function as a political movement and thereby serve as a political representative of the Namibian populace at branch, constituency, regional and national level, and actively participate in elections for local, regional and national government;
- c) Promote and encourage public participation in government functioning, public affairs, and those of the state, and further serve as a platform for the mobilisation of such participation;
- d) To defend the democratic gains of the Namibian people and to unite them in this endeavour, thereby ensuring the advancement towards a society in which the government is freely elected based on the principle of universal adult suffrage;
- e) To strive for an inclusive society, based on a common patriotism and loyalty in which the cultural, linguistic and religious diversity of the Namibian people is recognised and celebrated;
- f) To promote and support the empowerment and advancement of women;
- g) To promote economic development for the benefit off all Namibians and the betterment of Namibian society in general;
- h) To support, promote and defend the rights of children and the disabled.

## CHAPTER 6 Definition and Status

- a) The PDM is a progressive political organisation embodying the principles set out in CHAPTER 4. The PDM is a platform for the articulation, representation and advancement of the interests and rights of the Namibian people.
- b) The PDM is a legal person with perpetual succession of power, apart from its individual members to acquire, hold and alienate property, enter into agreements, and do all things necessary to carry out the aims and objectives of its members, property and reputation;
- c) The PDM is capable of suing and being sued in its own name;
- d) Organisational control, programmes and policies of the PDM shall be vested with the PDM members and structures as per its Constitution;
- e) The PDM shall operate at national, regional, constituency and branch level;
- f) Other structures may be created for the purposes of coordination and implementation and will enjoy delegated powers;
- g) All monies received and collected in the name of the PDM vest in the PDM itself;
- h) Income and assets of the PDM are not distributable to members or office bearers, except as reasonable compensation for services rendered;
- i) Any Power of Attorney, agreement, resolution or other document which is executed by any member of the Management Committee, together with the Secretary General or the President will be deemed to be executed by the Central Committee, National Executive Committee or Management Committee as the case may be: Provided that any document purporting to be a document claiming to contain a resolution of either the Management, National Executive or Central Committees respectively will only be deemed as such if it is signed jointly by the President OR the Secretary General AND any other member of the Management Committee.
- j) The authority and powers of the PDM are unlimited and without detracting from the generality thereof the PDM is competent to:
  - j.1) Insure, sell, let, hypothecate, pawn, alienate, exchange, donate, develop, improve or deal in any way or means with its assets;
  - j.2) Borrow or lend money;
  - j.3) Invest money, recall investments and to reinvest;
  - j.4) Let, buy and accept as donation any movable and/or immovable property;
  - j.5) Open and operate banking accounts and to overdraw, if need be, such bank accounts;
  - j.6) Execute deeds of indemnification and/or guarantees and to guarantee payment in terms thereof;
  - j.7) Notwithstanding the matters specified, to do all that is necessary to execute the aims of the PDM.

## **CHAPTER 7 Organisational Principles**

### **1. General Structure of the PDM**

- a) The PDM consists of members who are organised in, and function through, the democratically elected organisational structures of the PDM.
- b) The organisational structures of the Movement are set out in this Constitution, and comprise structures at national, regional, constituency and branch level.
- c) At the local level the Movement shall establish branches with democratically elected branch committees and/or branch executive committees, and shall endeavour to establish numerous branches in every constituency in Namibia.
- d) Branches shall be the crucial organisational structure of the Movement. Every PDM member must be a member of a branch. Individual members must exercise their rights and privileges as members through his/her branch and its elected representatives and delegates.
- e) The PDM shall establish constituencies as organisational structures above the branches. Such constituencies must be delimited based on local circumstances, and must cover all localities within the geographical area concerned.
- f) Where constituencies have been established, a democratically elected Constituency Committee assumes responsibility for the functioning and activities of the Movement in the respective constituency.
- g) The structures of the PDM may also include those created at regional and subregional level, depending on the context and circumstances of each region.
- h) At regional level the PDM must establish a Regional Congress for every region in Namibia. A Regional Congress shall democratically elect a Regional Committee, which then assumes responsibility for the functioning and activities of the Movement within that region.
- i) At national level the PDM must establish a National Congress and other structures provided for in this Constitution.
- j) The PDM is supported and assisted by ancillary organisations established in terms of CHAPTER 17.
- k) The National Congress is the highest level at which the democratically expressed will of the members is stated and articulated. The National Congress is, therefore, the highest authority in respect of all matters of the PDM, subject to the provisions of this Constitution.

- l) The structures of the PDM derive their power, authority and functions from the provisions of this Constitution.
- m) Wherever a structure of the PDM is entitled to representation on higher structures, it will only be entitled to such representation provided it is validly constituted in terms of the provisions of this Constitution, and other Constitutions of the Movement applicable to it.

## **2. Nomination and Selection of Candidates**

- a) The National Executive Committee must adopt rules and regulations that set out the process for the nomination and selection of candidates at local, regional and b
- b) Such regulations may make provision for local and regional variations to suit the unique circumstances of the regions. In the event where such variation is proposed, detailed written grounds must be submitted motivating the proposed variations at the local, regional and/or national structure concerned.
- c) Any PDM member who wishes to make him/herself available for election as an office-bearer in any structure of the Movement, or as a public representative, must be a member in good standing with the Party.
- d). The National Executive committee may waive the requirement at (c) in circumstances that the National Executive Committee deems fit and deserving.

## **3. Voting**

- a) Subject to the provisions of this Constitution, voting at meetings of all bodies, structures and formations of the PDM is by a show of hands, unless a secret ballot is requested by the individual presiding or by the majority of members present and eligible to vote.
  - a1) Voting in the case of elective meetings and/or congresses is strictly by secret ballot including, but not limited elections to, election any organs of the PDM, and any other contestation within the Movement to any public office.
  - a2) Subject to this constitution, decisions by acclamation shall be taken to be a unanimous decision of any organ, negating the need to vote; provided the person presiding shall allow for objections from any member present and who is eligible to vote; and provided that acclamation shall not apply to the election of the top 6 (six), Secretaries of the movement.
  - a3) Should any person object to a decision by acclamation, the vote shall proceed in accordance with this constitution, a vote by secret ballot; unless the member who raised the objection waives the need to proceed with an election in which case, the objection shall be registered together with the name of the person objecting and those in favour of such objection.

- b) Decisions at all meetings are taken by a simple majority of all members present and voting.
- c) A member of the Movement, who is a member of that body, is entitled to vote at all meetings of the Party.
- d) All elections to office within the Movement, *including the election of more than one person to an office*, must be by a simple majority system.

#### **4. Policy**

- a) The highest policy-making body of the PDM is the National Congress. Proposals affecting the Values or the Principles of the Movement as set out in this Constitution shall not be debated or decided upon unless four weeks prior written notice thereof has been delivered to delegates to the National Congress, or in the event of such notice not having been given, by a *four-fifths majority* vote of all present and voting, the National Congress agrees to debate and decide upon such proposals.
- b) When the National Congress is not in session, the Central Committee has the authority and power to formulate and articulate policy on matters where no policy has been stated by the National Congress; or where the stated policy is not clear or needs to be specifically applied, expressed, amended, or expanded in accordance with the Values and the Principles of the PDM.
- c) Subject to the powers conferred by this constitution when the National Congress and the Central Committee are not in session, the President and the Management Committee have policy functions that are dealt with elsewhere in this Constitution.

## **CHAPTER 8 Membership**

1. Any Namibians from the age of 18 (eighteen), irrespective of race, colour, creed, religion and gender, are eligible for full PDM membership: provided he/she accepts its values, principles, policy guidelines, aims and objectives as set out in this Constitution.
2. PDM members are willingly bound by the provisions of this Constitution, and membership to the Party is conditional on the acceptance and a commitment to abide by the provisions thereof.
3. PDM members between the ages of 15 (fifteen) and 35 (thirty five), will be eligible to be members of the PDM Youth League (PDMYL), unless they indicate to the contrary.

4. Female members above the age of 18 (eighteen) of the PDM will be eligible to be members of the PDM Women's League (PDMWL), unless they indicate to the contrary.
5. All PDM members above the age of 55 (fifty five) 65 (sixty five) will be eligible to be members of the PDM Elder's Council (PDMEC).
6. Application for PDM membership can be made, in writing, directly to a Branch Committee, where such exists, or to a Constituency Committee, where such exists or to a Regional Committee where no Branch or Constituency Committee exists.
  - a) The Branch Committee, Constituency Committee and the Regional Committee have the power and authority to accept or reject membership applications.
  - b) In the event of the rejection of an application for membership, the applicant must be informed thereof in writing and must be made aware of his/her right to appeal to the Management Committee within 21 (Twenty-One) working days from date of communication of the rejection his/her application.
  - c) The Management Committee shall adjudicate the appeal, and do so strictly as a collective.
  - d). Management may conduct such investigation and/or hearing as it deems necessary to arrive at a decision; provided that appellant shall be afforded a hearing by the management committee.
  - e) The Management Committee shall be the exclusive final adjudicator/arbiter on the appeal against the rejection of membership.
  - f) The appeal in terms of clause 6(b) must be made in writing and the Management Committee must finalise the appeal within 30 calendar days from the date of submission thereof.
  - g) A person applying for membership shall be presumed to be non-members until such time his application is approved in terms this constitution.
7. The Management Committee of the PDM has the right to reject or withdraw any membership: provided that the reasons/justification thereof is provided in writing.
  - a) Reasons/justification for the rejection and/or withdrawal of an application for PDM membership may include but are not limited to a vote of no confidence by the Movement, fraud, malice, ill-intention, corruption, conviction in a court of law for any serious political or non-political (criminal) offence.
8. Namibian citizens eligible for full PDM membership and, in accordance with the rules of this section, shall be issued with a PDM membership card upon payment of a joining fee. Members are obliged to pay annual membership fees, which are subject to determination and regular review by the Central Committee.
  - a) The Central Committee may from time to time waive the need to pay an annual membership fee for a category of members or individual(s): provided that such waiver shall not apply to any political office bearer, elected official of the PDM and/or staff member of the PDM.

- b) The Central Committee may condone the non-payment of the joining fee by a category of members or individual(s).
9. All members shall, on acceptance of the membership of the PDM solemnly declare their willingness and readiness to serve the organisation and shall declare as follows:
- “I solemnly declare that I will adhere to the aims and objectives of the PDM as declared in its Constitution, all policies adopted from time to time, that I am joining the PDM on a voluntary basis in the absence of any expectation of material gain, and I further commit myself to the advancement of the ideology, values, principles, programmes and policies of the PDM through active participation in and contribution to the life of the organisation. That I will familiarize myself with and study the Constitution and all Policy Documents of the PDM.”
- a) The declaration shall be depicted at the reception of every PDM office and *may* be depicted on the membership card of each member.
10. The PDM may provide for honorary life membership of the Movement, to be given at the discretion of the Central Committee.
11. Subject to this constitution Public representatives or an Elected or appointed Political Office Bearer from other political parties may only be accepted as a member of the PDM with prior approval of the Management Committee.
12. Only PDM members can serve on the representative structures of the Movement and be public representatives of the Movement or avail themselves as PDM candidates in any election at national, local or regional level. This shall not preclude the PDM from entering into coalitions as and when it deems necessary and supporting candidates of such coalition.

## **CHAPTER 9 Cessation and Termination of Membership**

1. A member ceases to be a member of the PDM when he/she:
- a) Declares his/her intention to resign or cease to be a member in writing to any organ of the PDM, provided resignation of a political office bearer or elected official shall be communicated to the Secretary General;
  - b) Stands for or accepts nomination against an official candidate of the PDM in any public election.
  - c) Such member’s membership is terminated through expulsion from the PDM by the National Executive Committee following due disciplinary procedures

2. A member, who ceases to be a member of the PDM, loses all privileges of PDM membership:
  - a) If that member holds public office such member also loses the office which he/she occupies by virtue of his/her membership, with immediate effect as a result of the termination of his/her PDM membership.
  - b) A member against whom termination or suspension is sought shall be given a fair hearing in accordance with natural justice and shall have the right to legal representation at such hearing.
3. In the event of misconduct, as set out in the Code of Conduct of the PDM, contained in Schedule A of this Constitution, membership may only be terminated following a disciplinary hearing.
4. The National Executive Committee may consider the termination of membership of its own accord or on the recommendation of the Management Committee.
5. A disciplinary committee appointed in accordance with this constitution shall conduct the suspension and/or termination hearing, provided that both shall be comprised/constituted of different individuals and provided that the chairperson of the committee may ordinarily form part of both committees and ordinarily chair both committees of the Movement.
6. In the event that a member is a member of the structure that must determine the question of termination of such members' membership, then such deliberations will take place in the absence of the member in question. Such member will also not be permitted to vote on the matter, provided that prior to the commencement of any such deliberation the member in question be granted sufficient opportunity to state his/her case in such a manner as the Chairperson of such structure deems fit.
7. Any resolution of the National Executive Committee to terminate the membership of an individual can be revisited by the Central Committee, whose decision will be final and binding: providing the affected member shall be entitled to submit written representations to the Central Committee within 14 (fourteen) working days of having been notified of termination;
8. The NEC shall, within 30 calendar days from the date of its resolutions, inform the member concerned of the fact of termination of membership and that the concerned member is entitled to submit a written appeal to the Central Committee within 14 (fourteen) working days of having been notified of the termination;
9. The Central Committee shall furnish the affected member, in writing, with reasons / justification for their decision(s) within 30 (thirty) calendar days after having deliberated on the member's written appeal;
10. The decision of the National Executive Committee is final and binding until such time as it is recalled by the Central Committee.
11. Save in cases of Public office bearers and/or elected officials, the National Executive Committee or the Central Committee may suspend a PDM member from any position

and/or all activities of the Movement, after the finalisation of an investigation or disciplinary hearing in terms of this Constitution.

