

Foreword

In the world today, the main racial groups tend to regard each other with suspicion from behind the ramparts of their separate histories and cultures, and their different ways of life. Political and economic circumstances may lead to alliances, and ideologies like Communism can overlay race divisions and cause reciprocal defensive pacts; but little real progress is being made "towards One World" and little is happening to encourage those who hold that members of all races are members of the same human family and intended by God to recognise "their common duty to one another".

Members of the Capricorn Movement believe that from within Capricorn Africa may come a manifestation of racial harmony which could set an example for all nations. Within these territories, the three great race divisions of the world—the black, the brown and the white man—are broadly subject to the same environment and to all that this implies. Their aspirations and ways of life are at present in conflict, but it is demonstrably in the interest of each race that these should be reconciled.

The Society believes that its mission is to give words and form to a new conception of African patriotism which will satisfy in the emotional and the practical sense these conflicting aspirations. Already members of all races have identified themselves with the Capricorn Movement. Already they are working out together on the Society's Citizenship Committees a new political philosophy and devising together a working plan for a truly integrated multiracial community.

The purpose of this memorandum is to recruit new members for the Capricorn Africa Society and to raise funds for it.



I. The Capricorn Movement

(a) **Description:** Capricorn Africa consists of those territories of Africa which lie South of the Sahara and North of the Limpopo River. The scope of the Movement is at present limited to Tanganyika, Kenya and the Federation of the Rhodesias and Nyasaland. The Movement was founded in 1949 by a group of people drawn from all the races that live in these territories who believed that a policy for Africa must come from within Africa. The founders believed that their Movement would exercise a stronger appeal over Africa's peoples than Communism or any form of racialism, and that their Movement would eventually spread to all Africa south of the Sahara.

(b) **The Movement's Purpose:** The founders of the Movement declare that "All men despite their varying talents are born equal in dignity before God and have a common duty to one another". The founders hope to discharge this duty by working for the creation of a common citizenship in each of these territories in which members of all races would take a full part, in which only civilised and cultural values would be protected, and in which racial discrimination would be outlawed.

The founders believe that to fulfil their mission three main conditions must be met:

First they must establish a new conception of African patriotism strong enough in its emotional appeal to set all men free from bondage to their conflicting racial aspirations.

Second they must devise a system of common citizenship and a workable procedure for its attainment by the individual.

Third they must enlist the active participation of responsible leaders and the rank and file of all races, and the support of responsible overseas public opinion.

The Movement's purpose is not to consider and give verdicts on Africa's manifold problems but to help establish a common citizenship and an electoral system in the devising and creation of which each race will feel equal responsibility, thus providing a true basis from which these problems can be studied and resolved.

(c) **The Capricorn Africa Society and the Association:** The founders of the Movement decided that the first step towards achieving their goal must be to draw up a code of human relations which could satisfy the three conditions listed above. The code is referred to in this memorandum as the "Citizenship Document" and its preparation is the main function of The Capricorn Africa Society.

The second step, as conceived by the founders, will be to translate the citizenship document into a series of citizenship bills or acts suitable for the legislature of each territory, and subsequently to press for their enactment. This work, when the time comes, will be carried out by The Capricorn Africa Association.

It has been decided to keep the two aspects of the Movement entirely separate because there are many individuals and institutions anxious to help the Society in its research work for the citizenship document and in the dissemination of its principles, but who might be reluctant to be connected with the Association's crusade for the active fulfilment of the document's provisions.

II. *The Capricorn Africa Society: Extracts from its Constitution*

(a) **The Preamble:** The founders affirm in this preamble the beliefs that guided them in the creation of the Society.

The founders hold that all men, despite their varying talents, are born equal in dignity before God and have a

common duty to one another, and that the differences between men, whether of creed or colour, are honourable differences.

The founders believe in a common destiny for the inhabitants of Capricorn Africa which will lead to an association of territories wherein men of all races may live side by side in harmony, sufficiency and freedom.

