



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 2025-151570

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|-----|---------------------------------|
| (1) | REPORTABLE: NO |
| (2) | OF INTEREST TO OTHER JUDGES: NO |
| (3) | REVISED |

6 January 2026

Date

K. La M Manamela

In the matter between:

RAMASELA GRANNY PAPO

First Applicant

WARD 4, LEPHALALE SUBREGION

Second Applicant

WARD 20, MOGALAKWENA SUB-REGION

Third Applicant

and

AFRICAN NATIONAL CONGRESS (“ANC”)

First Respondent

ANC: SECRETARY-GENERAL

Second Respondent

ANC: LIMPOPO PROVINCIAL EXECUTIVE COMMITTEE

Third Respondent

ANC: WATERBERG REGIONAL TASK TEAM

Fourth Respondent

DATE OF REASONS FOR ORDER GRANTED: These reasons for order granted are issued by the Judge whose name is reflected herein and are submitted electronically to the parties/their legal representatives by email. The reasons are further uploaded to the electronic file of this matter on CaseLines by the Judge’s secretary. The date of the reasons for the order granted is deemed to be 6 January 2026.

REASONS FOR ORDER GRANTED

Khashane Manamela, AJ

Introduction

[1] Ms Ramasela Granny Papo, the first applicant, was - for all times material to this urgent application she jointly brought - a member of the first respondent, the African National Congress ('the ANC'). She was affiliated to Ward 23 of the Mogalakwena subregion of the ANC Waterberg region, Limpopo. She was joined in this application by the second applicant, Ward 4 of the ANC Lephalale subregion, Waterberg region. The latter, elsewhere in the papers, is referred to as the Sefako Makgatho ANC branch and was said to comprise 74 members in good standing. The third applicant is Ward 20 of the ANC Mogalakwena subregion, Waterberg region, whose full membership could not be verified, but was estimated to be in excess of 50 members.

[2] The first, second and third applicants ('applicants') sought interdictory relief¹ – on an urgent basis - against the ANC, as their political party, and its national (i.e. the Secretary General, cited as the second respondent), provincial (i.e. the Limpopo Provincial Executive Committee, cited as the third respondent) and regional (i.e. the Waterberg Regional Task Team, cited as the fourth respondent) leadership or structures in order to bring to a halt what the first applicant characterised as disenfranchisement linked to the convention of the 10th regional conference of the Waterberg region of the ANC in Limpopo. The applicants sought that the conference be interdicted, primarily, citing their rights in terms of section 19,² read with section 9 of the Constitution of the Republic of South Africa, 1996 ('the Constitution'). The application was opposed by the Limpopo Provincial Executive Committee ('the PEC').

[3] The application, issued on an extremely urgent basis, was served on the respondents around 22h30 on Friday, 29 August 2025 and came before me at 15h00 on Saturday, 30 August 2025. Mr T Manala (with Ms A Matlapeng) appeared for the applicants and Mr S Sikhwari SC

¹ Par [4] below, for the full extent of the relief sought by the applicants.

² Pars [34] and [35] below, for a reading of sections 9 and 19 of the Constitution, respectively.

(with Mr H Singo) appeared for the PEC. Although, the application was extensively argued and with the Court extensively engaging with counsel on the evolving preliminary view the Court held on the issues relevant to the determination, I mentioned when contemporaneously dismissing the application for want of merit, in terms of the order appearing below (‘the Order’),³ that these reasons for the Order will be provided in due course (‘these Reasons’).