12. If the membership of a public representative is terminated or if a public representative ceases to be a member of the Movement, as set out above, the Management Committee must forthwith notify the relevant authorities of the vacancy which has arisen, and in the case of a Local Authority or Member of Parliament, proceed to fill such vacancy from the relevant Party List on record with the Electoral Commission of Namibia (ECN), and as previously approved by the PDM Central Committee.

- a) Subject to the laws of Namibia, the Central Committee may reconvene and decide to fill the vacancy with a person other than the next name on the list in question, including a person who is not part of the list.

## **CHAPTER 10 Rights and Obligations**

1. Subject to any contrary provision in this constitution every member of the PDM shall have the right to:

- a) Actively participate in the activities of the PDM and thereby contribute to strengthening the life and wellbeing of the PDM;
- b) Advocate for and demand the implementation of the aims and objectives of the PDM as set out in this Constitution, and the implementation of the resolutions, agreements, directives and programmes of the PDM;
- c) Participate in and contribute to the formulation and discussion of PDM policies;
- d) Enquire and receive information and answers on all activities, directives and policies of the PDM;
- e) Be elected to any committee, delegation or commission of the Party.
- f) Subject to the powers of Congress and Central Committee, a member who stands for a position in any national, regional or local organ of the PDM, or seeks nomination to hold public office at the behest of the PDM, must be a paid up member of the PDM at the time of such election or selection.
- g) A relevant organ may waive the requirement to be a paid up member of the PDM, in respect of the person who seeks to be elected or selected for public office and is not a member of the PDM, but where the PDM has taken a decision to select or support such a candidate.
- h) Any PDM member shall upon his/her election to the National Executive Committee immediately relinquish his/her position in a lower constitutional structure. Such relinquishing of position in a lower constitutional structure is

deemed automatic on the election of a member to the National Executive Committee. This shall not include a member who is a member of the National Executive Committee only by virtue of his/her position on the Wings of the Movement;

- i) Provide advice and/or submit proposals to a PDM branch and/or to the respective PDM regional structure on any matter pertaining to the Movement, its policies and the Namibian society in general;
  - j) Participate in the election of other PDM members to positions of authority within the Party as provided for in this Constitution;
  - k) Engage in constructive and self-criticism within the Constitutional Structures of the PDM;
  - l) Protection against any and all forms of discrimination, harassment and/or victimization on the grounds of race, ethnicity, sex, creed and religion.
2. All PDM members are obliged to:
- a) Pledge their unwavering loyalty and support to the PDM, and to dedicate and commit themselves to the advancement of the interests of the PDM and the Namibian nation;
  - b) To familiarise him/herself with and uphold the PDM Constitution, policies and Code of Conduct, exercise exemplary behaviour at all times, and to subject themselves to the internal discipline of the PDM and its rules;
  - c) To diligently carry out and implement decisions, duties, directives and orders from its branch, constituency, regional and national structures, as well as to serve as a mouthpiece for the dissemination and articulation of PDM policies and programmes, its Constitution and the rules and regulations;
  - d) Organise, participate in and contribute to the activities of the PDM and to contribute to the strengthening and maintenance of its organic unity;
  - e) Rally the Namibian people to unite behind and support the PDM, and thereby actively participate in the creation and maintenance of a non-racial, non-sexist, non discriminatory, united, democratic and prosperous Namibia;
  - f) Protect the PDM, its reputation, interests and property at all times through the exercise of maximum vigilance;
  - g) Ensure the maintenance of harmonious relations with and between all members of the PDM, and contribute to the organic unity of the Party;
  - h) Combat any and all manifestations of nepotism, favouritism, racism, tribalism, corruption, all forms of discrimination and divisive tendencies in Namibian society, as well as combating factionalism and malicious gossip within the ranks of the PDM;

- i) Initiate and participate in activities that aim to promote, advocate and advance international solidarity, peace and social justice;
- j) Observe and respect the expression of the will of the majority when obtained through legal, fair, transparent and democratic means and processes.

## **CHAPTER 11 Organisational Structure of the PDM**

The organisational structure of the PDM consists of the:

- 1) National Congress
- 2) Extraordinary Congress
- 3) Central Committee
- 4) National Executive Committee
- 5) Management Committee
- 6) Regional Congress
- 7) Regional Committee
- 8) Constituency General Meeting
- 9) Constituency Committee
- 10) Branch Committee
- 11) PDM Elder's Council (PDMEC)
- 12) PDM Women's League (PDMWL)
- 13) PDM Youth League (PDMYL)

### **Article 1: The National Congress**

The National Congress is the highest decision-making body of the PDM and shall convene every Five (5) years.

The Central Committee is vested with the authority to convene the National Congress, and must provide all branch, constituency and regional structures with notice thereof for a period of no less than 60 (sixty) calendar days.

**a) Composition**

- a1) A member, irrespective of position or seniority, only qualifies to be a delegate to the National Congress if they are a Member in good standing.
- a2) The Central Committee may waive requirement to be paid up members of PDM before eligibility to be delegates to Congress in respect of given category(ies) of members and/or individual PDM members, provided such waiver shall not apply to National Executive Committee Members, Public office holders and staff members of the PDM.
- a3) All members of the Central Committee, National Executive Committee and Management Committee shall attend the National Congress as delegates.
- a4) All elected Members of Parliament, Regional and Local Authority Councillors, who are members of the PDM, shall attend the National Congress as delegates.
- a5) Regional Delegates shall be elected on a democratic basis by and from the regional structures: 12 (twelve) delegates per region from each of Namibia's 14 (fourteen) administrative regions will be elected to represent their respective regions. The Central Committee may from time to time design and adapt internal PDM political administrative regions differently from the national geo-political demarcation, in which case such demarcations shall apply.
- a.6) Fourteen (14) members of the PDM Elder's Council will be democratically elected as delegates to the National Congress from amongst its own ranks.
- a.7) Fourteen (14) members of the PDM Youth League will be democratically elected as delegates to the National Congress from amongst its own ranks.
- a8) Fourteen (14) members of the PDM Women's League will be democratically elected as delegates to the National Congress from amongst its own ranks.
- a9) All delegates shall have full voting and speaking rights.

**b) Procedures at the National Congress**

- b1) The National Congress shall determine procedures in accordance with democratic principle.
- b2) A quorum at the National Congress shall be two-thirds of registered delegates in attend
- b3) Subject to contrary provisions contained in this constitution, a simple majority in favour of or against shall form the basis of decision-making.
- b4) Election for office bearers shall be by secret ballot.

### **c) Duties and Powers of the National Congress**

- c1) Provide a platform for the discussion, review, analysis, setting and adoption of the policies, programmes and activities of the PDM.
- c2) Have the right to review, ratify, amend or rescind any decision and/or recommendation made by any organ and/or official of the PDM.
- c3) Receive and review reports submitted by the National Executive Committee, which shall be presented by the President, the Chairperson, the Secretary General and the Treasurer General.
- d4) Elect the Top Six (6) i.e. President, Vice-President, Chairperson, Secretary General, Deputy Secretary General and Treasurer General.
- c5) Elect 40 (forty) members to the Central Committee and 10 reserve members to the Central Committee, at least 3 (three) of the alternate members must be representatives of the wings of PDM.
- c6) Have the right to review its own decision and that of an extraordinary congress: provided that two-thirds (2/3<sup>rd</sup>) of its delegates agree to the review, debate or discuss of such previous decision.
- c7) A two-thirds (2/3<sup>rd</sup>) majority of the delegates in attendance shall be required to reverse, amend, and/or vary a previous decision of Congress.
- c8) Shall have the power to exercise any powers and functions vested in the organs that are inferior to it.
- c9) Have the power to act and/or to take any decisions that promote the ideals, policies, principles, and proper administration of the PDM, provided that such decision, and/or action does not conflict the PDM constitution.
- c10) The National Congress is vested with the authority to elect and/or appoint any Commission or Committee and assign and allocate specific tasks and duties to such Committee, Commission or individual(s) as the case may be.
- c11) Be vested with the sole powers of expulsion over the Top 6 (six).

### **Article 2: The Extraordinary Congress**

- a) An Extraordinary Congress may be convened at any time to address urgent matters as may be deemed necessary or to discuss major policy issues.
- b) The Extraordinary Congress shall be called by the Central Committee, or if a two-thirds majority of PDM Regional Structures and two-thirds of the wings so request. Regional Structures and/or wings shall communicate such request and matters relating thereto in writing to the Secretary General, as the Secretary of the Central Committee.

- c) Decisions of the Extraordinary Congress shall be deemed to be decisions of Congress and its decision and action shall only be deliberated upon, varied, rescinded and/or amended in accordance with the provisions of these constitutions.
- d) An Extraordinary Congress must be held within 60 (sixty) calendar days of it either being called by the Central Committee or at the request of a two-thirds majority of PDM Regional Structures and two-thirds of the wings.
- e) In the case of an Extraordinary Congress; the Secretary General must give no less than 30 (thirty) calendar days' notice.

### **Article 3: The Central Committee**

The Central Committee is the highest decision-making body of the PDM between its National Congresses. This shall not be construed as transferring the powers and duties of the National Congress to the Central Committee.

#### **a) Composition**

The Central Committee shall be composed of the following members:

- a1) The President;
- a2) The Vice-President;
- a3) The Chairperson;
- a4) The Secretary General;
- a5) The Deputy Secretary General;
- a6) The Treasurer General;
- a7) National Secretaries;
- a8) All Regional Coordinators;
- a9) The 40 Members elected to the Central Committee at the National Congress;
- a10) The Heads of the PDM Elder's Council, the PDM Women's League and the PDM Youth League;
- a11) Two (2) representatives from the PDM Women's League, democratically elected from amongst their own ranks;
- a12) Two (2) representatives from the PDM Youth League democratically elected from amongst their own ranks;
- a13) Two (2) representatives from the PDM Elder's Council, democratically elected from amongst their own ranks;

- a14) A Register of all members of the Central Committee will be kept by the Secretary General, as the Secretary of the Central Committee. Membership to the Central Committee is not inter-changeable and is held in an individual capacity and thus no assignees may be delegated to attend in someone's stead.
- a15) Central Committee Meetings must be called by the Secretary General with no less than 30 (thirty) calendar days prior notice.
- a16) A quorum of the Central Committee shall be 50%+1 of the members of the Central Committee, as per the Register. This shall include reserves in the case of the 40 members elected to the Central Committee at the National Congress.
- a17) Where a vote is required, decisions at the CC will be taken by a simple majority of the members in attendance.
- a18) Be vested with the sole disciplinary powers over the Top six (6), including the powers of Suspension.

**b) Duties and Powers of the Central Committee**

- b1) Determines and approves the matters for discussion and proposals for the National Congress agenda, as well as the broad guidelines and policies of the PDM.
- b2) Controls and manages the funds, assets and liabilities of the PDM at its discretion.
- b3) Has the right to review, ratify, amend or rescind any decision and/or recommendation made by any inferior organ and/or official of the PDM.
- b4) Must meet annually, and as often as may be requested by the National Executive Committee so as to review and discuss reports of PDM activities and approve policies and programmes of action.
- b5) The Central Committee must from within its ranks democratically elect the different National Secretaries, which election shall be for a period of 2 (two) years 6 (six) months.
- b6) The Central Committee approves, and may vary, all candidates of the Party for local, regional and national elections.
- b7) If any of the top 6 (six) positions become vacant the Central Committee shall have the power to temporarily elect from its ranks any member of the PDM to act in any of the top 6 positions, provided that an individual shall not be appointed for a period longer than 1 (one) year, or be elected in an acting capacity more than once consecutively.

- b8) Service in an acting capacity shall not be construed as a term of office for the purpose of congress elections.
- b9) Shall have the power to call an extra-ordinary congress.
- b10) The Central Committee is responsible for the demarcation and approval of branches.
- b11) The Central Committee is the final approval authority for the demarcation of internal PDM political administrative centers and/or (sub) regions, which may or may not differ from the national geo-political regions.
- b12) May by bringing a Motion of No Confidence substitute and/or remove from office any National Secretary, provided such resolution is supported by a two-thirds majority of Central Committee members.
- b13) May by bringing a Motion of No Confidence, call for the restructuring - in part or wholly - of the leadership structures of the wings (PDMEC, PDMWL and PDMYL) where they are not adequately fulfilling their mandate, provided such resolution is supported by a two-thirds majority of the Central Committee members.
- b14) The Central Committee, when the National Congress is not in session, is the only body vested with disciplinary powers and the power of suspension over the Top 6.

#### **Article 4: The National Executive Committee**

The National Executive Committee is the executive power and authority of the PDM, provided that it is bound by the instructions and resolutions of the Central Committee.