The founders believe that to strive toward such a goal will provide a sense of shared purpose and dedication transcending racial differences and that its attainment will bring untold benefits to Africa and its people and to mankind.

Bound by these convictions the Founders of the Society submit that:

- (i) Africa south of the Sahara is comparable in natural resources with other continents of the world. The extent of its mineral, agricultural and industrial potentialities is only now being established by research and development.
- (ii) The peoples of Europe living in Africa have two responsibilities and these are complementary to one another. They have an obligation to mankind to develop that continent jointly with the Africans and other inhabitants, so that it shall contribute from its great resources to the wealth of the world. They have an equal obligation to give to the African both incentive and opportunity to achieve higher standards of life, and so make possible a living partnership between the races.
- (iii) The African peoples as yet lack the technical skill, the industrial maturity and indeed the numbers to secure by themselves the timely development of the continent. The twofold responsibility of the European cannot be discharged by reserving all Africa's sparsely populated areas for gradual development at a pace determined by the African's birth rate. It can be discharged, and Africa's development quickened, by a combination of Western technology, capital and immigration with the latent capacity of the African and other races.

- (iv) Capricorn Africa is divided into many separate territories with separate administrations. The divisions are for the most part arbitrary and are seldom based on considerations of geography, economics or race. They deny the urge, increasingly felt among all races, to become part of a greater communion, racially and economically. In a larger economic unit, problems which are obstinate of solution within individual territories can be more readily resolved.
- (v) Sustained social and economic progress for any race demands sound administration and political stability, which at the outset will call for European leadership and guidance in federal and territorial government. This leadership can be claimed only by right of administrative ability and experience, not of colour. It will not endure, nor deserve to endure, unless it encourages the participation of other races.
- (vi) The future stability of Capricorn Africa depends essentially upon a policy of human relations which is flexible enough to meet the special requirements of each territory; and broad and liberal enough to face with confidence the scrutiny of enlightened opinion throughout the world.
- (vii) The policy must promote the spiritual, economic, cultural and political progress of the African and other races. All those of all races who have attained the necessary social and educational standard must be accorded the responsibility of franchise and the full rights of citizenship. At the same time, those Africans who are unable or unwilling to accommodate themselves to the new economy and way of life must be protected and helped to develop at a pace consistent with their abilities.

The Constitution of the Capricorn Africa Society which follows, has been designed by the Founders as a vehicle for all those who wish actively to support the principles laid down in this Preamble.

(b) **The Aims and Objects Clauses :**

- (i) To make known the principles and ideals set out in the preamble and to work towards their fulfilment.
- (ii) To encourage the development, jointly by all races, of Capricorn Africa.
- (iii) To maintain and advance Western Christian* civilisation and cultural standards, while helping all members of all races to attain these standards.
- (iv) To define and establish a conception of human relations that will bestow the full rights and privileges of citizenship on all those who have achieved the qualities necessary to sustain the responsibilities implicit in this status.

III. *The Society's Present Position*

(a) **Organisation :** The Society is fully constituted and has multi-racial executive committees in Salisbury covering the Central African territories of Northern and Southern Rhodesia and Nyasaland; in Nairobi, covering Kenya; and in Dar-es-Salaam covering Tanganyika territory. (The Society is not operating at this stage in Uganda). In each of these territories several regional committees are or are about to be established. Each of the territorial executive committees and the Society's London Consultative Council nominate representatives to the Society's Central Council.

(b) **Offices** have been established in Salisbury, Nairobi, Dar-es-Salaam and London. There is a paid full-time secretary in each office except Dar-es-Salaam.

(c) **The London Consultative Council :** The London Consultative Council is at present being formed. Its purpose will not be to initiate policy but to assist in its formulation and for guiding and influencing it to the extent that will ensure for this

* We use the words "Western Christian" in the abstract sense in order to set a definite value on "civilisation and cultural standards". We take the ethic of Western Christianity as our measure because it is in this ethic that nearly all European experience lies—as well as that of most educated Africans. However, the wording is not yet regarded as satisfactory by many members of the Society and, therefore, a new draft is under consideration, which will soon be submitted to the Central Council for approval.

policy the confidence and support of Government and non-official interests in Britain.

