



**THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

- (1) REPORTABLE: Yes ☐ / No ☒
(2) OF INTEREST TO OTHER JUDGES: Yes ☐ / No ☒
(3) REVISED: Yes ☒ / No ☐

Case 2026-056424

Date: 30 March 2026

[Signature]

In the matter between:

STANLEY ITSHEGETSENG

Applicant

And

AFRICAN NATIONAL CONGRESS

First Respondent

FIKILE APRIL MBALULA NO

Second Respondent

HOPE MANKWANA PAPO NO

Third Respondent

LOYISO MASUKU

Fourth Respondent

MASILO SEREKELE

Fifth Respondent

SASABONA MANGANYE

Sixth Respondent

LERATO BOB

Seventh Respondent

MAXWELL NEDZAMBA

Eighth Respondent

ZOLEKA ZIDE	Ninth Respondent
MAKHOSAZANA NDLELA	Tenth Respondent
TOKOLOGO NGOASHENG	Eleventh Respondent
MANTOMBI NKOSI	Twelfth Respondent
KGOMOTSO RAMOLOBENG	Thirteenth Respondent
ADOLF MAREMA	Fourteenth Respondent
TERENCE NKOSI	Fifteenth Respondent
MTHUNZI MBULI	Sixteenth Respondent
SITHEMBISO ZUNGU	Seventeenth Respondent
ABRAHAM MABUKE	Eighteenth Respondent
PINKIE NUMA	Nineteenth Respondent
ZANELE ZONDO	Twentieth Respondent
EUNICE MGCINA	Twenty First Respondent
TUMELO RAMOSHABA	Twenty Second Respondent
MUZI NKOSI	Twenty Third Respondent
JULIUS MAPUTLA	Twenty Fourth Respondent
NANDIPHA ZONELA	Twenty Fifth Respondent
KGOERANO KEKANA	Twenty Sixth Respondent
LONDIWE MCWABE	Twenty Seventh Respondent
THUTUKILE ZUMA	Twenty Eighth Respondent

JUDGMENT

DU PLESSIS J

Introduction

[1] In this urgent application, the applicant seeks interim relief interdicting the Regional Executive Committee (REC) from exercising its powers pending a review under part B of the December 2025 regional elective conference. The first twenty-eight respondents are the ANC and the elected members of the REC. The twenty-ninth and thirtieth respondents are EMCA and Ms White, the external agency and its principal engaged to conduct the elections. Only the first twenty-eight respondents oppose Part A.

[2] The factual background is as follows: the ANC Greater Johannesburg Regional Conference took place from 3 to 5 December 2025. The REC was elected at that conference. The applicant alleges serious irregularities in the conduct of the elections, namely: a conflict of interest on the part of the EMCA and Ms White; failure to announce results in-conference; post-conference alteration of results to give effect to gender parity; and the subsequent discovery of opened ballot papers from the conference at Ms White's private residence.

[3] On 17 December 2025, the applicant sent a written complaint to the ANC Secretary-General. Further correspondence followed in February 2026, including a letter from his attorneys addressed to Mr Papo in his provincial capacity. No formal internal decision was communicated to him. He then launched this application in March 2026.

Urgency

[4] The applicable principles relating to urgency are settled. Rule 6(12)(b) requires an applicant to set out explicitly the circumstances rendering the matter urgent and the reasons why he cannot obtain substantial redress in due course. The focus is on the absence of substantial redress, not the mere presence of harm.

[5] The applicant does not rely on the December 2025 conference as a trigger for urgency. Rather, he states that the REC's consequential decisions are imminent: preparations for the 2026 local government elections and the Gauteng provincial conference, as well as decisions already taken, such as the recall of the Executive Mayor of Johannesburg.

[6] The respondents submit that the applicant delayed for several months in bringing his application and could have pursued his review in the ordinary course. They submit that the conference is long past, and that internal remedies remain available. Much of their address in court was focused on the issue of internal remedies within the context of urgency.

[7] To start, it must be noted that the possibility of consequential decisions by the REC existed from the moment it was constituted in December 2025. The applicant did not seek urgent relief then. That delay is a factor weighing against urgency, but it is not decisive on its own.

[8] More fundamentally, however, the application is brought prematurely because the applicant has not invoked the internal processes available to him. For that reason, too, the matter does not meet the test of urgency.

[9] Membership of the ANC is governed by its constitution, guidelines and rules, which together constitute a contract between the party and its members, like in any voluntary association. I would add that it is a contract that must be understood through the prism of section 19 of the Constitution, which provides that every citizen has the

right to participate in the activities of a political party. The Constitutional Court in *Ramakatsa and Others v African National Congress*¹ stated:

“Before demonstrating that some of the irregularities raised were established it is necessary to outline the nature of the legal relationship that arises from membership of the ANC. At common law a voluntary association like the ANC is taken to have been created by agreement as it is not a body established by statute. The ANC’s constitution together with the audit guidelines and any other rules collectively constitute the terms of the agreement entered into by its members. Thus the relationship between the party and its members is contractual. It is taken to be a unique contract.”