Relief sought (in its full extent)

[4] The relief sought by the applicants – besides what had to do with urgency - was stated in the notice of motion, as follows:

3. That the commencement and/or continuation of the African National Congress Regional Conference for the Waterberg Region, be suspended and/or interdicted pending the receipt of a written authorisation of the African National Congress and/or Second Respondent, as directed in terms of the correspondence of 07 August 2025.
4. That the commencement and/or continuation of the African National Congress Regional Conference for the Waterberg Region, be suspended and/or interdicted pending the hearing for final relief, in terms whereof:
 - 4.1 That the decision to convene a African National Congress Regional Conference for the Waterberg Region, be declared unlawful, on account of the absence of a written authorisation of the African National Congress and/or Second Respondent.
 - 4.2 That the decision to convene a African National Congress Regional Conference for the Waterberg Region, be declared unlawful, the unreasonable short notice given to the general membership of the African National Congress, to be affected or having an interest in the conference.
5. In the alternative and/or in addition to the foregoing,
 - 5.1 That the decision to convene a African National Congress Regional Conference for the Waterberg Region, be declared unlawful, on account of the absence of a written authorisation of the African National Congress and/or Second Respondent.
 - 5.2 That the decision to convene a African National Congress Regional Conference for the Waterberg Region, be declared unlawful, the unreasonable short notice given to the general membership of the African National Congress, to be affected or having an interest in the conference.
6. In the further alternative, that the Honourable Court grant any of the foregoing orders, and issue a rule nisi operatively immediately and returnable on 30 September 2025, calling upon the Respondents to show cause why the orders granted should not be made final.
7. That any party opposing the application be directed to pay the costs of the application.⁴

³ Par [52] below for the terms of the Order.

⁴ Notice of Motion, CaseLines (‘CL’) 001-1 to 3.

[5] But, during the hearing of the application – albeit in his reply - counsel for the applicants pointed out that paragraph 3 of the notice of motion was not being persisted with by the applicants, as they accept that approval or written authorisation for convention of the Waterberg regional conference has been granted by the ANC or its Secretary General (‘the ANC-SG’).

Brief background

[6] A brief background of the matter is necessary to place the pertinent issues in proper perspective. The narration will primarily be based on the common cause facts, or I will disclose that the particular statement or contention is in dispute.

[7] On 7 August 2025, the ANC-SG issued a written notice or communique advising members of a resolution of the national executive committee of the ANC (‘the NEC’) which directed that no regional conference is to be held without the express authorisation of the ANC-SG (‘the Prohibition’). The Prohibition reads as follows in the material part:

In its regular NEC meeting held from 1 August to 4 August 2025, the National Executive Committee reiterated the importance of ensuring that all disputes from BGM / BBGM are resolved as per the guidelines on conferences. The Secretary General was mandated to convey this NEC decision.

Accordingly, no conference must be convened without an express indication by the Secretary General, through an appropriate correspondence, sanctioning such a conference. The NDRC and NDRCA must therefore first lodge their final reports with the Secretary General before the letters sanctioning convening of conferences are dispatched to the relevant provinces / regions. In this regard, the PDRC must report to the Provincial Secretary, who in turn must inform the Secretary General [sic] in writing.

And to avoid unnecessary postponements and incurring fruitless expenditures due to cancellation, provinces / regions must schedule conferences only after receiving the letter of approval from the Secretary General. This will also avoid exerting undue pressure on the PDRC / NDRC / NDRCA, in the event there are too many complaints within a short period of time.⁵

⁵ Founding Affidavit (‘FA’) annexure ‘FA1’, CaseLines (‘CL’) 001-17.

[8] On 15 August 2025, the office of the Regional Secretary of the ANC Waterberg Region or the Waterberg Regional Task Team ('the RTT'), through the national coordinator, published a revised roadmap towards the holding of the regional conference. The revised roadmap indicated the relevant activities envisaged to take place towards the conference, starting from 15 August 2025 and, culminating with the conference from 31 August 2025 to 2 September 2025.⁶ As would appear below, the date of dispatch of the roadmap was disputed by the applicants. And, in the main, it was the applicants' case that the regional conference was convened without complying with the Prohibition.

[9] On 27 August 2025, the ANC-SG sent out a communication or notice to the ANC Provincial Secretary, Mr R Madadzhe, the deponent to the PEC's answering affidavit, stating primarily the following:

We are in receipt of your letter confirming that all requirements for the convening of the Waterberg Regional Conference have been fulfilled as per the guidelines and the decision of the NEC in this regard.