(d) **Membership** of the Society in Africa now amounts to about 1,550 of all races. Membership was made open to the public only on February 26th, 1954. Many of the Society's members are chairmen or executive chiefs of various community or other group organisations who are now encouraging members of their organisations to join the Capricorn Society.

(e) **Capricorn Citizenship Committees**—See Section V (a) below.

(f) **Capricorn Consultancy Groups**—See last paragraph of Section V (a) below.

(g) **Public Relations**: The Society has already presented its ideas on common citizenship on a considerable scale to the general public within Africa and in Great Britain. On February 26th, 1954, the Society published a seven thousand word manifesto (about nine full columns in an average sized paper) in all the main European, African and Asian papers throughout British East and Central Africa. In Britain leading editorials and main feature articles commending the work of the Society have appeared during the last year in most of the leading national dailies and weekly journals.

(h) **Finance**: The Society needs funds. Since it was founded in 1949, about £18,000 has been spent, of which £10,000 has been given to the Society and of which £8,000 is on a deferred loan basis. (The condition on which this money was advanced does not obligate repayment until the Society has a cash sum of £20,000 in hand).

IV. *Summary of the Society's Programme*

The Society's programme is dominated by preparations for the Capricorn Convention when the Society will complete the documentation of its plan for common citizenship. Thus a review of the Society's future activities can be best presented in three stages—first the pre-convention period, secondly the convention itself and thirdly, the post-convention period in

which the Society will wind up its administrative establishment after publication of the citizenship document.

It is difficult to determine at this stage on what date the Society's full programme outlined below can be inaugurated. It depends primarily on the raising of funds but I would estimate that the earliest date by which the Society is likely to have sufficient money in hand is mid-December of this year. The factors causing delay are:—

- (a) Marshal of the Royal Air Force, Sir John Slessor, has accepted the Chair of the London Consultative Council. It will take time for him, however, to organise his team and to plan the details of the London appeal for funds.
- (b) There is still a good deal of detailed work to be completed before the Society can finally gain tax exemption status in Britain and America; and without this status the Society would hold little chance of raising funds on the scale required.

In the meantime the Society will have to carry on within the limit of its present resources. These should at least be adequate to carry on the work of the Citizenship Committees, to establish an effective working organisation in Central Africa and to maintain the present scale of activities in East Africa.

V. *The Pre-Convention Period*

We estimate it will take about fifteen months from the starting date of the Society's programme to complete the citizenship document and to recruit 100,000 members. If, however, the target for membership cannot be achieved within the fifteen months period, the Convention will be delayed until this number has been recruited. The Society's activities during this period can be summarised under the following headings:—

(a) **The Citizenship Committees and the Citizenship Document:** The basic understanding between the white member and the coloured member of the Society, is this: the coloured consents to the protection of civilised and cultural standards while the European consents to the removal of the colour bar and all types of racial discrimination. This is not much more than the

precarious leaning of one card against another, but it provides the Society with a practical working basis from which it can draw up a code of human relations capable of cementing together the two cards permanently and organically. This code of human relations is being prepared by the Society's Citizenship Committees. These Committees are charged with the task of drawing up a document which will:

- (i) Define the qualifications for citizenship and the franchise.
- (ii) Define the rights and responsibilities of the citizen and the non-citizen.
- (iii) Define the citizenship's loyalty code and its oath of allegiance.
- (iv) Define the machinery of citizenship and the electoral system.

Citizenship Committees are already established in Nairobi, Mombasa, Salisbury, Bulawayo, Moshi and Dar-es-Salaam. Others are about to be started or are being planned in Umtali, Gwelo, Sinoia, Plumtree, Lusaka, Blantyre, Iringa, Arusha, Mbeya, Thompson's Falls and many other places. The Committees each consist of from 15 to 20 members drawn from all the races. To help the Citizenship Committees, multi-racial field teams and house to house canvassers will solicit the views from the broadest possible cross-section of the population, on problems connected with common citizenship. It is vital that each race should feel joint authors of and bear an equal responsibility for the citizenship document.