##### **a) Composition**

- a1) The National Executive Committee shall be composed of the President, the Vice-President, the Chairperson, the Secretary General, the Deputy Secretary General, the Treasurer General, the Secretary of Information and Publicity, the Secretary of Organization and Mobilization, the Secretary of Labour and Employment Relations, the Secretary of Agriculture and Environment, the Secretary of Transport, the Secretary of Legal Affairs, the Secretary of International Relations, the Secretary of Health and Social Services, the Secretary of Gender Equality and Female Empowerment, the Secretary of Education, the Secretary of Sports and Culture, the Secretary for Economic Affairs and Trade and the Heads of

the PDM Elders Council, PDM Youth League and the PDM Women's League, and shall include secretaries established and elected by the Central Committee from time to time.

- a.2) An individual shall cease to be a member of the National Executive Committee if he/she is absent from 3 (three) successive National Executive Committee meetings without a valid excuse/explanation, approved and/or accepted by the NEC.
- a3) Should a vacancy arise within the National Executive Committee for any reason, the Central Committee shall convene as soon as possible to elect a replacement or alternatively, in the case of the Top six (6), may direct that a Central Committee be convened in order to elect an acting person or to convene an extraordinary congress, to fill the vacancy.
- a4) (The position of Secretary General shall be full-time, and the National Executive Committee shall periodically, as required from time to time decide which other positions will be full-time.)

**b) Duties and Powers of the National Executive Committee**

- b1) The National Executive Committee is the chief custodian of all Party assets and must consider, review, ratify and/or approve all decisions of the Management Committee relating to PDM assets.
- b2) Is vested with the authority to recommend conferring decorations, awards and honours on members, individuals or organisations in recognition and appreciation of their contribution to the work of the PDM in the creation and maintenance of a united, democratic and prosperous Namibia.
- b3) Controls and manages the funds, assets and liabilities of the PDM at its discretion.
- b4) The National Executive Committee shall consider, review, ratify and/or approve PDM staff appointments.
- b5) The National Executive Committee shall be responsible for policy formulation at times when the Central Committee is not in session.
- b6) Draw up the agenda for Central Committee meetings as well as the National Congress for consideration and approval by the Central Committee.
- b7) Implement the decisions, resolutions, policies and programmes adopted by the National Congress and/or the Central Committee of the PDM.
- b8) Prepare and submit periodic reports, including but not limited to Financial and Political Reports, on its activities to the PDM Central Committee.

- b9) Meet at least once quarterly, or as often as is deemed necessary to discuss matters relating to the PDM.
- b10) Is vested with the authority to elect and/or appoint any sub-committee and assign and allocate specific tasks and duties to such Committee, Commission or individual(s) as the case may be.

**c) Duties and Functions of Officials**

**c1) The President**

- c1.1) Serves as the Political Head and Chief Executive Officer of the PDM.
- c1.2) Except when the National Congress, Central Committee or National Executive Committee are in session and within the framework of the Values, Principles and Programme of Action of the PDM, interprets and makes the Policy of the PDM, provided that policy-making is limited to decisions urgently required in respect of new matters or new situations.
- c1.3) Is responsible, in conjunction with the Secretary General, for setting the policy directions for PDM Manifestos and other Policy Documents and overseeing their development and dissemination.
- c1.4) In times of extraordinary crisis, the President may call a Special Meeting of the Top 6 (Six) to act on behalf of the National Executive Committee, until such times as it is possible and practical to call a sitting of the National Executive Committee.
- c1.5) In times of extraordinary crisis, the President may act on behalf of the Management Committee, until such times as it is possible and practical to call a sitting of the Management Committee.
- c1.6) May by special invitation invite such persons, as may be necessary, to attend Management Committee meetings. Such invitees shall have no voting rights, but shall have speaking rights.
- c1.7) Shall represent and serve as the spokesperson of the PDM both at national and international level, and is charged with ensuring that the image, the good name and the reputation of the PDM is advanced and defended. He/she is vested with the authority to make pronouncements on the policy, direction and position of the PDM on any relevant and crucial matter on any platform.
- c1.8) Is responsible for the overall implementation and execution of the PDM values, principles, policies and plan of action as formulated by the National Congress, and shall initiate campaigns and programmes to this end.

- c1.9) Is accountable to the National Congress, the Central Committee, the National Executive Committee and the Management Committee.
- c1.10) Must present a report of the state of the PDM and the Political Situation in general to the National Congress.
- c1.11) Serves as the Chairperson for the National Congress, Management Committee Meetings and Special Meetings of the Top 6 (Six).
- c1.12) Shall assist in the interpretation of the PDM Constitution, Values, Principles and Policies.
- c1.13) Is elected for a 5 (five) year term by the National Congress and is eligible for re-election, but limited to 3 (Three) consecutive terms per individual.

**d) The Vice President**

- d1) Deputises for the President.
- d2) In the absence of the President, assume his/her duties and responsibilities.
- d3) Shall assist the President in the execution and implementation of the PDM Values, Principles, policies and plan of action as formulated by the National Congress, and shall carry out any role in the fulfilment of the aims and objectives of the PDM.
- d4) Member of the National Finance Committee.
- d5) Shall report to the President, the Management Committee, the National Executive Committee, the Central Committee and the National Congress.
- d6) Is elected for a 5 (five) year term by the National Congress and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**e) The Chairperson**

- e1) Presides over all meetings of all national structures of the PDM with the exception of the National Congress, Special Top 6 Meetings, Management Committee Meetings and National Finance Committee Meetings.
- e2) Is primarily responsible for the maintenance of order, peace and discipline within the party and at all Constitutional Structures.

- e3) Is the Chief Disciplinary Officer of the Party and shall serve as the Head of all Disciplinary Proceedings and will lead all investigations into disciplinary matters.
- e4) Is responsible for the coordination and alignment of PDM Policy.
- e5) Is a member of the National Finance Committee.
- e6) Where doubt exists, the Chairperson will allow the meeting to decide by majority vote.
- e7) Where there is a tie in voting, the Chairperson shall cast the deciding vote. No deciding vote may be cast at a nomination meeting held to nominate a candidate for any election.
- e9) Shall foster and develop relationships with organisations in civil society.
- e10) Shall perform any other additional function/task as required or directed by the Central Committee, National Executive Committee or the National Congress;
- e11) Shall report to the President, or Vice-President as the case may be, the Management Committee, National Executive Committee, the Central Committee or the National Congress.
- e12) In consultation with the President:
  - e12.1) Actively supports the implementation of programmes of action designed to promote the Values, Principles, Programme of Action and Policies of the PDM; and
  - e12.2) Assists in the overall promotion of the PDM and mobilisation of support for it.
- e13) Is elected for a 5 (five) year term by the National Congress and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**f) The Secretary General**

- f1) Is the Chief Political Officer of the PDM.
- f2) Is primarily responsible for the overall and/or general strategic leadership of the Party, and formulating and developing – in consultation with the Management Committee and the Regional Coordinators - the Annual Political Programme of the Party and supporting Policy Documents. This includes but is not limited to campaign periods/cycles.

- f3) Is responsible, in conjunction with the President, for setting the policy directions for PDM Manifestos and other Policy Documents and overseeing their development and dissemination.
- f4) Is responsible for the minutes of the National Congress, the Central Committee, the National Executive Committee, the Management Committee and all other records of the PDM.
- f5) (Shall be a full time officer of the PDM, without an additional employment and/or public office)
- f6) Shall prepare annual reports on the overall work and activities of the PDM and present a report hereon to the Management Committee, National Executive Committee, Central Committee and National Congress.
- f7) Shall be the cosignatory to all financial transactions from all PDM bank accounts.
- f8) Is responsible for the overall functioning of the National Executive Committee.
- e9) Is responsible for the establishment, maintenance and coordination of the activities of the Constitutional Structures of the PDM and shall work closely and perform a general supervisory and/or oversight role over the Secretary for Organization and Mobilization and ensure that the Secretary for Organization and Mobilization is coordinating the establishment of PDM Constitutional Structures with the Party Organizers by delegating and assigning tasks to them and following up by requesting regular feedback reports.
- f10) Shall monitor the financial performance and stability of the PDM.
- f11) The Secretary General, as the Chief Personnel Officer of the PDM, is responsible for overseeing and coordinating all staff related matters, excluding Parliamentary Staff, who shall fall under the ambit of the Party's Parliamentary Whip.
- f12) Shall serve to communicate all decisions, directives, rulings or resolutions of the Management Committee, National Executive Committee, Central Committee or National Congress, as the case may be, to all Constitutional Structures of the PDM.
- f13) Shall ensure that elected officials, office bearers and/or public representatives of the PDM carry out their duties and responsibilities effectively and efficiently for the benefit of the Party, and shall, as needs arise, arrange suitable training and capacity building workshops for such officials.

- f14) Must be well versed in the PDM Constitution, the Values, Principles, Policies and Programme of Action of the PDM. Shall serve to interpret and disseminate these and shall assist in the analysis and interpretation of the political systems and climate in Namibia.
- f15) Must also be well versed in the Electoral Laws of Namibia, the Constitution of the Republic of Namibia and relevant regional and international instruments and laws.
- f16) In conjunction with the Treasurer General, and as a member of the National Finance Committee, is jointly responsible for the raising of funds via fundraising activities to provide for the Party's activities.
- f17) Is responsible for the implementation of all decisions, rulings, directives, or resolutions of the Management Committee, National Executive Committee, the Central Committee or the National Congress as the case may be.
- f18) Is responsible for the keeping and maintenance of a Membership Register, which Register shall reflect which members are in Good Standing.
- f19) Shall report to the President, the Vice President or the Chairperson, the Management Committee, National Executive Committee, the Central Committee and the National Congress.
- f20) All Constitutional structures shall provide reports on their activities to the Secretary General and shall be accountable to him/her.
- f21) Shall be the central liaison between the national structures of the PDM.
- f22) Is elected for a 5 (five) year term by the National Congress and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**g) The Deputy Secretary General**

- g1) Deputises for the Secretary General.
- g2) In the absence of the Secretary General, assumes his/her duties and responsibilities.
- g3) Shall exercise all such duties and functions as may be delegated to him/her by the Secretary General, the Management Committee, National Executive Committee, the Central Committee and the National Congress.

- g4) Shall report to the Secretary General, Management Committee, the National Executive Committee, the Central Committee and the National Congress.
- g5) Is elected for a 5 (five) year term by the National Congress and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**h) Treasurer General**

- h1) Is the Chief Financial Officer of the PDM.
- h2) Shall be responsible for the management and general oversight of the assets and funds of the PDM, and shall ensure that all financial records and accounts of the PDM are kept in accordance with international accounting standards.
- h3) Presides over National Finance Committee meetings.
- h4) As Head of the National Finance Committee, is the Primary Officer responsible for Fundraising Activities.
- h5) Will serve as the co-signatory, along with the Secretary General, on all financial documents of the PDM and ensure that the financial books of the PDM are audited annually.
- h6) Shall supervise the Administrative Secretary or any other duly appointed official during the process of collecting, receipting and recording membership fees and other member contributions and ensuring the member database is updated quarterly so that information on which members are in good standing is easily accessible.
- h7) Shall provide updated financial reports to the Management Committee, National Executive Committee, and the National Finance Committee on a regular basis.
- h8) Shall prepare and present, on behalf of the National Executive Committee, an Annual Financial Report to the Central Committee.
- h9) Shall prepare and present a financial report to the National Congress.
- h10) Shall be responsible for the execution of all payments by the PDM and the banking of all monies received, and together with 2 (two) National Executive Committee members open and operate a bank account for the PDM.
- h11) Shall be responsible for compiling an annual budget of income and expenditure and shall present this to the Management Committee, the

National Finance Committee, the National Executive Committee and the Central Committee.

- h12) Reports to the President, Vice President, Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee, the National Finance Committee and the Central Committee.
- h13) Is elected for a 5 (five) year term by the National Congress and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**i) Secretary for Information and Publicity**

- i1) Shall be responsible for the dissemination of information on PDM activities to PDM members and the Namibian public. Is responsible for the management and maintenance of the PDM Brand.
- i2) Shall be responsible for the development, bi-annual review and implementation of the PDM (Social) Media Regulatory Framework and Policy.
- i3) Is responsible for the drafting of all official PDM communication, including but not limited to press statements, speeches/public addresses, and notices; in consultation with the Secretary General, the Management Committee and the National Executive Committee.
- i4) Is responsible for the logistical arrangements related to the hosting of press conferences by the PDM.
- i5) Is responsible for managing and fostering a healthy relationship between the PDM and local and international media.
- i6) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Information and Publicity to the Treasurer General.
- i7) Shall undertake research on legislation, policies and programmes relating to Information and Publicity, and shall advise the PDM and its members on the appropriate policies and programmes to implement.
- i8) Is responsible for the updating and general maintenance of the PDM Official Website.
- i9) Is responsible for the maintenance and general oversight of the PDM social media presence and official pages – including but not limited to Facebook, Twitter, WhatsApp and YouTube.