This therefore serves to concur that the Waterberg Regional Conference should go ahead as planned.⁷

[10] On 27 August 2025, the RTT sent out a notice that the regional conference of the Waterberg region will be held on 31 August 2025 ('the Notice').

[11] On 29 August 2025, this application ensued and was heard, the next day, on 30 August 2025. The Order was made on the same date and the Court undertook to, thereafter, provide these Reasons.

Applicants' case (including submissions)

[12] The applicants' case is, primarily, that the Notice was sent out in contradiction of the Prohibition requiring that express authorisation from the ANC-SG be first acquired before a

⁶ Answering Affidavit ('AA') annexure 'RA2', CL 003-74 to 75.

⁷ AA annexure 'RA3', CL 003-76.

regional conference can be convened.⁸ Secondly, that the Notice only allowed a period of about four days. This, according to the applicants, was inadequate and deliberately aimed at excluding the first applicant and other members of the ANC from participation in the regional conference. Thirdly, that the RTT had appointed an entity called Elexions, as an agency to preside over the elections at the regional conference. This was done despite the fact that Elexions had been, generally, disqualified by the ANC to preside over elections. Communication or notice to this effect had been issued by the ANC-SG as far back as 18 July 2025, the applicants contended.

[13] According to the first applicant the conduct of the RTT personally disenfranchised her in that she was unlawfully denied or deprived of the political right to participate in activities of a political party, envisaged in section 19(1)(b) of the Constitution, including those rights under section 19(1)(c) and 19(3)(b).⁹ She also asserted that her treatment by the respondents was contrary to her right to equality as provided by section 9 of the Constitution. This, included being discriminated against on the grounds of her conscience and belief of a political nature contrary to her rights to equality as enshrined in the provision.¹⁰

[14] Further, the first applicant contended that her personal disenfranchisement extended to her constituency and its members, as they had nominated and designated her to attend the conference on their behalf. The members of the second applicant, namely, Ward 4 of the ANC Lephalale subregion, are entitled to exercise their political rights in terms of section 19. Therefore, the launch of this application was in her personal capacity to advance her own interest, as envisaged by section 38(a) of the Constitution, and in a representative capacity for furtherance of public interest, as envisaged by section 38(d) of the Constitution.¹¹ The first

⁸ Par [7] above on the terms of the Prohibition.

⁹ Par [35] below, for a reading of section 19 of the Constitution.

¹⁰ Par [34] below, for a reading of section 9 of the Constitution.

¹¹ Par [36] below, for a reading of section 38 of the Constitution.

applicant also claimed to be seeking just and equitable relief, as contemplated by section 1(c), read with section 172(1), of the Constitution.¹²

[15] It was explained that, the members of the ANC in a particular region would gather every three years by way of a regional conference to elect members of the regional executive committee ('REC'). This is provided for by rule 21 of the ANC Constitution. An REC is a subcommittee of the national executive committee of the ANC (i.e. the NEC). The REC, effectively, supervises or is responsible for the convention of the regional conference. It is responsible for the accreditation of all attendants and resolution of disputes on matters relating to the regional conference.

[16] And, once formed or constituted, the REC is empowered to conduct its activities in terms of rule 21.10 of the ANC Constitution. This includes the deployment of members in various political offices or positions in the applicable district and local municipalities. Also, that as matters stood then, the ANC had a significant representation in the Waterberg district municipality and all other municipalities in the Waterberg Region, save for one.

[17] Further, the REC has a heavy influence or even determines the municipal service delivery directions in the sense of priority areas. Serious and weighty decisions regarding the allocation of resources, including decisions on which areas are to be prioritised in the allocation of limited resources are taken at the level of REC. The allocation of resources may be towards the building and refurbishment of municipal roads, clinics and water infrastructure. This is part of municipal service delivery, which is critical for a developing area, such as the Waterberg region.