The Committees will exchange progress reports to insure a co-ordinated document. It is intended that a draft citizenship document be completed within fifteen months of the inauguration of the Society's full programme for submission to local conferences of all the Society's members which will be held in the main centres of British East and Central Africa to discuss, to amend and to agree upon an interim citizenship document, and to appoint delegates to the Capricorn Convention.

During the whole of this period while the citizenship document is in preparation, the Society will be in continuous contact with various African, British and American experts in the field of sociology, constitutional law, political philosophy and history

who have either joined the Society or consented to act as consultants to the Society. The British Capricorn Consultancy Group is being organised by Dr. J. H. Oldham; and the American Group by Dr. F. Patterson.

In an appendix to this memorandum, extracts from the Society's Manifesto published on February 26th, 1954, are given which lay down in more detail the terms of reference of the Citizenship Committees.

(b) **The Education and Recruitment of the General Public in Africa:** The Society intends to establish from among its members several multi-racial field teams to "stump" each territory disseminating the Capricorn principles, taking evidence on behalf of the citizenship committees, and recruiting new members for the Society. Individual members of the Society will simultaneously carry out for the same purposes a systematic house to house canvass in African, Asian and European town areas. The Society's recruiting target is set at a minimum of 100,000 members to be registered before the Convention takes place. This number will give authority and weight to the citizenship document. Only those who fully accept the Society's aims and objects will be invited to become members.

(c) **Public Relations within Africa:** The Society must insure that the general public of all races really understands the Society's true intentions. This will require constant presentation of the Society's principles in the press, on the radio, and from the public platform.

(d) **Informing Public Opinion outside Africa:** The Society, although essentially indigenous to Africa, fully recognises that its case must be put before and must satisfy those external authorities (such as UNO and the Colonial Office in London) who have legitimate trusteeship responsibilities in Africa. This, in effect, means educating overseas opinion, particularly in Great Britain and the U.S.A.

(e) **Physical Preparations for the Capricorn Convention:** We plan to have about 200 official delegates participating in the Convention and we expect about 100 observers to attend from other parts of Capricorn Africa and from Overseas, and about 150 members of the African and World Press. The Convention

will be held at Mbeya in Tanganyika Territory. This is a very small place and practically all accommodation will have to be improvised on the lines of a temporary encampment. The actual Convention meetings we plan to hold in a "big top" tent. The Tanganyika Government have already helped the Society to find a suitable site at Mbeya and have undertaken to provide land-line communication and other facilities.

(f) **Capricorn Clubs**: While the present colour bar practices continue in Kenya and Central Africa, the Society urgently needs a house in Nairobi and one in Salisbury where its members can get together for the Society's official meetings, for ordinary social occasions and to accommodate visiting coloured members from other territories. The two houses need not be larger than the average sized suburban house. With a few modifications they could, in addition to their other functions, be run as a form of club for the Society's members.

VI. *The Capricorn Convention*

We intend to hold the Convention about two months after the local conferences referred to in Section V (a) above. We decided on Mbeya as the meeting place because of its central position in relation to the territories taking part and because we felt it was important for the Society to create its own atmosphere rather than risk our multi-racial delegates and observers, and the world press representatives being subject during the Convention to the racial atmosphere of one of Africa's big towns.

The Convention has three main purposes:

- (a) First, delegates will discuss and agree upon final amendments and will ratify the citizenship document.
- (b) Second, delegates in a formal ceremony of dedication will pledge all members of the Society to the principles laid down in the document.
- (c) Third, leaders of all the great religions of the East and of the West practised in Capricorn Africa will be invited to bless and endorse the document.

We plan for the Convention to last four days and the observers will be encouraged to take part in at least one session.