- i10) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- i11) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**j) Secretary for International Relations**

- j1) Is responsible for the promotion of international solidarity, peace and cooperation with other progressive political organisations in Africa and the rest of the world.
- j2) Is responsible for the development, bi-annual review and implementation of the PDM International Relations Policy.
- j3) Is responsible for the promotion of and adherence to international law and Namibia's duties and obligations under international law as well as the regional and international conventions and treaties the country is party to.
- j4) Shall advise the National Executive Committee on new developments and emerging trends in the international arena, and will recommend a position to be taken by the PDM.
- j5) Shall undertake research on legislation, programmes and policies related to International Relations, and shall advise the PDM and its members on the appropriate policies and programmes to implement.
- j6) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities pertaining to International Relations of the PDM to the Treasurer General.
- j7) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- j8) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**k) Secretary for Gender Equality and Female Empowerment**

- k1) Shall promote a culture of equality and strive towards the promotion of gender equality and female empowerment.

- k2) Shall be responsible for the development, bi-annual review and implementation of the PDM Gender Policy.
- k3) Shall be responsible for the promotion and advocate for gender equality and female empowerment within the PDM, its Constitutional Structures and Namibian society in general.
- k4) Shall provide the Management Committee and the National Executive Committee with regular progress reports on the PDM's progress towards equal male and female representation on all Constitutional Structures.
- k5) Shall prepare and present, on behalf of the National Executive Committee, an Annual Report on Gender Equality in the PDM for the Central Committee.
- k6) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Gender Equality and Female Empowerment to the Treasurer General.
- k7) Shall undertake research on legislation, programmes and policies related to gender equality and female empowerment, and shall advise the PDMWL and the PDM as a whole on the appropriate policies and programmes to implement.
- k8) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- k9) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**I) Secretary for Education**

- l1) Shall be responsible for the development, bi-annual review and implementation of the PDM Education Policy, applicable to pre-primary through to tertiary education.
- l2) Shall conduct in depth analyses of the Namibian education sector in an effort to develop programmes to address educational developmental challenges.
- l3) Shall undertake research on legislation, programmes and policies related to education and shall advise the PDM and its members on the appropriate policies and programmes to implement.

- l4) Shall ensure that the national education system serves to enrich the Namibian youth and act as a catalyst for their socio-economic advancement, by conducting a systematic analysis and review thereof.
- l5) Shall ensure that educational programmes and activities aimed at educating PDM members and the Namibian youth on their civic duty and responsibilities as citizens are implemented and carried out.
- l6) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Education to the Treasurer General.
- l7) Shall advise the Management Committee, the National Executive Committee and the Central Committee on all education related developments and policy positions to be taken by the Party.
- l8) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- l9) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**m) Secretary for Sports and Culture**

- m1) Shall be responsible for the development, bi-annual review and implementation of the PDM Sports Policy and the PDM Cultural Policy.
- m2) Shall be responsible for the promotion of Namibia's advancement in sporting and cultural fields.
- m3) Shall conduct in-depth analyses of the Namibian sporting fraternity in an effort to develop programmes to address developmental challenges.
- m4) Shall be responsible for the promotion of and respect for cultural diversity, as well as to support the practice and preservation of our individual and shared cultural heritages.
- m5) Shall advise the Management Committee, the National Executive Committee and the Central Committee on all Sports and Culture related developments and policy positions to be taken by the Party.

- m6) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Sports and Culture to the Treasurer General.
- m7) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- m8) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**n) Secretary for Health and Social Welfare**

- n1) Shall be responsible for the development, bi-annual review and implementation of the PDM Health and Social Welfare Policy.
- n2) Shall be responsible for activities and programmes that are aimed at informing and educating the PDM membership and the Namibian society about relevant health-related issues.
- n3) Shall be responsible for activities and programmes that are aimed at informing and educating the PDM membership and the Namibian society on issues relevant to social welfare.
- n4) Shall undertake research on legislation, programmes and policies related to Health and Social Welfare, and shall advise the PDM and its members on the appropriate policies and programmes to implement.
- n5) Shall advise the Management Committee, the National Executive Committee and the Central Committee on all Health and Social Welfare related developments and policy positions that should be taken by the Party.
- n6) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Health and Social Welfare to the Treasurer General.
- n7) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- n8) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**o) Secretary for Organization and Mobilization**

- o1) Shall, under the supervision and guidance of the Secretary General, be responsible for the coordination and supervision of all Party Organizers and assigning work to such Organizers as he/she may deem necessary and ensuring receipt of regular feedback and reports from such Organizers.
- o2) Reports directly to the Secretary General and most work closely with the Secretary General in furthering the organization and mobilization of the Party. Prepares quarterly reports for the Secretary General on the establishment of Constitutional Structures.
- o3) Shall be responsible for the ideological education and ideological consciousness of PDM members, and will ensure their understanding and internalization of the PDM Values, Principles, Plan of Action and policies.
- o4) Shall be responsible for facilitating and supporting the establishment of Constitutional Structures at branch, constituency and regional level.
- o5) Shall undertake research on programmes and policies related to political communication, political campaigning and shall advise the PDM and its members on the appropriate policies and programmes to implement.
- o6) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Organization & Mobilization to the Treasurer General.
- o7) Shall be responsible for the mobilization of PDM members, and shall continuously communicate and interact with them at various platforms throughout the country.
- o8) Shall provide the National Executive Committee with bi-annual updated reports on the establishment of new structures and mobilization of new PDM members on a regular basis.
- o9) Shall prepare and present, on behalf of the National Executive Committee, an Annual Report to the Central Committee on activities related to Organization and Mobilization, the establishment of new structures and the mobilization and recruitment of new members.
- o10) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.

- o11) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**p) Secretary for Labour and Employment**

- p1) Shall be responsible for the development, bi-annual review and implementation of the PDM Labour and Employment Policy.
- p2) Shall be responsible for liaison with local trade unions and monitoring of local media to identify prominent issues related to Namibian workers, and shall develop strategies to address these.
- p3) Shall be responsible for the development and establishment of partnerships between the PDM and local trade unions.
- p4) Shall undertake research on programmes and policies related to labour relations, and shall advise the PDM and its members on the appropriate policies and programmes to implement.
- p5) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Labour and Employment Relations to the Treasurer General.
- p6) Shall be responsible for the education of PDM members, and Namibian society in general, on labour rights and workplace related issues.
- p7) Shall advise the Management Committee, the National Executive Committee and the Central Committee on developments in Labour and Workplace Law and make recommendations relating to the appropriate policy positions the Party should take.
- p8) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- p9) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**q) Secretary for Transport**

- q1) Shall be responsible for the development, bi-annual review and implementation of the PDM Transport and Logistics Policy.

- q2) Shall be responsible for all arrangements relating to transport and logistics at official PDM events and functions.
- q3) Shall undertake research on programmes and policies related to transport and logistics, and shall advise the PDM and its members on the appropriate policies and programmes to implement.
- q4) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Transport and Logistics to the Treasurer General.
- q5) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- q6) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**r) Secretary for Agriculture and Environment**

- r1) Shall be responsible for the development, bi-annual review and implementation of the PDM Agriculture and Environment Policies respectively.
- r2) Shall be responsible for activities and programmes that are aimed at informing and educating the PDM membership and the Namibian society of relevant environmental and agricultural issues.
- r3) Shall undertake research on programmes and policies related to agriculture and the environment, and shall advise the PDM and its members on the appropriate policies and programmes to implement.
- r4) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Agriculture and the Environment to the Treasurer General.
- r5) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- r6) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**s) Secretary for Legal Affairs**

- s1) Shall be responsible for the development, annual review and implementation of the PDM Legislative Reform Program, shall conduct research on areas of legislative reform and shall advise the PDM and membership on appropriate programmes to implement.
- s2) Shall be responsible for programmes and activities aimed at informing and educating the PDM membership, and Namibian society in general, on their legal rights and obligations.
- s3) Shall be responsible for providing the PDM with legal advice on matters related to it, and shall dispense the Party with any and all legal services.
- s4) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Legislative Reform and Legal Services to the Secretary for Finance.
- s5) Shall be responsible for recording and attending to Constitutional Amendments, of all Constitutional Structures, inclusive of the Wings, as and when required.
- s6) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- s7) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

**t) Secretary for Economic Affairs and Trade**

- t1) Shall be responsible for the development, bi-annual review and implementation of the PDM Economic and Trade Policy. Shall conduct research on areas of economic reform, with reference to subcontinental and regional trends and events and shall advise the PDM and its membership on appropriate programmes to implement.
- t2) Shall be responsible for programmes and activities aimed at informing and educating the PDM membership, and Namibian society in general, on the impact of the changing economic environment on their daily lives.
- t3) Shall be responsible for providing the PDM with economic advice and expertise and will annually serve as a direct resource person for PDM

Members of Parliament for the period whilst the Appropriation Bill is under discussion, in both houses of Parliament.

- t4) Shall be responsible for the preparation, motivation and submission of an Annual Budget for activities relating to Economics and Trade to the Secretary for Finance.
- t5) Shall be assigned to the Business Wing of the Party in an advisory capacity.
- t6) Reports to the Chairperson, Secretary General, Deputy Secretary General, the Management Committee, the National Executive Committee and the Central Committee.
- t7) Is elected for a 5 (five) year term by the Central Committee and is eligible for re-election, but limited to 3 (three) consecutive terms per individual.

#### **Article 5: The Management Committee**

The Management Committee is the executive power and authority of the PDM when the National Executive Committee is not in session, provided that it is bound by the instructions and resolutions of the National Executive Committee.

##### **a) Composition**

- a1) The Management Committee shall be composed of the President, the Vice President, the Chairperson, the Secretary General, the Deputy Secretary General, the Treasurer General, all Members of Parliament and the Administrative Secretary.
- a2) The Management Committee shall convene on an ad-hoc and short-notice basis and shall also convene at the directive of the Central Committee or the National Executive Committee.
- a3) The Management Committee shall convene regularly, but in any event, at least twice every month.
- a4) A quorum of the Management Committee shall be a simple majority.
- a5) The PDM President shall chair all meetings of the Management Committee, and is empowered to act on behalf of the Management Committee until such time as a quorum can be reached for the Management Committee meeting to ratify his/her actions.
- a6) The President may by special invitation, as and when the need arises, invite such person(s) as he deems fit to Management Committee meetings. Such invitees shall have no voting rights, but full speaking rights.

- a7) May from time to time and in times of extraordinary crisis, acting strictly as a collective, terminate wholly or in part the term of office of the elected leaders of PDM's wings
- a8) May from time to time and in times of extraordinary crisis, acting strictly as a collective, appoint wholly or in part the leadership of the PDM wings.

**b) Duties and Powers of the Management Committee**

- b1) Make decisions regarding the assets and/or properties of the PDM subject to broad guidelines determined by the Central Committee or the National Executive Committee.
- b2) Investigate any matter, behaviour and/or individual that threatens to bring the PDM into disrepute and damage its image.
- b3) May recommend the appropriate action to be taken by the PDM with respect to any matter, behaviour and/or individual that threatens to bring the Party into disrepute and damage its image.
- b4) Appoint a Disciplinary Committee, when necessary, that shall consist of no less than 3 (three) and no more than 7 (seven) individuals, one of which shall be the Chairperson who shall ordinarily serve as the Head of the Disciplinary Committee.
- b5) May, at its discretion, appoint and/or co-opt an independent person(s) from outside the PDM to ensure fairness and transparency in the disciplinary process.
- b6) May appoint and/or hire such staff and personnel as it deems necessary and required for the proper functioning of the Party, and shall be responsible for the interviewing, selection, appointment and determining of the duties and remuneration of such staff or personnel.
- b7) Must appoint an Administrative Secretary for the PDM Head Office, who will serve as the Chief Administrative Officer of the Party. The appointment of the Administrative Secretary is subject to the review and approval of the National Executive Committee.

**c) Duties and Responsibilities of the Administrative Secretary**

- c1) The Administrative Secretary is the Chief Administrative Officer of the PDM and is a Full Time employee stationed at the PDM Head Office.
- c2) The Administrative Secretary is in control of all the administration of the Party and shall keep Records and Registers of all Party assets, Human Resource documents (e.g. employment contracts, written warnings etc.) and

information relating to Party Staff and all other documentation of an administrative nature.

- c3) The Administrative Secretary is responsible for and carries out the direct decisions of the Management Committee, the National Executive Committee and the Central Committee.
- c4) Given the nature of the work of the Administrative Secretary, he/she is an *ex officio* member of the Management Committee, the National Executive Committee and the Central Committee. He/she has full speaking rights, but no voting rights, in respect of all three bodies.
- c5) It is the duty of the Administrative Secretary to, in close cooperation with the Treasurer General, maintain effective financial control and undertake expenditure in accordance with resolutions of the Management Committee, the National Executive Committee and Central Committee.
- c6) The Administrative Secretary may from time to time be required to travel to different constituencies and regions to inspect and familiarize himself with Party property and assets in order to update the Assets Register.
- c7) The Administrative Secretary reports directly to the Secretary General, Deputy Secretary General and the Treasurer General; but in addition thereto also reports to the Management Committee, the National Executive Committee, the Central Committee and the National Congress.

## **Article 6: The National Finance Committee**

The National Finance Committee is the executive authority of the PDM on all financial matters.

### **a) Composition**

- a1) The National Finance Committee shall be composed of the Vice President, the Chairperson, the Secretary General, The Deputy Secretary General and the Treasurer General.
- a2) The National Finance Committee shall convene on a quarterly basis, or as directed by the Central Committee or the National Executive Committee.
- a3) A quorum of the National Finance Committee shall be 3 (three) Members.