¹² Par [37] below, for a reading of sections 1 and 172(1) of the Constitution.

[18] The applicants say that the determination of priorities in the allocation of limited financial resources for service delivery is directed by political conscience and belief. There are different approaches or political schools of thought within the REC regarding identification of priority areas. This has a significant bearing on the direction taken by the district or local municipalities and municipal entities on issues. The direction is dictated upon by the dominant or popular view within the REC. Therefore, a tendency has arisen to limit the attendance of regional conferences to those sharing the same views to the exclusion of those with contrary views. This tendency has been allowed to fester by the ANC and the other respondents. This application was to interdict the exclusion of those who are perceived to hold non-preferred views, the explanation by the first applicant concluded.

[19] The first applicant or applicants contended that there is no other means to bring to an end the alleged unlawful activities perpetrated by some or all of the respondents than obtaining the relief sought in terms of the application. And, that without such relief they have no way of obtaining substantial redress through a hearing in due course. The application is urgent. I will devote specific attention to the issue of urgency, below.

Third respondent's case (including submissions and applicants' reply)

[20] The third respondent, the Limpopo Provincial Executive Committee (i.e. the PEC), as already indicated, was the only respondent to formally oppose this application. It criticised the relief sought by the applicants as being at odds and variance with the ANC guidelines. Overall, the PEC labelled the proceedings an abuse of the court process. For, this Court was being asked to violate the cardinal and founding principles of the ANC Constitution and to resolve issues of a political nature, the criticism further held.

[21] According to the PEC, the Prohibition (i.e. notice or communication by the ANC-SG of 7 August 2025)¹³ found the process towards the regional conference already underway. The conference, being the 10th elective conference for the Waterberg region, had already been postponed and rescheduled to the new date of 31 August 2025. The postponement was neither arbitrary nor unlawful, but a direct consequence of the fact that the internal dispute resolution structures of the ANC were still seized with grievances filed by various branches in the region. The postponement ensured a proper ventilation of the grievances in accordance with the ANC Constitution.

[22] On 14 August 2025, the roadmap towards the conference was duly amended following the completion of the work of the dispute committees. The amended roadmap was made available to members of the ANC in the region and, clearly, indicated a new conference date, the PEC pointed out.

[23] The PEC also pointed out that, there are no set, rigid or statutory time frames or limits for convening regional conferences. But, counsel for the PEC further argued - almost metaphorically – ANC conferences do not fall from the sky. Despite, the absence of time limits, a roadmap is to be developed for conferences to serve as a timetable for a conference to be held. What is relevant is that all disputes from branches or their members ought to have been properly resolved through the internal dispute resolution committee. And, the ANC-SG ought to have issued an express authorisation. These are the two conditions to be met for a conference to go ahead and they were indeed met in this matter. This is confirmed by the communication of 27 August 2025 by the ANC-SG expressly authorising the conference to proceed. Therefore, there is no credence in the claim of unlawfulness or irregularity by the applicants, in as far as

¹³ Par [7] above on details of the Prohibition.

the conference is concerned, as it strictly complied with the ANC Constitution and guidelines, as well as the Prohibition.

[24] The PEC also rejected assertions by the applicants relating to the so-called municipal policy direction and allocation of resources. These, it was argued, purport to usurp the powers of the municipality in favour of ANC structures. Counsel for the PEC pointed out that, the councillors in the municipalities do not have the powers to do so. For the ANC is not the ruling party in all the municipalities.

[25] Regarding the claim that the applicants will obtain no substantial redress in due course, counsel criticised the generic nature of the claim. Nothing was said to support same. But, after the conference the applicants can approach the court regarding their complaints or disputes. This should be after the exploration of the dispute resolution mechanisms internal to the ANC. Therefore, there is no credence to the claim of inability or incompetency to undo decisions emanating from the conference.

