

Swaziland National Association of Teachers



EST.1928

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UPDATE ON CASE NUMBER 119/2020 THAT INVOLVED THE SNAT AND THE USUTHU BRANCH OF THE SNAT ON THE IMPLEMENTATION OF RESOLUTION 16 OF 2016

I. INTRODUCTION

The SNAT NEC hereby updates the General Membership [GM] that the much-awaited Judgement on Case No. 119/2020 that involved the SNAT and the Usuthu Branch of the SNAT, was finally issued by the Industrial Court of the Land. The said Judgement was delivered to the NEC yesterday (10-05-2021).

II. CRUX OF THE UPDATE

The Court, in a nutshell, directed as follows;

1. That Resolution No. **16 of 2016** could not be implementable due to the fact that it conflicted with **Article 23** of the SNAT Constitution which states that: **'Any fully paid up member shall be eligible for nomination at various levels of the organisational structure. She /he should have been an active member for at least five (5) years.'** As such, the said Resolution could only be implemented after an amendment of the constitution to cater for both the letter and spirit of the Resolution.



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The Court, therefore, set aside the verdict that was issued by the SNAT BoT to the effect that the Usuthu Branch of the SNAT should conduct a fresh bi-election, in full compliance with the said Resolution.

2. That the SNAT should follow its constitutional provisions in proposing amendments to the Constitution as espoused by article 32 of the SNAT Constitution. Although the Court Judgement focused only on the implementation of the said Resolution, leaving out other contentious issues that arose between the SNAT NEC and the Usuthu Branch, the SNAT NEC welcomes its [Court] decision in the sense that it will further elucidate critical considerations that the SNAT collective needs to be aware of, whenever a Resolution that has implications on the provisions of the SNAT Constitution is to be made.

III. CONCLUSION

The SNAT NEC hereto, commits in playing a leading role in assisting the General Membership [GM] regarding aligning similar Resolutions with the Supreme Law of the 1928 Organisation. As the SNAT is inexorably moving towards its 2021 Annual Conferences, issues around constitutionalism shall take precedence over all others. The SNAT shall meet with the Usuthu BEC in due course of time to deliberate on other pertinent organisational issues as we forge a way forward.

Issued by the SNAT SG on, 11 May 2021



SIKELELA J. DLAMINI
(SECRETARY GENERAL)



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