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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF DEFENCE AND MILITARY VETERANS**

NO. 1087

10 NOVEMBER 2015

**Republic of South Africa**

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**I, Nosiviwe Mapisa-Nqakula, Minister of Defence and Military Veterans hereby give notice of:**

**GUIDELINES ON WHAT CONSTITUTES SUBSTANTIAL MEMBERSHIP AND RECOGNITION OF MILITARY VETERAN ORGANISATIONS BY THE MINISTER OF DEFENCE AND MILITARY VETERANS**

**PREAMBLE**

**WHEREAS** the Department of Military Veterans (DMV) is a Government Department established under the Military Veterans Act, No. 18 of 2011 (the Act) which derives its mandate from the Constitution of the Republic of South Africa Act No. 108 of 1996;

**AND WHEREAS** the Act provides for the establishment of a National Military Veterans' Association which is to be an association representing military veteran organisations nationally as provided for in terms of section 7(1)(a) of the Act;

**AND WHEREAS** the Act in its definition of a military veteran, recognizes South African citizen who rendered military service to any of the statutory and non-statutory military organisations that were involved on all sides of the country's Liberation War from 1960 until 1994, including those who served in the Union

Defence Force before 1961 and those who became members of the South African National Defence Force after 1994;

**RECOGNISING** that section 16 and 18 of the Constitution provides that everyone has the right to freedom of expression and association;

**DESIRING** that the National Military Veterans' Association serve as an umbrella body representing military veteran organisations nationally in terms of section 7(1) of the Act.

**THEREFORE**, the Minister issues the following guidelines on what constitutes substantial membership and the recognition of military veteran organisations in terms of section 7(4).

## **1. DEFINITIONS AND INTERPRETATION**

1.1 In these Guidelines, unless inconsistent with or otherwise indicated by the context-

1.1.1 "Department" means the Department of Military Veterans

1.1.2 "Minister" means the Minister of Defence and Military Veterans.

1.1.3 "Substantial Membership to be determined by the Minister" means a threshold of 1000 members who have formally and expressly denounced their membership of the original organisation and belong to the organization applying for recognition.

1.1.4 "the Act" means the Military Veterans Act, 2011 (Act No. 18 of 2011).

## **2. INTRODUCTION**

2.1 The Military Veterans Act, No. 18 of 2011 makes provision for the recognition of military veteran organisations. These organisations are the source from which individual military veterans emanate as individuals.

2.2 The status of an individual as a military veteran is not determined by his or her membership of a military organization.

2.3 The Department has a statutory duty to care for the individual military veterans and their dependants in the quest for realizing a unified, dignified and self-sufficient military veteran community.

### **3. PURPOSE**

To provide guidelines on the constitution of substantial membership for the recognition of military veteran organisations by the Minister as contemplated in section 7 of the Act.

### **4. PRINCIPLES**

4.1 The following principles inform the guidelines and processes regarding the recognition of military veteran organisations that have formally and expressly denounced membership of their previous military veteran organisations:

4.1.1 The need to ensure that only bona fide military veterans and military veteran organisations benefit from the recognition accorded by the Minister.

4.1.2 The need to promote unity among the military veterans in the country.

4.1.3 The need for transparency and openness in providing services to military veterans.

4.1.4 The need for accountability with regard to resources provided to the military veterans.

### **5. ELIGIBILITY**

To be eligible for recognition by the Minister as provided for in the Act, the entity applying must be an organisation whose membership is made up of bona fide military veterans who have formally and expressly denounced membership of their previous military veteran organisations.

### **6. QUALIFYING CRITERIA**

6.1 An organisation that seeks recognition by the Minister as a military veteran organisation must comply with the following minimum requirements:

6.1.1 The organization must consist of military veterans only.

6.1.2 The organisation must have a constitution that was adopted at a gathering that was convened for adopting the constitution and attended by a substantial number of bona fide military veterans that solely belonged to the same military organisation.



6.1.3 the organisation must provide proof that the applicant concerned is a non-profit organisation or non-governmental organization.

6.1.4 The organisation must provide proof that it has a clearly identifiable elected leadership.

6.1.5 The organisation must provide proof that its leadership was elected at a gathering that was called for the purpose of electing such leadership, whether or not electing leadership was the sole purpose of the meeting.

6.1.6 The organisation must provide proof that the gathering at which such leadership was elected was attended by a substantial number of former members of the military organisation to which they previously belonged.

6.1.7 The organisation must provide proof that it is not a mercenary organisation, terrorist organisation or an organisation which has been established for advocating an objective, by military means, which is prohibited by domestic or international law.

6.1.8 The organisation must provide proof that it embraces the values which are enshrined in the Constitution of the Republic of South Africa.

6.1.9 The organisation must provide proof that it has a substantial number of members, who are bona fide military veterans that have formally and expressly denounced membership of their previous military veteran organisations.

6.2 Compliance with the requirements contemplated in 6.1 shall not preclude the Minister from considering any other reasonable factors.

## **7. APPLICATION PROCESS**

7.1 Any organisation submitting an application for recognition to the Department must do so in writing, and such application must contain the following information:

7.1.1 Signed application form or letter.

7.1.2 Mandate/resolution from members.

7.1.3 A signed copy of the constitution of the organisation or founding documents of the entity.

7.1.4 Full identity details and addresses of the bona fide members and of the leadership/officials thereof.

7.1.5 Force number and/or service certificates of the individual bona fide members of the organization.

7.1.6 proof of renounced membership

7.2 In addition to the above-mentioned requirements, the applicant must submit a certificate indicating that it is a non-profit/non-governmental organisation representing the lawful interests of its bona fide members.

## 8. DETERMINATION PROCESS

8.1 The Minister may request additional information or a presentation by the applicant as part of his or her consideration of the application.


8.2 Once received, the application must be subjected to membership verification of the bona fides of its membership against the database of the Department of Military Veterans.

8.3 Once the Department is satisfied that an applicant has complied with the requirements for recognition by the Minister, as set out in these guidelines, the Department shall make a recommendation to the Minister that the applicant concerned be recognised by the Minister as a military veteran organisation contemplated in the Act.

8.4 The successful applicant shall be issued with a registration certificate stipulating the terms and conditions of membership.

## 9. COMMENCEMENT

These guidelines are enforceable upon approval and gazetting by the Minister.

  
Approved by the Minister of Defence and Military Veterans at  
26<sup>th</sup> on this 26 day of OCTOBER, 2015

CAPE TOWN