[26] The PEC, also, disputed that the applicants have met the other requirements for final interdictory relief. For example, counsel argued that the foundation to the applicants' case collapsed upon production of proof of authorisation of the conference by the ANC-SG. This put paid to the applicants' claim of a clear right worthy of a final interdict. Counsel, further, alluded to the existence of a dispute of fact incapable of resolution on the papers before the Court to allow the granting of a final interdict. And, the applicants had relied - for their contentions - on the 2017 ANC Constitution, despite its revocation by the 2022 ANC Constitution. Regarding, the involvement of Elexions in facilitating elections at the conference, it was argued that the NEC resolution embargoing their use was taken after the agency had already been appointed and, therefore, the resolution could not apply retrospectively.

[27] In his reply during the hearing, counsel for the applicant had, among others, made the following submissions. The PEC and RTT were not allowed to schedule a conference until they had secured an approval from the ANC-SG. Whilst it is accepted that there is no ANC prescript on the scheduling of conferences, it is expected that those responsible would do their best - as to the notice period - when sending out the notices for such conferences. Reasonableness is required in this regard and the PEC or RTT did not say what was done with the timing of the Notice in relation to the date of the conference was reasonable. Three days could never have been adequate. Besides, there was no proof of dispatch of the Notice and other documents (i.e. FA2).¹⁴ When dealing with these issues, background does not matter. What matters is the election, the approval and notice. What the applicants also sought is interim relief, which does not disturb the status *quo*. Probable hardships in reversing the previous position amount to irreparable harm. Counsel also submitted that the applicants were not persisting with the part of the relief for a rule *nisi*.

Issues which required determination by the Court

[28] The following were the issues, deduced from what appears above and the papers filed, requiring determination by this Court for the disposal of this matter: (a) urgency; (b) the Notice sent out without express authorisation of the ANC-SG; (c) the Notice did not provide a reasonable time prior to the conference; (d) Elexions was appointed to preside over the elections contrary to the NEC resolution, and (e) requirements for interdictory relief.

[29] These issues were not, necessarily, the only issues considered for the disposal of this matter through the Order made, contemporaneously, at the hearing. But, I consider them sufficient for purposes of the Order and these Reasons. And, their discussion will not follow

¹⁴ FA annexure 'FA2', CL 001-18 to 19.

the order in which they appear above. Also, some of the issues may be jointly discussed, due to their interlinkages. I deal with the legal principles applicable to the issues, first.

Applicable legal principles

[30] Clear from what appears above, the applicants sought interdictory relief against the commencement and/or continuation of the conference of the ANC in the Waterberg region of Limpopo, pending receipt of a written authorisation by the ANC-SG as required in terms of the Prohibition or pending the hearing for final relief. This suggested the pursuit of both interim or interlocutory interdict and final interdict.

[31] The requirements for an interim or interlocutory interdict are: (a) a *prima facie* right; (b) a well-grounded apprehension of irreparable harm in the event that interim relief is not granted (and with the ultimate relief eventually granted); (c) a balance of convenience favouring the granting of interim relief, and (d) the absence of any other satisfactory remedy.¹⁵

[32] On the other hand, the requirements for a final interdict are: (a) a clear right on the part of the applicant; (b) an injury which is actually committed or reasonably apprehended, and (c) the absence of other satisfactory remedy to the applicant.¹⁶

[33] The interdictory relief was premised on assertions or claims that the applicants' political and other form of rights derived from the Bill of Rights in the Constitution have been or are likely to be infringed by the respondents' conduct sought to be interdicted. I reflect the principal Constitutional provisions relied upon by the applicants for the relief sought.

[34] Section 9 of the Constitution provides for the right to equality (and protection against unfair discrimination) to everyone as follows in the material part:

¹⁵ DE van Loggerenberg, *Erasmus: Superior Court Practice* (Service 26, Jutastat e-publications May 2025) ('*Erasmus: Superior Court Practice*') RS 27, 2025, D6-24 to 25 and further D6-26 to 33.