[10] This should be read with paragraph 73, which states:

“Section 19 of the Constitution does not spell out how members of a political party should exercise the right to participate in the activities of their party. For good reason this is left to political parties themselves to regulate. These activities are internal matters of each political party. Therefore, it is these parties which are best placed to determine how members would participate in internal activities. The constitutions of political parties are the instruments which facilitate and regulate participation by members in the activities of a political party.”

[11] The court further recognised that this contractual framework does not preclude judicial oversight, and that members have a right to require compliance with the party’s constitution and to challenge unlawful conduct when appropriate. This, of course, is so.

[12] It is against this contractual framework, informed by section 19, that the applicant’s obligation to utilise the internal dispute-resolution mechanisms set out in the ANC constitution and guidelines must be assessed.

[13] Where a voluntary association establishes internal structures and procedures for resolving disputes members are ordinarily expected to utilise those mechanisms

¹ [2012] ZACC 31 par 79, relying on *Natal Rugby Union v Gould* [1998] ZASCA 62; 1999 (1) SA 432 (SCA) and *Turner v Jockey Club of South Africa* 1974 (3) SA 633 (A).

before approaching courts, unless they can demonstrate that internal processes have been exhausted, are unavailable, or would be futile. This was neatly set out in *Sithole and Others v African National Congress*,² which I agree with.

[14] *Sithole*, building on *Ramakatsa*, correctly, in my view, treats the ANC constitution as the terms of a contractual relationship between the party and its members. This has two consequences. First, the ANC is bound to organise its affairs, including conferences and disputes, in accordance with that framework. The applicant claims this did not happen. Second, when a member seeks to assert rights under that contract, he must do so through the mechanisms the framework creates, including the prescribed procedures.

[15] In that regard, the ANC constitution provides a multi-tiered internal dispute-resolution architecture (moving from branch to regional to provincial to national structures, with dedicated dispute bodies). The applicant is an experienced party member who, even on his own version and papers, is familiar with the constitutional scheme. Yet, he did not invoke any of the formal dispute mechanisms as prescribed by the ANC constitution and guidelines.

[16] What he did instead was to address correspondence to the Secretary-General, followed by a letter, through his attorneys, to a provincial office-bearer. While those letters reflect his dissatisfaction and the seriousness with which he viewed the alleged irregularities, they did not trigger the dispute-resolution machinery contemplated by the party's rules.

[17] The applicant's explanation that he did not use the prescribed structures because his letters were not acknowledged or answered cannot assist him. Nowhere does he set out any steps taken to formally lodge a complaint in the manner required by the ANC rules, nor does he show that any competent internal body refused to entertain such a complaint, unreasonably delayed once seized with it, or otherwise rendered the internal remedies ineffective.

² [2023] ZAGPJHC 791; [2023] 3 All SA 890 (GJ). See paragraph 22 where Fisher J quotes the process in full.

[18] In my view, in this case, it is not sufficient to merely state that no internal remedies need be pursued. To hold that a member may side-step the carefully designed dispute structures by writing to an inappropriate functionary, waiting for a relatively long period, and then effectively declaring those structures unnecessary by launching an *urgent* application, would undermine the internal constitutional order of the voluntary association that the courts are required to respect.

[19] I therefore find that, on these facts, the applicant has not exhausted the available internal processes and has not advanced cogent reasons why those remedies were unavailable, inadequate or futile. The application is, in that sense, premature.

[20] I accept that the applicant has acted out of a genuine concern for the integrity of his party's internal democracy and electoral processes. That concern, however sincere, cannot override his obligation to adhere to the internal dispute-resolution mechanisms prescribed by the ANC constitution and guidelines themselves, to which the applicant bound himself upon becoming a member.

[21] This finding should not be interpreted as saying that members can never approach a court directly. There might well be circumstances where, for instance, such remedies are demonstrably illusory, or are themselves part of the complained-of illegality, where direct judicial intervention is justified. This, however, is not such a case on the facts before me.

[22] The matter, therefore, must be struck from the roll.

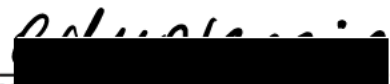
[23] This leaves the question of costs. I have had regard to the applicant's submission that, even if he were to fail on urgency and interim relief, no order as to costs should be made because he acted from a genuine concern for the ANC's internal democracy and had attempted, unsuccessfully, to ventilate his complaints within the party. While I accept his bona fides, the decision to bypass the prescribed internal dispute-resolution mechanisms and to enrol an unripe dispute in the urgent court has nevertheless required the respondents to oppose on an urgent basis. In these

circumstances, fairness dictates that the ordinary rule that costs follow the result should apply.

Order

[24] Therefore, the following order is made:

1. The application is struck from the roll, with costs on the ordinary party-and-party scale.



WJ du Plessis
Judge of the High Court Gauteng Division,
Johannesburg

Date of hearing:	27 March 2026
Date of judgment:	30 March 2026
For the applicant:	S van Vuuren instructed by Norman Komana Attorneys
For the respondent:	M Mphaga SC with M Qofa Lebakeng (who appeared on her on in court on the day), instructed by Maluleke Kumwenda Zwane Incorporated