**b) Duties and Powers of the National Finance Committee**

- b1) Shall review the financial affairs of the PDM to ensure that they are conducted in a prudent and responsible manner.
- b2) Prescribes financial procedures to be followed by all Constitutional Structures of the PDM.
- b3) Is responsible for initiating and implementing fund-raising activities.
- b4) Ensures that all Constitutional Structures conduct annual audits and table audited statements within 6 (six) months of the financial year end.
- b5) Reviews audited statements of all Constitutional Structures and reports to the Central Committee and National Executive Committee on matters of concern arising from the audited statements.
- b6) Reviews the annual and medium term income and expenditure budget for the activities of the PDM which must be tabled before and approved by the National Executive Committee or the Central Committee.
- b7) Reviews on a quarterly basis the income and expenditure statements of the PDM at national level and reports to the National Executive Committee and the Central Committee any matters of concern from such reviews.
- b8) Resolves disputes of a financial nature which may arise between the National Head Office, Regional Committees, Constituency Committees and Branch Committees.
- b9) Deals with any matter of a financial nature relating to the PDM referred to it by the Management Committee, National Executive Committee, the Central Committee or the National Congress.
- b10) Meets at least once per quarter or more regularly as deemed necessary by the Management Committee, National Executive Committee, the Central Committee or the National Congress.

**Article 7: The Mediation Panel**

**a) Appointment of the Mediation Panel**

- a1) The National Executive Committee, at its first ordinary meeting after each National Congress, must elect a Chairperson and 4 (four) additional, fit, proper and suitably qualified persons as the Mediation Panel. The criteria as to what constitutes “fit and proper” shall be determined by the National Executive Committee.
- a2) Members of the Mediation Panel must be PDM members in Good Standing.

- a3) The term of office of the members of the Mediation Panel only expires when their successor(s) are appointed, provided that a member whose term has expired, remains in office for the purposes of completing any uncompleted investigations.

**b) Powers and Duties**

- b1) The Mediation Panel is vested with all power and authority necessary to exercise its functions in terms of the Constitution and must, at the request of the Management Committee or the National Executive Committee, subject to the procedures set out herein:
  - b1.1) Investigate any allegation of unjustified preference for or prejudice against any member or group of members as a consequence of that member's or those members' race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
  - b1.2) Investigate any internal policy, procedure or practice, the alleged effect of which is to unjustifiably prefer or prejudice any member or group of members, as a consequence of that member's or those members' race, gender, sex, pregnancy, marital status, national ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
  - b1.3) Investigate any allegation of an action or statement by a member or group of members taken or made against any other member or group of members which sought to advance or deprecate that latter member or group of members as a consequence of his/her or their race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
  - b1.4) Investigates any other matter referred to it by the National Executive Committee or the Management Committee.
- b2) The Mediation Panel:
  - b2.1) Determines the date and/or dates for any investigation.
  - b2.2) Hears evidence and/or views. Accepts exhibits and calls for papers and/or documents relevant to the investigation.

- b2.3) Reports to the National Executive Committee on all investigations that they have undertaken, and may make recommendations to the National Executive Committee on any matter or issue that arises directly or indirectly from any such investigation.
  - b2.4) Shall mediate between parties involved in any investigation, wherever possible.
  - b2.5) May decide that a matter referred to it does not warrant investigation on the grounds that it is frivolous, vexatious or without basis.
- b3) Procedures:
- b3.1) Any complaint to the Mediation Panel must first be directed to the National Chairperson for referral to the Management Committee, and the Management Committee, after due consideration, may then refer the matter to the Mediation Panel.
  - b3.2) The Mediation Panel reports to the National Executive Committee and all findings and recommendations of the Mediation Panel must be brought to the attention of the National Chairperson for referral to the National Executive Committee.
  - b3.3) The Mediation Panel must draw up procedures to be followed when they investigate any matter referred to it. Such procedures and any amendments thereto, must be approved by the National Executive Committee.
  - b3.4) The Mediation Panel must deal with every complaint as soon as is reasonably possible, but each complaint must be finalized by the Mediation Panel no later than 2 (two) months after it has been referred to it, and by the National Executive Committee by no later than 3 (three) months after it has been referred to it. The National Executive Committee may grant an extension of time only in exceptional circumstances and then for as short a time as possible.
  - b3.5) No complainant or witness may insist on legal representation unless there are compelling reasons for him/her to be so represented. The decision as to whether there are such reasons is at the sole discretion of the Chairperson of the Mediation Panel.

- b3.6) All proceedings in terms of this section shall be *in camera*.
- b3.7) No evidence before the Mediation Panel may be used in any subsequent disciplinary proceedings of the PDM.
- b3.8) The National Executive Committee shall inform the complainant in writing immediately after it has considered the report and/or investigation of the Mediation Panel.
- b3.9) The National Executive Committee must report to the Central Committee what action it has taken as a result of any report or recommendation received from the Mediation Panel.
- b3.10) The National Executive Committee must fund and resource the Mediation Panel to enable it to fulfill the duties and responsibilities outlined in the Constitution.

## **Article 8: The Regional Congress**

The Regional Congress shall be the highest decision-making body of the PDM within each administrative political region of Namibia.

### **a) Composition**

- a1) Delegates shall be elected democratically by and from each constituency in that respective region. 4 (four) delegates from each constituency will be elected to represent each constituency at the Regional Congress.
- a2) The decisions, outcomes and resolutions of Regional Congress shall only be of any force and effect, if at least a two-third majority of all constituencies in that region are represented at the Regional Congress.
- a3) Members of the outgoing or existing Regional Committee shall attend the Regional Congress as delegates with full speaking and voting rights.

### **b) Procedures, Powers and Duties**

The Regional Congress shall:

- b1) Be held at least once every 4 (four) years or when requested by a majority of two-thirds of all constituencies in a region.
- b2) Receive and consider reports by the outgoing Regional Committee, which shall be presented by the Regional Coordinator, the Regional Secretary and the Regional Treasurer.

- b3) Elect the Regional Committee by secret ballot.
- b4) Develop and implement the policies and programmes of the PDM as guided by the PDM Plan of Action within the context of each region.

## **Article 9: The Regional Committee**

### **a) Composition**

The Regional Committee shall be composed of a Regional Coordinator, a Deputy Regional Coordinator, a Regional Secretary, a Regional Treasurer, all Chairpersons of Constituencies within that region and the Heads of the Wings – PDMEC, PDMYL and PDMWL - in that region.

### **b) Functions of the Regional Executive Committee Office Bearers**

- b1) Regional Office Bearers, with specific consideration of circumstances, regional context and scope, shall perform the same functions as their national counterparts holding a similar position, even where the naming may be slightly different.
- b2) The Regional Coordinator is the Political Head of that Region and is responsible for the overall strategic leadership of that region and he/she shall ensure that all the required Constitutional Structures in that region are properly formed & maintained.
- b3) The Deputy Regional Coordinator deputizes for the Regional Coordinator, and shall, under the guidance of the Regional Coordinator, assist with the establishment and maintenance of Constitutional Structures in that region.
- b4) The Regional Secretary is responsible for the minutes and administrative records of the Regional Committee.
- b5) The Regional Treasurer is the Financial and/or Accounting Officer of the region and must keep and maintain financial records and books of the region. The Regional Treasurer and the Regional Coordinator may open and manage bank accounts for region, but only with the prior written authorization of the Treasurer General. The Regional Treasurer and the Regional Coordinator must be co-signatories on all such bank accounts. The Regional Treasurer shall be responsible for receiving and disseminating money from and to the Party within that region, under the supervision of the Regional Coordinator.
- b6) The Chairpersons of Constituencies within that Region represent the interests and articulate the views and grievances of their respective constituencies.
- b7) The Heads of Wings within that Region represent the interests and articulate the views and grievances of their respective Wings.

**c) General Powers and Duties**

- c1) Carry out and be responsible for the implementation of decisions, resolutions, orders and directives of the Regional Congress, the Management Committee, the National Executive Committee, the Central Committee and the National Congress.
- c2) Meet at least twice per annum or as often as may be deemed necessary or directed by the National Executive Committee or the Central Committee.
- c3) Organize, establish and coordinate regional, constituency and branch structures of the PDM in the region.
- c4) Implement the policies and Plan of Action of the PDM and endeavor to promote and advance the interests and aims and objectives of the PDM.
- c5) Manage and Control the funds and property of the PDM in the region.
- c6) Receive and consider membership applications, where no Branch or Constituency Committee exists where the recruited member is resident.

**Article 10: Constituency Committee**

**a) Duties and Functions of Constituency Committees**

- a1) Ensure that Namibians living in a particular constituency are mobilized and recruited into the PDM.
- a2) Encourage and support Namibians in taking an active part in and contributing to the activities of the PDM.
- a3) Mobilize Namibians living in a particular constituency to participate in general mass campaigns.
- a4) Meet at least once every quarter to discuss the affairs of the constituency and develop a political program for the constituency.
- a5) Receive and consider membership applications, should no branch exist, where the recruited member is resident.
- a6) Prepare PDM members so as to facilitate their effective participation in the formulation of the policies and programmes of the PDM.
- a7) Elaborate and implement the political and civic education program of the PDM.
- a8) Encourage and promote the participation of PDM members to take an active interest in public affairs and participate in sports, arts and cultural activities.

- a9) Coordinate the general activities and oversee the general operations of the PDM in that Constituency.
- a10) Carry out the organizational, mobilization and publicity work in its respective area in an endeavor to promote and advance the policies and programmes of the PDM as well as in execution of directives, orders and resolutions of the National Congress, the Central Committee, the National Executive Committee, the Management Committee and Regional Committee.
- a11) Liaise with and serve as a contact between the different branches in that constituency and the Regional Committee and the PDM rank and file membership. Prepare and submit annual reports on the activities within the Constituency to the Regional Committee.
- a12) Be responsible for the management of the funds of the PDM and for the maintenance of the property of the PDM entrusted to it.

**b) The Constituency Committee: Composition**

- b1) The Constituency General Meeting must be held every 2 (two) years, or when requested by a two-thirds majority of the established branches in that constituency. Delegates to the Constituency General Meeting which is the elective body of each Constituency must represent at least a two-third majority of the established branches in that constituency.
- b2) The Constituency General Meeting shall democratically elect the Constituency Coordinator, the Deputy Constituency Coordinator, the Constituency Treasurer, Constituency Secretary, One member representing the Elders Council, One member representing the Women's League and One member representing the Youth League and 4 (four) additional members to the Constituency Committee.
- b3) The functions of the Office Bearers of the Constituency Committee shall effectively be the same, *mutatis mutandis*, as those of the similar positions in the Regional Committee as indicated under section 9.2 above.
- b4) An individual shall cease to be a member of the Constituency Committee should he/she be absent from 3 (three) successive Constituency Committee Meetings without a valid excuse.
- b5) Should a vacancy arise within the Constituency Committee for any reason, the Constituency General Meeting shall be convened within no more than 4 (Four) months to elect a replacement.

## **Article 11: Branch Committee**

The basic organizational unit of the PDM shall be the Branch.

### **a) Duties and Functions of Branch Committees**

- a1) Coordinate the general activities and oversee the day-to-day operations and functions of the PDM Branch.
- a2) Ensure that Namibians living in a particular village, area, township, suburb or town are mobilized and recruited into the PDM.
- a3) Encourage and support Namibians in taking an active part in and contributing to the activities of the PDM.
- a4) To hold regular ad-hoc meetings and undertake frequent activities to ignite the interest of the community and members in the activities, policies and programmes of the PDM.
- a5) Mobilize Namibians living in a particular village, area, and township, suburb, town to participate in general mass campaigns.
- a6) Prepare PDM members so as to facilitate their effective participation in the formulation of the policies and programmes of the PDM.
- a7) Elaborate and implement the political and civic education programmes of the PDM.
- a8) Encourage and promote the participation of PDM members to take an active interest in public affairs and participate in sports, arts and cultural activities. Prepare and submit progress and development reports on the activities of the Branch/Chapter to the Constituency Committee and Regional Committee.
- a9) Receive and consider applications for membership in the PDM.
- a10) Liaise with and serve as a contact between the Constituency Committee and the Regional Committee and the PDM rank and file membership.
- a11) Be responsible for the management of the funds of the PDM and for the maintenance of the property of the PDM entrusted to it.

### **b) The Branch Committee: Composition**

- b1) The Branch Committee shall be composed of the Branch Coordinator, the Deputy Branch Coordinator, the Branch Treasurer, Branch Secretary, one member representing the Elders Council, one member representing the

Women's League and one member representing the Youth League and 4 (four) additional members.

- b2) The functions of the Office Bearers of the Branch Committee, shall effectively be the same, *mutatis mutandis*, as those of the similar positions in the Regional Committee as indicated under section 9.2 above.
- b3) An individual shall cease to be a member of the Branch Committee should he/she be absent from 4 (four) successive Branch Committee Meetings without a valid excuse.
- b4) Should a vacancy arise within the Branch Committee for any reason, the Branch General Meeting shall be convened within no more than 2 (two) months to elect a replacement.