¹⁶ *Erasmus: Superior Court Practice* RS 27, 2025, D6-18, and further D6-19 to 24.

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms...
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including ... conscience, belief, culture...
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3)...
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

[35] Section 19 of the Constitution provides for political rights enjoyable by every citizen as follows:

- (1) Every citizen is free to make political choices, which includes the right-
 - (a) to form a political party;
 - (b) to participate in the activities of, or recruit members for, a political party; and
 - (c) to campaign for a political party or cause.
- (2) Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.
- (3) Every adult citizen has the right-
 - (a) to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and
 - (b) to stand for public office and, if elected, to hold office.

[36] Section 38 of the Constitution deals with the enforcement of rights in the Bill of Rights and provides as follows in the material part:

Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights. The persons who may approach a court are-

- (a) anyone acting in their own interest;
- ...
- (c) anyone acting as a member of, or in the interest of, a group or class of persons;
- (d) anyone acting in the public interest ...

[37] Other than the invocation of the above quoted rights, the applicants also relied on the Constitutional provisions which they claimed pivoted their pursuit of the interdictory relief or determination of the issues towards that relief. The applicants conscientised the Court as to the applicability of the provisions of section 1 of the Constitution to their alleged plight. The provisions set out the founding values of the Republic of South Africa, including the

‘[s]upremacy of the constitution and the rule of law’.¹⁷ And, the applicants, further cited section 172(1) of the Constitution providing for the powers of the courts in matters based on the provisions of the Constitution. The latter reads as follows in the material part:

- (1) When deciding a constitutional matter within its power, a court-
 - (a) must declare that any law or conduct that is inconsistent with the Constitution is invalid to the extent of its inconsistency; and
 - (b) may make any order that is just and equitable, including-
 - (i) an order limiting the retrospective effect of the declaration of invalidity; and
 - (ii) an order suspending the declaration of invalidity for any period and on any conditions, to allow the competent authority to correct the defect.

[38] The above are not the only legal principles which found application in this matter or those cited in the advancement of the parties’ respective cases.

Urgency and points in limine

[39] The application was said to be urgent on the basis of communication or notice issued or received by the applicants on 27 August 2025 advising of the conference of the ANC Waterberg region to be held on 31 August 2025 (i.e. the Notice). The timing of the Notice, the applicants complained, afforded them as members, a period of only three to four days to file their papers. They considered this a deliberate plot by the RTT to deprive those who may be aggrieved thereby an ample opportunity to act in protection of their rights. This is the very reason why the applicants could not prosecute these proceedings by way of a normal urgent application set down on a Thursday for hearing the next Tuesday. Be that as it may, counsel submitted that, the applicants acted without any delay in bringing this application.

[40] The applicants, further contended, that they will not get adequate or substantial redress in due course, as such possibility had been deliberately thwarted by the conduct of the RTT. Any attempts to challenge the outcome of the regional conference - which in the main was for the re-election into office of members of the RTT - would have been fraught with legal

¹⁷ Section 1(c) of the Constitution.

challenges and prolonged appeals. The latter processes may even last for the entire duration of the incumbency of the elected officials, being three years. This would benefit the RTT's intended strategy to frustrate the applicants and other members of the ANC holding different views from those preferred by the RTT.

[41] Further, the applicants contended that, they had established a *prima facie* right arising from their right(s) in terms of section 19 of the Constitution.¹⁸ A breach of the right(s) by the Notice issued by the RTT; the provision of short or inadequate notice before the conference and the absence of express authorisation by the ANC-SG, contrary to the Prohibition, and the use of the disqualified Elexions to preside over the regional conference elections contrary to ANC's resolution, warranted intervention by this Court to restore legality. No remedy offering adequate redress would be available to the applicants in due course. And the balance of convenience were said to favour the granting of the relief claimed.

