



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 20 March 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Medupe & Others v African National Congress & Others (003/2024) [2025] ZASCA 22 (20 March 2025)

Today the Supreme Court of Appeal (the SCA) handed down a judgment in which it dismissed the appellants' appeal, with costs, against an order of the North West Division of the High Court, Mahikeng (the high court).

This dispute arose after the National Executive Committee (the NEC) of the African National Congress (the ANC) dissolved the North West Provincial Executive Committee (the PEC) in August 2018 and appointed a Provincial Task Team. The disbanded PEC challenged this decision in the high court, which ruled in its favour in February 2019, declaring the NEC's actions unlawful.

Following protracted internal appeals, the NEC eventually appointed an Interim Provincial Committee (the IPC) in August 2019. The appellants argued that the IPC's term expired on 29 April 2022, as per ANC rules. However, the NEC repeatedly extended the IPC's mandate, quoting the Covid-19 pandemic as a reason for delaying the Provincial Conference. Various extensions were granted until August 2022.

When the appellants challenged the IPC's authority to conduct elections, the high court ruled that the IPC had no voting rights at the Provincial Conference. Instead of appointing a new IPC, the ANC allowed the Provincial Conference to proceed under NEC leadership, resulting in the election of a new PEC. With leave of the SCA, the appellants lodged an appeal with the SCA, disputing the validity of the elections and the resolutions adopted at the Provincial Conference.

The issues for determination before the SCA were whether the IPC had authority to call the Provincial Conference when it did; and whether the NEC was empowered by the ANC constitution to take control of the elections at the Provincial Conference.

With regard to the authority of the IPC to call the Provincial Conference, the SCA found that based on a reasonable interpretation of rule 12.2.4 of the ANC constitution, the IPC's term of office was tied to the period of suspension or dissolution of the PEC, not strictly to the nine-month timeframe for elections. Since unforeseen circumstances, such as the Covid-19 pandemic, made it impossible to hold elections within nine months, the IPC's mandate continued until a new PEC was elected. Therefore, the IPC was still in office and had the authority to call the Provincial Conference.

With regard to the NEC's authority to oversee elections at the Provincial Conference, the SCA found that since the Provincial Conference had been properly convened, the NEC's intervention was justified after the IPC was barred from voting. The NEC had a constitutional duty to ensure that elections proceeded in the absence of a provincial structure. Its actions were in line with rule 12.2.20 of the ANC constitution, which grants it broad powers to uphold the ANC's objectives. The SCA found no evidence of improper conduct at the conference and ruled that the NEC did not violate the ANC constitution.

As a result, the SCA made an order dismissing the appeal with costs, including the costs of two counsel where so employed.

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