**c) The Branch General Meeting**

The Branch General Meeting shall on an annual basis:

- c1) Democratically elect the Branch Coordinator, the Deputy Branch Coordinator, the Branch Treasurer and 4 (four) additional members.
- c2) PDM Members resident in the locality of that Branch present at the Branch General Meeting, which serves as the elective body of the Branch Committee, must be no less than 10 (ten) before a Branch Committee can be established and elected.

**Article 12: The PDM Elder's Council (PDMEC)**

The PDM Elder's Council (PDMEC) is an organisation for and of Namibians from all walks of life above the age of 55 (fifty five), committed to the principles of democracy, freedom, peace and unity. The PDMEC is a mass Elder's organisation of the PDM, and is committed to the creation and maintenance of a non-racial, non-ageist, non-sexist, non-discriminatory, united, democratic and prosperous Namibia. The PDMEC is an inter-dependent Wing of the PDM and subscribes to the Values, Principles and Plan of Action of the PDM.

**a) Powers and Duties**

- a1) The PDMEC shall adopt its own Constitution, which Constitution is subject to the authority of the PDM Constitution and may thus not be inconsistent with the PDM Constitution.
- a2) The PDMEC shall report to the Management Committee, the National Executive Committee and the Central Committee and shall prepare annual reports on its operations and functions for presentation to all three bodies.

- a3) The PDM EC, in addition to funding received from the PDM, shall be responsible for acquiring its own funds and is vested with the authority to execute all programmes and initiatives deemed necessary to advance the interests of the elderly.
- a4) The PDM EC shall submit annual audited financial reports to the National
- a5) Advise all Constitutional Structures on policy and strategic issues.
- a6) Shall serve as mediators and arbitrators in the resolution of disputes within the PDM and shall endeavor to maintain peace, unity and stability within the Party.
- a7) All Constitutional Structures are obliged to take into account the opinion and advice of the Elder's Council, however such advice and opinion will only have persuasive and no legal authority.
- a8) Elect from amongst its own ranks 14 (fourteen) delegates to the National Congress.
- a9) Elect from amongst its own ranks 2 (two) members to the Central Committee.
- a10) The PDM EC shall hold the Elder's Congress to elect its senior leadership structures every 4 (Four) years.
- a11) Elect at the Elder's Congress, the Head of the Elder's Council.
- a12) Serve and advance the interests of elderly PDM members as well as that of the elderly in Namibian society in general.

### **Article 13: The PDM Women's League (PDMWL)**

The PDM Women's League (PDMWL) is an organisation for and of Namibian women committed to the principles of democracy, freedom, peace and unity. The PDMWL is a mass women's organisation of the PDM, and is committed to the creation and maintenance of a non-racial, non-sexist, non-discriminatory, united, democratic and prosperous Namibia. The PDMWL is an inter-dependent Wing of the PDM and subscribes to the Values, Principles and Plan of Action of the PDM.

#### **a) Powers and Duties**

- a1) The PDMWL shall adopt its own Constitution, but which Constitution is subject to the authority of the PDM Constitution and may thus not be inconsistent with the PDM Constitution.
- a.2) The PDMWL shall report to the Management Committee, the National Executive Committee and the Central Committee and shall prepare

annual reports on its operations and functions for presentation to all three bodies.

- a3) The PDMWL, in addition to funding received from the PDM, shall be responsible for acquiring its own funds and is vested with the authority to execute all programmes and initiatives deemed necessary to advance the interests of Namibian Women.
- a4) The PDMWL shall submit annual audited financial reports to the National Finance Committee.
- a5) Advise all Constitutional Structures on policy and strategic issues.
- a6) All Constitutional Structures are obliged to take into account the opinion and advice of the PDMWL, however such advice and opinion will only have persuasive and no legal authority.
- a7) Elect from amongst its own ranks 14 (fourteen) delegates to the National Congress.
- a8) Elect from amongst its own ranks 2 (two) members to the Central Committee.
- a9) The PDMWL shall hold the PDMWL Congress to elect its senior leadership structures every 4 (four) years.
- a10) Elect at the PDMWL Congress, the Head of the PDM Women's League.
- a11) Serve and advance the interests of female PDM members as well that of women and girls within the Namibian society in general.

#### **Article 14: The PDM Youth League (PDMYL)**

The PDM Youth League (PDMYL) is an organisation for and of Namibian youth committed to the principles of democracy, freedom, peace and unity. The PDMYL is a Mass Youth Organisation of the PDM, and is committed to the creation and maintenance of a non-racial, non-sexist, non-discriminatory, united, democratic and prosperous Namibia. The PDMYL is an inter-dependent Wing of the PDM and subscribes to the Values, Principles and Plan of Action of the PDM.

##### **a) Powers and Duties**

- a1) The PDMYL shall adopt its own Constitution, but which Constitution is subject to the authority of the PDM Constitution and may thus not be inconsistent with the PDM Constitution.
- a2) The PDMYL shall report to the Management Committee, the National Executive Committee and the Central Committee and shall prepare annual reports on its operations and functions for presentation to all three bodies.

- a3) The PDMYL, in addition to funding received from the PDM, shall be responsible for acquiring its own funds and is vested with the authority to execute all programmes and initiatives deemed necessary to advance the interests of Namibian Youth.
- a4) The PDMYL shall submit annual audited financial reports to the National Finance Committee.
- a5) Advise all Constitutional Structures on policy and strategic issues.
- a6) All Constitutional Structures are obliged to take into account the opinion and advice of the PDMYL, however such advice and opinion will only have persuasive and no legal authority.
- a7) Elect from amongst its own ranks 14 (fourteen) delegates to the National Congress.
- a8) Elect from amongst its own ranks 2 (two) members to the Central Committee.
- a9) The PDMYL shall hold the PDMYL Congress to elect its senior leadership structures every 4 (four) years.
- a10) Elect at the PDMYL Congress, the Head of the PDM Youth League.
- a11) Serve and advance the interests of youthful PDM members as well that of Youth within the Namibian society in general.

## **CHAPTER 12: OFFICE BEARERS**

### **1. Members of Parliament**

- a) Represent the PDM in the national legislature, and by virtue of this position are obliged to serve and advance the Interests, Values and Principles of the PDM.
- b) Shall be loyal to the PDM and its leadership throughout their term in Parliament.
- c) Be well versed in the Constitution, Values, Principles, Program of Action, Policies and Manifestos of the PDM.
- d) Shall serve on the Management Committee of the Party with full voting and speaking rights.
- e) Shall actively and diligently contribute to the business of the legislature through the asking of questions, proposal of motions and constructive participation in debates that arise from time to time.
- f) Be well informed in the activities of Parliament as well as the working of Government and provide the Central Committee with regular feedback on these.

- g) Attend all sessions of the National Assembly and/or the National Council, except where unable to do so due to a valid reason.
- h) Are accountable to the Central Committee, and the Chief Whip of the PDM, as the Head of the Parliamentary Caucus.
- i) The Chief Whip must provide the Secretary General and the Central Committee with bi-annual reports on Parliamentary Sessions.
- j) The Chief Whip shall call regular, and in any event at least once every second month, meetings of the Parliamentary Caucus. The Chief Whip shall serve as the Chairperson of all such meetings.
- k) The Chief Whip shall serve as the Chief Personnel Officer with regard to all staff employed by the Party at its Parliamentary Office.
- l) The Parliamentary Caucus, under the stewardship of the Party Chief Whip, shall have the authority to interview, select, appoint and determine the conditions of service of such staff that it determines are necessary for the proper and efficient functioning of the Parliamentary Office.
- m) The Central Committee may initiate disciplinary proceedings against a Member of Parliament if –
  - m1) Being a public representative of the Party in a legislative body, in any meeting or forum of that legislative body, consistently votes in a manner that is contrary with a PDM Caucus decision which is consistent with PDM policy, or being a single public representative in a caucus votes in a manner inconsistent with the instructions of higher PDM structures or Party policy: except in instances where the PDM allows a free vote on the issue under consideration, or the caucus has given permission for that member to vote in a particular manner;
  - m2) Being a public representative of the PDM in a legislative body, in any meeting or forum of that legislative body, moves, seconds, votes in favour of or in any other manner that support a motion of no confidence against a member of the Party, or a member of another Party with which the PDM is in coalition in that legislative body, except with permission of the Central Committee or the Parliamentary Caucus;
  - m3) Being a public representative of the PDM in a legislative body, in any meeting or forum of that legislative body, leaves the meeting or forum at a time a vote is being taken on a matter that has been affected by the Caucus, in a situation in which leaving the meeting or forum prevents the decision from being taken, or which causes the results in a decision being taken that is contrary to the agreed Caucus position;

And take such remedial action as it deems suitable in the circumstances.

## **2. Regional Councillors**

- a1) Represent the PDM in Regional Councils, and by virtue of this position are obliged to serve and advance the interests, Values and Principles of the PDM.
- a2) Shall be loyal to the PDM and its leadership throughout their term in the Regional Council.
- a3) Be well versed in the Constitution, Values, Principles, Programme of Action and the Policies and Manifestos of the PDM.
- a4) Shall actively and diligently contribute to the business of the Regional Council through constructive participation in debates, and thereby promote and defend PDM policies.
- a5) Attend all sessions of the Regional Council, except where there exists a valid excuse which prevents one from attending.
- a6) Are accountable to the Secretary General, and must provide the Secretary General on a regular basis, or at the request of the Secretary General, with reports on Regional Council meetings.
- a7) Be well informed about the activities of the Regional Councils as well as the working of Government and provide the Central Committee with regular feedback on these.
- a8) Remain closely involved in the activities and operations of the PDM in the constituency which he/she represents and on a regular basis conduct public meetings.
- a9) The Central Committee may initiate disciplinary proceedings against a Regional Councillor if –
  - a9.1) Being a public representative of the Party in a legislative body, in any meeting or forum of that legislative body, consistently votes in a manner that is contrary with a PDM Caucus position which is consistent with PDM policy, in that legislative body, or being a single public representative in a meeting votes in a manner inconsistent with the instructions of higher PDM structures or Party policy; except in instances where the PDM allows a free vote on the issue under consideration, or the caucus has given permission for that member to vote in a particular manner;
  - a9.2) Being a public representative of the PDM in a legislative body, in any meeting or forum of that legislative body, moves, seconds or votes in favour of or in any other manner that supports a motion of no confidence against a member of the Party, or a member of another Party with which

the PDM is in coalition in that legislative body, except with permission of the Central Committee;

- a9.3) Being a public representative of the PDM in a legislative body, in any meeting or forum of that legislative body, leaves the meeting or forum at a time a vote is being taken on a matter that has been affected by the Caucus, in a situation in which leaving the meeting or forum prevents the decision from being taken, or which results in a decision being taken that is contrary to the agreed Caucus position;

And may take such remedial action as it deems suitable in the circumstances.

### **3. Local Authority Councillors**

- a1) Represent the PDM in Local Authority Councils, and by virtue of this position are obliged to serve and advance the interests, Values and Principles of the PDM.
- a2) Shall be loyal to the PDM and its leadership throughout their term in the Local Authority Council.
- b3) Be well versed in the Constitution, Values, Principles, Program of Action, Policies and Manifestos of the PDM.
- b4) Shall actively and diligently contribute to the business of the Local Authority Council through constructive participation in debates, and thereby promote and defend PDM policies.
- b5) Attend all sessions of the Local Authority Council, except where a valid reason not to exist.
- b6) Are accountable to the Secretary General, and must provide him/her on a regular basis, or at the request of the Secretary General, with reports on Local Authority Council Meetings.
- b7) Remain closely involved in the activities and operations of the PDM in the constituency and/or Local Authority Area which he/she represents and on a regular basis conduct public meetings.
- b8) The Central Committee may initiate disciplinary proceedings against a Local Authority Councillor if –
  - b8.1) Being a public representative of the Party in a legislative body, in any meeting or forum of that legislative body, consistently votes in a manner that is contrary with a PDM Caucus decision which is consistent with PDM policy, or being a single public representative in a meeting votes in a manner inconsistent with the instructions of higher PDM structures or Party policy: except in instances where the PDM allows a free vote on the

issue under consideration, or the caucus has given permission for that member to vote in a particular manner;

- b8.2) Being a public representative of the PDM in a legislative body, in any meeting or forum of that legislative body, moves, seconds or votes in favour of or in any other manner that supports a motion of no confidence against a member of the Party, or a member of another Party with which the PDM is in coalition in that legislative body, except with permission of the Central Committee;
- b8.3) Being a public representative of the PDM in a legislative body, in any meeting or forum of that legislative body, leaves the meeting or forum at a time a vote is being taken on a matter that has been affected by the Caucus, in a situation in which leaving the meeting or forum prevents the decision from being taken, or which causes the results in a decision being taken that is contrary to the agreed Caucus position;

And may take such remedial action as it deems suitable in the circumstances.

### **CHAPTER 13: DISCIPLINE**

- a) The PDM Code of Conduct shall govern the conduct of the members of the PDM, which may be amended and adopted from time to time by the National Executive Committee, and shall be contained in Schedule A of this Constitution.
- b) The PDM Rules of Disciplinary Procedure shall govern the disciplinary process where a member is deemed to have acted in contravention of the PDM Code of Conduct. The PDM Rules of Disciplinary Procedure shall be continuously developed, amended and adopted by the National Executive Committee and shall be contained in Schedule B of this Constitution.
- c) The Code of Conduct (Schedule A) and Rules of Disciplinary Procedure (Schedule B) are subject to regular review, and amendment and development by the National Executive Committee. An amendment to either the Code of Conduct or the Rules of Disciplinary Procedure may be passed by a four-fifths (80%) majority of the National Executive Committee.