[42] It was contended on behalf of the PEC that this application was not urgent for reasons which included the following. There were no facts before the Court to support the claim of urgency. The assertion by the applicants that they only knew for the first time on 27 August 2025 about the date of the conference is incorrect. The applicants were fully aware of the date as far back as 15 August 2025. This was when the revised roadmap was published to the members. The applicants, consequently, had more than two weeks to consider their position and act in protection of their rights, including by timeously approaching this Court. But they somewhat chose to rather wait until 29 August 2025, less than 48 hours before the start of the conference, to approach this Court. Therefore, the purported urgency is self-created by the applicants. Also, the applicants did not state what prejudice or irreparable harm they are likely to suffer should the conference be allowed to proceed; the absence of substantial redress in the

¹⁸ Par [35] above, for a reading of section 19 of the Constitution in the material part.

normal course and the non-existence of an alternative remedy. Further, the applicants did not comply with the rules of this Court by demonstrating exceptional circumstances justifying the extreme urgency within which the proceedings were launched. They had ample time to do so from 14 August 2025, which was about two Thursdays from the date of hearing.

[43] The PEC raised other issues in opposition. These included a preliminary objection as to the lack of *locus standi* to bring the application on the part of the first applicant or proof of her authority to bring the application on behalf of the other applicants. The applicants were also criticised for: (a) not exhausting the internal remedies at their disposal in the ANC policy or procedures rather than prematurely approaching this Court; (b) non-compliance with Rule 41A of the Uniform Rules relating to mediation; (c) absence of a prior demand to the respondents, and (d) filing further appeal within the ANC internal dispute resolution machinery. I did not view these issues or objections - meritorious as some of them may appear - worthy of a ruling affecting the disposal of this matter.

[44] I ruled that the matter was urgent. Whether viewed from 15 August 2025 (i.e. date of publication of the revised roadmap) or 27 August 2025 (i.e. date of the Notice), the applicants' approach to the Court on 30 August 2025 was quite reasonable. They may have waited a bit longer in doing so and, thus, curtailing in the extreme the timeframes for exchange of papers, but I did not think that their conduct amounted to creating their own urgency. And, they appeared to me to be likely to be without substantial redress in the normal course should the hearing had been delayed beyond the conference. I turn to the other issues.

Absence of authorisation by the ANC-SG

[45] The main issue, pivoting the application, was that the conference was convened without express authorisation of the ANC-SG and, thus, falling foul of the Prohibition. Upon production by the PEC of the written authority of the ANC-SG given on 27 August 2025 as

part of the answering affidavit, this claim lost its glow or basis. The applicants – somewhat to their credit, I must say – did not persist with the claim. Therefore, no ruling is necessary on this issue which has become moot.

Notice of the conference did not provide a reasonable time

[46] Another issue was that the Notice issued by the RTT for the conference did not provide a reasonable time prior to the conference. Secondly, that the Notice only allowed a period of about four days. This, according to the applicants, was inadequate and deliberately aimed at excluding the first applicant and other members of the ANC from participation in the regional conference.

[47] The PEC' case on this issue was simply that there are no set or rigid time frames for convening of ANC regional conferences. And that the activities towards the regional conference commenced much earlier than 27 August 2025, being the date which triggered this urgent proceedings. The conference had been previously postponed. The revised roadmap published to members on 15 August 2025 was merely a confirmation of activities to take place towards the conference. The PEC claimed that the revised roadmap was published or made known to all members in the Waterberg region, but the applicants disputed the date of dispatch of same. The applicants did not file a replying affidavit and, thus, there is nothing under oath regarding the PEC's assertions regarding a previous postponement. Besides any ruling on the dispute of fact in this regard could redound to the PEC's benefit in terms of the *Plascon Evans*¹⁹ rule to the effect that the appellants got to know of the date of the conference earlier, as stated by the PEC.²⁰ Therefore, on the basis of the latter holding the period of the Notice was

¹⁹ *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd* 1984 (3) 623 (A).

²⁰ In *Plascon-Evans Paints v Van Riebeeck Paints* at 634H-635A a general rule was reformulated to the effect that: 'where in proceedings on notice of motion disputes of fact have arisen on the affidavits, a final order, whether it be an interdict or some other form of relief, may be granted if those facts averred in the applicant's affidavits which have been admitted by the respondent, together with the facts alleged by the respondent, justify such an order. The power of the Court to give such final relief on the papers before it is, however, not confined to such a situation. In certain instances the denial by respondent of a fact alleged

reasonable, as it was more than the three to four days alleged by the applicants. And, with this finding, I rejected the claims of improper conduct on the part of the RTT to manipulate the outcome of the conference to the detriment of the applicants or any of the alleged RTT's detractors.

Appointment of Elexions was contrary to the NEC resolution

[48] A third issue upon which the application was based is the appointment of Elexions, as an agency to manage the elections at the regional conference. The NEC had advised of the discontinuation of the ANC's relationship with Elexions. This was said to have been after an investigation report commissioned by the ANC revealed irregularities relating to the 2024 national and provincial elections. The ANC-SG communicated the NEC's decision to the provincial and regional secretaries in terms of a notice dated 18 July 2025. The PEC appeared not to deny that Elexions cannot be used, but only that Elexions had already been appointed for the regional conference prior to the NEC's resolution. The corollary of this is that the NEC's decision would only apply to the appointment of Elexions from 18 July 2025 onwards and not retrospectively. I agreed with the PEC's view in this regard.

Requirements for interdictory relief

[49] The requirements for interlocutory and final interdicts are set out above.²¹ As indicated, the applicants sought interim or interlocutory interdict, although in some respect the relief bore the hallmarks of final relief. The first respondent disputed that the applicants met some or all of the requirements for an interdict.

[50] The edifice of the application was constructed upon the absence of the authority of the ANC-SG for the conference. I agree with counsel for the PEC that once proof of the requisite

by the applicant may not be such as to raise a real, genuine or *bona fide* dispute of fact'. See also *Ramakatsa and Others v Magashule and Others* (CCT 109/12) [2012] ZACC 31; 2013 (2) BCLR 202 (CC) (18 December 2012) [52], [94], [100].

²¹ Pars [31]-[32] above.

authority was furnished the application faced difficulties. The finding by the Court, above that the notice period towards the conference (in terms of the Notice) wasn't unreasonable also had an adverse bearing on the outcome of the application. Therefore, without having to review whether the individual requirements for an interdict were met, I can simply say that at the conclusion of the hearing I was convinced that the applicants had other satisfactory remedy through the ANC's internal procedures. In the event that the internal procedures did not yield a satisfactory remedy, the applicants could have approached the courts to address their complaints relating to the actual events at the conference. Therefore, looked exclusively from the perspective of these requirements, I was convinced that the application lacked merit.

Conclusion (order made)

[51] The relief sought by the applicants was refused - as borne by the Order below - on the bases of these Reasons. I followed the convention and held the applicants liable for costs on the application. I saw no reason to deviate from the convention or principle that a successful party is entitled to costs.

[52] In the premises, I made the order, that:

- a) the application is dismissed with costs, which costs are to include costs of two counsel, one of whom is senior counsel, and
- b) the first, second and third applicants are liable for costs of the application, jointly and severally, the one paying the other to be absolved.



Khashane La M. Manamela
Acting Judge of the High Court

Date of Hearing and Order : 30 August 2025

Date of Reasons for Order : 6 January 2026

Appearances

:

For the Applicants
Instructed by

:

:

Mr T Manala (with Ms A Matlapeng)
Manala & Co. Incorporated, Pretoria

For the Third Respondent
Instructed by

:

:

Mr S Sikhwari SC (with Mr H Singo)
SM Patel Attorneys Inc, Polokwane
c/o Sikhwari Attorneys, Pretoria