## **CHAPTER 14: RULES AND REGULATIONS**

- a) The National Executive Committee shall be vested with the power and authority to enact rules and regulations for the efficient and effective discharge of the work of the PDM as and when the need arises.
- b) The Regional Committees shall be vested with the power and authority to govern, better and enhance the work of the PDM in the regions.
- c) All rules and regulations of the PDM as enacted by the National Executive Committee shall be based in the policy platform and constitutional principles of the PDM. Such other rules as may be formulated by the Regional Committees shall be subject to approval by the National Executive Committee.

## **CHAPTER 15: FINANCE POLICY**

1. The National Executive Committee shall adopt the PDM Finance Policy, which shall stipulate the means and methods by which funds for the Party will be raised, their utilisation and general allocation and disbursement at branch, constituency, regional and national levels.
2. The PDM Finance Policy shall emphasise the need and importance of adherence to international standards of accounting and financial reporting as well as those stipulated by the Namibian Government in respect of all receipts and expenditures and regular evaluation of the assets and/or properties of the PDM as political party that must submit audited financial reports.

## **CHAPTER 16: AMENDMENTS**

- a) Any and all amendments to this constitution shall be submitted to the National Congress for consideration and can only be passed by means of a two-thirds majority vote.
- b) Any proposed amendment to the Constitution must be approved by a two-thirds majority of the Central Committee prior to consideration thereof by the National Congress.
- c) The National Executive Committee shall be responsible for the development and dissemination of guidelines for the submission of amendments to the Constitution, in advance of the National Congress, to branch, constituency, regional, wings and national structures of the Party.
- d) The review, amendment and development of the Schedules to this Constitution, namely the Code of Conduct (Schedule A) and the Rules of Disciplinary Procedure (Schedule B) shall not be construed as an amendment of the Constitution itself and may thus be passed by a four-fifths (80%) majority of the National Executive Committee.

## **CHAPTER 17: ANCILIARY ORGANISATIONS**

- a) The National Executive Committee may establish such organisations as it deems necessary to complement the work of the PDM and to further the Values, Principles, Aims and Objectives of the Party. Such organisations shall be regulated by rules to be approved by the National Executive Committee.
- b) Organisations so formed may apply to the National Executive Committee to make use of existing PDM structures to elect representatives to branch, constituency, regional and national structures.

## **CHAPTER 18: RELATIONSHIP WITH OTHER ORGANISATIONS**

- a) The PDM promotes and fosters friendly relations and maintains bonds internationally and locally with organisations and political parties that could promote the Values, Principles and Aims and Objectives of the Party.
- b) An election coalition or any other agreement with any other political party or independent candidate may not be entered into by:
  - b1) Any member, aspirant candidate or public representative;
  - b2) A branch, constituency, a regional sub-structure, Regional Committee or the executives of any of these bodies;
  - b3) Any group of members of the Party; without the prior written consent of the National Executive Committee. Disregard of this provision is deemed to be an act against the interests of the PDM and is subject to the appropriate disciplinary measures.

## **CHAPTER 19: DISSOLUTION**

- a) The National Congress of the PDM shall be vested with the power and authority to affect the dissolution of the PDM. Such resolution shall be subject to adoption by no less than a two-thirds majority of delegates to the National Congress.
- b) Upon dissolution or winding up, the assets and/or properties belonging to the PDM remaining after satisfaction of all its liabilities shall be disposed of in accordance with legal and financial rules and regulations.

**SCHEDULE A**  
**CODE OF CONDUCT OF THE POPULAR DEMOCRATIC MOVEMENT**

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**A. Introduction**

- a) The PDM is a mass organisation for and of Namibians; who based in the common desire and conviction to build and maintain a non-racial, non-sexist, nondiscriminatory, united, democratic and prosperous Namibia, have joined together voluntarily and accepted common discipline.
- b) The basic rights of PDM members are therefore set out in the basic documents of the organisation, namely the Constitution and other policy documents.
- c) The PDM seeks to create and maintain its own standards of discipline based in Article N of the Constitution of the PDM.
- d) This document, considering its nature, must be studied and understood by the entire membership of the PDM, for in the final analysis, it is high political consciousness and the voluntary assumption of rights and duties by members, which lies at the heart of all discipline.

## **B. Classification of Offences**

### **B1 General Guiding Principles for Classifying Offenses and Violations of the Code of Conduct**

- b1) The distinction between a Grave Offence and a Serious Offence shall lie in the extent to which the conduct of the offender is aimed towards obstructing, subverting or neutralising the effectiveness of the PDM. When considering the classification of an offence as “Grave”, consideration should be given to both the seriousness of the actual offence and the potential and probable consequences of the conduct that led to the commission of the offence.
- b2) The distinction between a Serious Offence and a Violation of Discipline shall lie in the extent of the intent of the offender, the extent of the actual offence and what would normally be considered a Violation of Discipline.

### **B2 Grave Offences**

#### **b) Definition**

Any offence intended to damage and/or destroy the integrity and reputation of the PDM, its personnel, members, property or its organisational capacity and unity shall be considered a grave offence.

#### **c) Offences**

A member of the PDM shall be charged with a Grave Offence against the organisation if:

- c1) With intent to damage and/or destroy the integrity and reputation of the organisation, its personnel, members, property or its organisational capacity and unity, he/she:
  - c1.1) Sabotages the activities of the PDM;
  - c1.2) Creates division and factionalism within the ranks of the PDM;
  - c1.3) Obstructs its proper functioning;
  - c1.4) Destroys and/or damages or threatens to destroy and/or damage property of the PDM;
  - c1.5) Assaults, causes grievous bodily harm including rape or attempting to rape;
  - c1.6) Engages in activities or the spread of rumours or misinformation with the intent of turning communities and/or the public against the PDM;

- c1.7) Commits any other act(s) intended to undermine the effective and efficient discharge of the activities, policies and programmes of the PDM;
- c2) Infiltrates the organisation, acting on behalf of or in collaboration with:
  - c2.1) Other organisation, groups or parties that are hostile to the policies and principles of the PDM;
  - c2.2) Any group or individual who wishes to destroy the PDM or prevent it from achieving its aims and objectives as articulated in the PDM Constitution;
  - c2.3) Intelligence or the security services of other sovereign states;
  - c2.4) Counter-revolutionary forces.
- c3) Already being a member of the PDM, establishes and/or maintains contact with any of the bodies, organisations or groups identified above.

**d) Exceptions, Defence and Mitigating Circumstances**

- d1) Paragraph c3 shall not be of effect where any member of the PDM maintained such contact with the knowledge of the responsible structures of the PDM, with a view to securing and defending the interests of the organisation.
- d2) It shall be a defence for any member of the PDM referred to in Paragraph c3 to prove that he/she took the first opportunity to make the contact known to the appropriate structures of the PDM, and thereby limit any potential damage that may have resulted;
- d3) It shall be a mitigating factor, to be considered in the determination of the appropriate penalty, for an accused to prove that he/she has taken all steps to collaborate with such an organisation and/or individual as mentioned in Paragraph d3, to limit the damage caused by her collaboration with such an organisation and/or individual

**B3 Serious Offences**

**b) Definition**

Any violation of the principles of the PDM and the standards of behaviour expected of members, as set out in this Code of Conduct, which presents a serious threat to the safety, property, integrity and reputation of the PDM, or which substantively obstructs its functioning and operations, which creates or is

intended to create disunity and demoralisation amongst the PDM membership, shall be considered a Serious Offence.

### **c) Offences**

A member shall be charged with a Serious Offence against the PDM if he/she:

- c1) Acts and/or behaves in such a manner that exposes PDM members to serious physical harm and/or death;
- c2) Deliberately damages and/or destroys or behaves dishonestly in respect of the property of the PDM, recklessly exposing it to danger or stealing from the organisation and/or its members;
- c3) Irresponsibly circulates and/or causes the circulation of information that may be of substantial value and use to opponents of the PDM;
- c4) Behaves in a corrupt manner whereby the individual either solicits or accepts any form of bribe or personal enrichment for the performance or nonperformance of any task and or activity on behalf of the PDM, and/or engages in the abuse of official office and/or position for any undue gain and/or advantage from PDM members or other individuals;
- c5) Is in possession of, dealing in and/or abusing of narcotics, illegal drugs and/or any other banned substances;
- c6) Persistently sows racism, sexism, regionalism, tribalism or nepotism in the organisation;
- c7) Behaves and/or acts in a manner as to provoke and/or cause serious divisions and factionalism and/or a breakdown of unity and cohesiveness of the PDM;
- c8) Consistently and without due cause undermines the respect for or the impending functionality of the structures of the PDM;
- c9) Engages and participates in organised factional activity that transgresses beyond the recognised principles and norms of free debate within the organisation and thereby threatens or causes to threaten its unity;
- c10) In the absence of demonstrable good and just cause, acts against a decision, resolution, directive, or order of the constitutional structures of the movement;
- c11) Acts and/or behaves in a manner that is contrary to the established norms, values and unwritten conventions of the PDM that are generally accepted as organisational practices.

## **C. Violations of Discipline**

### **c1) Definition**

Any PDM member who acts and/or behaves in an unbecoming manner and violates the standard of conduct expected of the organisation's members, and whose behaviour does not constitute a Grave and/or Serious Offence, shall be guilty of a Violation of Discipline.

### **c2) Offences**

In addition to all the manifestations of misconduct referred to in this Code of Conduct and other official documents of the PDM, a member of the organisation shall be charged with a Violation of Discipline for:

- c2.1) Rowdy and aggressive behaviour during meetings and whilst on duty during activities of the PDM;
- c2.2) Abusive and disrespectful behaviour and/or language towards other members of the PDM;
- c2.3) Engaging in the spreading or causing the spread of malicious gossip and rumours on public platforms (e.g. newspapers, radio, social media) so as to set PDM members against one another;
- c2.4) Carelessness and recklessness in respect of the use and maintenance of the property of the PDM, including, but not limited to, reckless and/or careless use of PDM transport and unauthorised use of PDM property for personal use;
- c2.5) Disrupting or causing a disturbance to the meetings of the PDM and otherwise interfering and obstructing the orderly and efficient functioning of the organisation;
- c2.6) Any and all persistent and ongoing negligent behaviour that causes harm and/or threatens to cause harm to the PDM and its members.

## **D. Abuse of Organisational Rules**

### **a) Abuse Leading to Disciplinary Proceedings**

The following acts will be regarded as an Abuse of Organisational Rules, whether committed individually or by groups of individuals, and will be considered as behaviour likely to invoke disciplinary proceedings:

- a1) Offering of PDM membership at a rate reduced from that as determined by the National Executive Committee to those personally known by the individual or group making the offer to be ineligible for that category of membership;

- a2) The recruitment of PDM members who are not resident at the address claimed as per their PDM membership application, where this is done in an effort to manipulate branch meetings or the outcome of organisational voting;
- a3) Any PDM member who supports, through his/her actions and/or words, a political organisation other than a political organisation in alliance with the PDM, in a manner contrary to the aims, objectives and policies of the PDM shall be liable for disciplinary action.

**b) Abuse Leading to Expulsion**

The following act will be regarded as an abuse of organizational rules, whether committed by individuals and/or groups and will be considered as behaviour likely to invoke expulsion:

Any member of the PDM who contests an election for local government, regional or national government, or acts as an election agent or canvasser of an individual contesting such election in opposition to a candidate duly endorsed by the PDM.

Such person shall be ineligible to remain a member of the PDM.

**E. Disciplinary Procedures**

**E1 Guiding Principles**

The disciplinary procedures at all levels of the organization shall be guided by the following principles:

- a) Discipline shall not be used a means for stifling debate and/or as a basis for the denial of basic democratic rights of PDM members;
- b) Discipline shall not be used a means to address personal and/or private issues or problems or as means to interfere in the private lives of members where the norms and values of the PDM are not directly affected, unless in the event where such conduct and or behaviour constitutes a violation or an offence as outlined in this Code of Conduct;
- c) Any PDM member faced with disciplinary proceedings shall receive due written notice of any hearing, as well as the basic allegations and charges levelled against her, and be afforded reasonable opportunity to offer a defence;
- d) All disciplinary proceedings shall be expedited in a timely manner so as to ensure the resolution thereof in as short a time-frame as possible.

## **F. Disciplinary Structures, Rules and Procedures**

### **F1 Disciplinary Structures**

- a) Disciplinary proceedings shall under normal circumstances be conducted at the organisational level where the alleged violation or offence took place; namely the branch/chapter, constituency, regional or national structure where the offence took place.
- b) The Management Committee and/or the National Executive Committee may issue a directive for the hearing of disciplinary proceedings to be conducted at a higher organisational level than that where the alleged violation took place;
- c) All Constitutional Structures must refer complaints relating to Serious and Grave Offences and Abuse of Organisational Rules to the National Chairperson.
- d) The relevant structure shall appoint, from amongst its own ranks, the chairperson and members Disciplinary Committees;
- e) Disciplinary Committees shall be appointed at branch/chapter, constituency, regional and national levels by the relevant organisational structure as and when the need arises.
- f) A Disciplinary Committee shall consist of a Chairperson and either 2 (two) or 4 (four) other members depending on the nature and seriousness of the offence. In the case of an allegation of a Grave Offence having been committed, the Disciplinary Committee must consist of the Chairperson and 4 (four) other members.

### **F2 Rules of Procedure**

The Disciplinary Committee shall be responsible for the interpretation of the Code of Conduct and the Rules of Procedure including time limits to be adhered to prior, during and after the conclusion of a hearing which shall be binding on disciplinary structures at all organisational levels.

### **F3 Notice of Disciplinary Hearing**

- a) A written notice, as referred to in Paragraph E1c) of this Code of Conduct must be delivered to the subject of the disciplinary hearing at least 14 (fourteen) working days prior the date of said hearing, or within a shorter period if the Disciplinary Committee deems that the matters at hand warrant such a shorter period, provided it is not less than 3 (three) working days' notice;
- b) The recipient of the notice must sign an acknowledgement of receipt, and in the instance where an individual refuses receipt of such notice, the notice must be delivered in the presence of no less than two witnesses;
- c) In the event that a PDM member is unavailable or deliberately evades service of the notice, the notice shall be delivered to his/her last known residential address in which case it shall be presumed to have been received.

#### **F4 Conducting a Disciplinary Hearing**

- a) A disciplinary hearing must be held no later than 21 (twenty one) working days after notification thereof, except in the instance where the Disciplinary Committee is granted, upon request, an extension by the Management Committee or the National Executive Committee;
- b) The services of an interpreter shall be used when requested by the alleged offender;
- c) If a PDM member fails to attend a disciplinary hearing in the absence of any valid explanation or excuse, the Disciplinary Committee may continue with the disciplinary hearing in the absence of the member;
- d) The outcome of the disciplinary hearing must be communicated to the affected member within 21 (twenty one) working days after the conclusion of the hearing.

#### **G. The Right to Appeal**

- a) Any PDM member found guilty in a Disciplinary Proceeding shall have the right, within 21 (twenty one) working days, to submit a formal, written appeal against the conviction and/or sanction to the National Executive Committee;
- b) The appeal must be concluded within 60 (sixty) working days from the date of the submission thereof.

#### **H. Schedule of Penalties**

Should a member of the PDM be found guilty of a Grave or Serious Offence, a Violation of Discipline or an Abuse of Organisational Rules, that member shall be liable to:

- a) Reprimand; or
- b) An act of compensation, performance of useful tasks and/or community service or deployment; or
- c) Demotion; or
- d) Imposition of corrective measures; or
- e) Temporary forfeiture of membership rights; or
- f) Temporary suspension; or
- g) Expulsion; or
- h) Any combination of the abovementioned penalties as may be considered necessary and just by the Disciplinary Committee.

## **I. Definition of Penalties**

### **a) Reprimand**

A reprimand can be issued in a meeting of the organisational structure to which the member belongs or the Disciplinary Committee may issue the oral or written reprimand privately. The aim of the reprimand is not to humiliate the member concerned, but rather to serve as a reminder to the individual, as well as the entire membership of the PDM, of the standards of conduct expected of members, as well as to reinforce and inculcate a sense of unity and shared norms and values in the organisation.

### **b) An Act of Compensation, Performance of Useful Tasks or Community Service**

A PDM member may be directed to perform an act of compensation, such as an apology to a victim, a fine or any other act so prescribed, or be required to perform useful organisation and/or community tasks, for a clearly stipulated period.

### **c) Redeployment**

A PDM member shall be redeployed if, in the opinion of the Disciplinary Committee, his/her misconduct is related to her responsibilities and/or position. Redeployment shall not always mean or imply demotion.

### **d) Demotion**

A PDM member who serves as an office bearer or who holds a position of authority and/or responsibility shall be demoted if her continued occupancy of the said position is indefensible, inexplicable and/or embarrassing as a result of the transgression.

### **e) Imposition of Corrective Measures**

Corrective measures shall be construed so as to refer to any measure imposed mainly on humanitarian grounds or due to grounds occasioned by special circumstances of the offender. Such measures shall primarily be aimed at assisting the member to adhere to the expected norms and values of the PDM.

### **f) Temporary Forfeiture of Membership Rights**

A temporary forfeiture of membership rights shall be imposed, if in the opinion of the Disciplinary Committee, such a measure shall achieve corrective results in the event of a member committing a Serious Offence or a Violation of Discipline.

### **g) Suspension**

In the event that a PDM member is suspended, the Disciplinary Committee executing the suspension shall state the time frame and conditions of such suspension. With regards to Serious Offences and Grave Offences, the period of suspension shall not exceed 3 (three) years.

## **h) Expulsion**

A recommendation for the expulsion of a PDM member on the grounds of a Grave Offence lies within the authority and power of the Disciplinary Committee, while the power to execute expulsions and thereby terminate PDM membership rests with the National Executive Committee. A respondent, together with an advisor if any, shall be called to appear before the National Executive Committee on a date to be determined, to show cause, if any, why he/she should not be expelled from the PDM with forfeiture of membership rights.

## **SCHEDULE B: RULES OF DISCIPLINARY PROCEDURE**

### **1. Introduction**

Paragraph F2 of the Code of Conduct of the Popular Democratic Movement declares as follows:

"The Disciplinary Committee shall be responsible for the interpretation of the Code of Conduct and the Rules of Procedure including time limits to be adhered to prior, during and after the conclusion of a hearing which shall be binding on disciplinary structures at all organisational levels."

These rules of procedure are part of the PDM Constitution and are integral to the disciplinary procedure.

### **2. Objective of Rules of Disciplinary Procedure**

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

- a) There is an acknowledged, formal and recorded procedure;
- b) There is a just and fair procedure;
- c) A PDM member is afforded the opportunity to conduct a reasonable defence;
- d) A PDM member has the right to appeal.

### **3. Starting Disciplinary Procedure**

Disciplinary procedures may be instituted:

- a) Only for violations or offences of the PDM Constitution, the Rules and Regulations, the Code of Conduct, all decisions and policies properly taken and adopted, or made in terms of the Constitution, or the offences and violations set out in the Code of Conduct as contained in the PDM Constitution;
- b) By any organisational structure, member or official of the PDM at branch/chapter, constituency, regional or national level. However, the National Executive Committee may issue a directive that the disciplinary proceedings shall take place at a higher organisational level than where the alleged violation or offence was committed;
- c) By the National Chairperson or the Mediation Panel;

- d) At branch/chapter, regional or national level by the Disciplinary Committee, unless:
  - d1) The National Executive Committee directs that the disciplinary proceedings shall take place at a higher organisational level than where the alleged violation or offence was committed;
  - d2) The National Chairperson or the Mediation Panel institutes disciplinary proceedings referred to it by PDM National Officials or the National Executive Committee;

#### **4. Holding Disciplinary Proceedings**

- a) A charge must be made within a reasonable time of the alleged violation or offence.
- b) The person alleging the commission of an offence on behalf of the organisational structure or National Officials of the PDM instituting the disciplinary proceedings must prepare a charge sheet. The charge sheet must:
  - b1) Be in writing;
  - b2) Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail;
  - b3) Identify the:
    - b3a) Provision of the PDM Constitution, the Rules or Code of Conduct alleged to have been violated;
    - b3b) Offences and violation alleged to have been committed; and
  - b4) Specify the date, time and venue for the conduct of the disciplinary proceedings.
  - b5) Be delivered to the charged member 14 (fourteen) working days prior to the start of the disciplinary proceedings, or a shorter period may be considered by the relevant Disciplinary Committee for Grave and Serious Offences, provided that such shortened notice period may not be less than 3 (three) working days.
- c) The following persons must be present at a Disciplinary Proceeding:
  - c1) The Chairperson and either 2 (two) or 4 (four) members of the Disciplinary Committee depending on the nature of the offence;
  - c2) The person alleging that an offence was committed;
  - c3) The charged member, who can be tried in absentia if she does not appear or fails to be present during any session of such a disciplinary proceeding without the permission of the relevant disciplinary committee;

- c4) A representative of the charged member, who shall be a PDM member in good standing. Valid and original proof of such membership shall be tendered prior to the commencement of the disciplinary proceeding. In the event that the representative fails to appear or does not make herself available during the disciplinary hearing, the disciplinary proceeding shall continue in her absence, and the charged member shall be expected to conduct his/her own defence. It is the responsibility of the charged member to ensure and secure representation at a disciplinary proceeding;
  - c5) Witnesses that shall be called to provide testimony;
  - c6) A minute taker;
  - c7) National Executive Committee Observers who may be seconded for this purpose by the Secretary General;
  - c8) An interpreter as and when necessary.
- d) The Chairperson of the Disciplinary Committee must ensure that:
- a) The disciplinary proceedings are conducted in a fair, transparent and just manner. He/she will preside over all matters that may arise and ensure order is maintained. The ruling of the Chairperson of the Disciplinary Committee are final and are to be respected;
  - b) The charged member be informed of the charge(s) against her, her rights and asked to plead "guilty" or "not guilty" to the charge(s);
  - c) The presenter of the charge shall detail the charged member's alleged violation or offence and may call witnesses in support of that/those charge(s) and may produce relevant documentation or any other material (audio and/or visual recordings or otherwise) considered to be in support of the charge(s);
  - d) The charged member or his/her representative may present a defence to the charge and may call witnesses and may request the recall of and question witnesses in support of the charge, and may produce documentation or any other material (audio and/or visual recordings or otherwise) considered to be in support of the defence.
- e) The PDM disciplinary process is a political corrective process and not a legal or judicial process. Therefore the parties to the disciplinary procedure are under no obligation to meet the procedural requirements and standards applied in the courts of law such as detailed particulars of the alleged offences and/or discovery of documents, and/or exchange of evidential

materials before the beginning of the disciplinary hearing. So too, legal representation at Disciplinary Hearings is only permitted where the prior written authorization of the Chairperson of the Disciplinary Committee has been obtained.

## **5. Adjudication**

At the conclusion of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

- a) The members of the Disciplinary Committee discuss and review the issues raised at the disciplinary proceeding in private and make a finding based on the facts and evidence of the case and make a ruling;
- b) The Chairperson and members of the Disciplinary Committee decide on an appropriate penalty as identified in this Code of Conduct of the PDM;
- c) The charged member shall be advised of the ruling of and penalty imposed by the Disciplinary Committee along with the supporting reasons therefore, and shall be advised of her right to appeal as set out in this Code of Conduct of the PDM;
- d) The ruling and penalty shall be announced publicly by the Disciplinary Committee. The ruling of the Disciplinary Committee shall be final and binding, unless and until successfully appealed.

## **6. Appeal**

- a) An appeal may be lodged by:
  - a1) The charged member against whom a ruling has been made and/or a penalty imposed by the Disciplinary Committee;
  - a2) The organisational structure and/or National Officials who laid the charge(s) against a ruling of or a penalty imposed by the Disciplinary Committee.
- b) An Appeal Hearing must be held by the next higher Disciplinary Committee, unless:
  - b1) The Branch/Chapter or Constituency Committee directs that any appeal in respect of a ruling made and/or penalty imposed by a Branch/Chapter, Constituency Disciplinary Committee be heard by the Regional Disciplinary Committee;
  - b2) The National Executive Committee directs that any appeal should be heard by a higher level Disciplinary Committee than the next higher level.
- c) The National Disciplinary Committee is the final structure for appeals to be heard. However, the National Executive Committee may, at its discretion,

review a decision, ruling and/or penalty imposed by the National Disciplinary Committee. For this purpose the National Executive Committee will serve as the appeal structure for rulings of and penalties imposed by the National Disciplinary Committee;

- d) The charged member may appeal the decision of the National Executive Committee to the Central Committee. The Central Committee shall be the final level of appeal and may consider an appeal of the decision of the National Executive Committee. The report of the PDM Secretary General to the Central Committee shall include cases placed on appeal in this regard.
- e) A PDM member expelled on the grounds of instituting legal proceedings against the organisation or any of its organisational structures shall forfeit the right of appeal.

## **7. Appeal Procedure**

The following procedure must be followed for appeals:

- a) The appeal must be made at the next higher level, or that level as directed by the National Executive Committee, the Regional Executive Committee or the Branch/Chapter Executive Committee;
- b) The appeal must:
  - b1) Be made within 21 (twenty one) working days of the charged member being informed of the ruling and penalty with the reasons therefore;
  - b2) Be in writing;
  - b3) Set out the grounds for the appeal in reasonable detail.
- c) 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.
- d) The Chairperson and the members of the Disciplinary Committee must discuss the issues raised at the appeal hearing, and come to a ruling 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 within 60 (sixty) working days of the date on which the appeal was lodged.
- e) The individual who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty within 21 (twenty one) working days after the confirmation of variation of the original ruling.
- f) Any further appeal will require the permission of the next higher level Disciplinary Committee until the National Executive Committee after which only the National Congress could hear the final appeal.

- g) Any such further appeal must follow the appeal procedure as set out above.
- h) Appeals on the rulings of and penalties imposed by the National Disciplinary Committee, where the National Disciplinary Committee acts as a committee of first instance, shall be referred to the National Executive Committee in accordance with the procedures set out above.

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