VII. *Post-Convention Period*

After the Convention the Society will make arrangements for the wide publication of the citizenship document together with a summary of the evidence taken during the document's preparation.

After publication of the document the Society will have completed its main task and will, therefore, wind up most of its administrative establishment. The Society will, however, remain in existence as "custodian" of the document, to continue its study and research into the problems of African citizenship and to act as consultants to the Capricorn Association on these problems.

VIII. *The Society's Establishment and Expenditure*

A brief description of the Society's establishment and an estimate of the total cost of carrying out the Society's programme is provided in an Appendix.

IX. *The Capricorn Africa Association —An Outline*

(a) **Membership:** The Association will be open to all those who wish to see implemented the principles laid down in the citizenship document, and who wish to join in the campaign to achieve this.

It is probable that most of the Society's members from within Africa will join the Association but inevitably there will be some Church leaders, missionaries, civil servants and Colonial Service personnel who will be unable to do so. Most overseas members will also, no doubt, content themselves with remaining members of the Society.

(b) **The Citizenship Bills:** After the Convention, and after the Association has been duly constituted, each of its territorial branches will set about preparing the citizenship bills. These bills will conform to the general principles of the citizenship document,

will meet the special constitutional circumstances of each territory and will be in a form suitable for submission to each legislature.

(c) **The Campaign:** The Association's procedure and campaign methods will vary in each territory. For instance, in Southern Rhodesia, which has self-government, the Association will campaign to recruit as members more than 50 per cent. of all those on the voter's roll, thus insuring that the Rhodesian Government will pass the necessary legislation. In Tanganyika, on the other hand, the circumstances are far different. In this territory, the Association, when it has recruited sufficient strength from all the different racial groups, will establish a special multi-racial team to argue the Association's case before the trusteeship authorities responsible for the administration of Tanganyika in Britain and at the UNO.

The campaign will obviously be more protracted in some territories than in others but the Capricorn proposals have only to be fully implemented in one territory to make much easier the Association's task in the remaining territories.

(d) **Funds:** The Association will aim to raise the bulk of its finance from within Africa. It is estimated that the campaign will cost about £20,000 a year and will take about two and a half years from the time of the Convention either to bring to a successful conclusion or at least to the point where the idea of common citizenship and all its implications will have been put before all members of all races in each of the territories.

X. Conclusion

The full purpose of the Capricorn Movement and the functions of the Society and Association in the fulfilment of this purpose can perhaps be best illustrated by an analogy.

The function of the Society could be compared with a group of architects, quantity surveyors, landscape-garden consultants and all the various experts required to design a perfect house set in perfect surroundings. This ideal plan, in terms of our analogy, is the Citizenship Document which will be endorsed at the Mbeya Convention. It is then that the Capricorn Associations take over the ideal plan and translate it into one suitable for the

special conditions of each territory; this will be the Citizenship Bill.

In the meanwhile, throughout East and Central Africa, there are organisations and individuals dissatisfied with the shortcomings of the old mansion in which they at present live (i.e., the existing constitutions of the various territories). Suggestions are being constantly tabled for patching it up, such as, reform of the pass laws and the laws of land tenure, and a review of the electoral system. Certainly repair work can be carried out and the Society must help but it must do so in such a way as not to prejudice the attaining of its real objective, which is to move the people from the old dwelling place, of exclusively European design, to the new mansion of Capricorn design.

It is this last point which needs special emphasis. The Society should not encourage Government or political parties, pre-occupied as they are with patching up the old house, to take too many ideas from the new Capricorn house which is still in the design stage. If this happened people would claim, particularly the Europeans, that there was no need to undergo the inconvenience of moving house at all. These people could point out that the old place had been renovated and given a smart new facade and this would enable them to ignore the foundations which are rotten beyond repair. However drastic the renovations, the old house could never provide for the true self-expression of the non-European races.

Members of the Society are more than ever convinced that it is essential to build afresh on new foundations when they take into account the present position in the Belgian Congo and in the Portuguese territories of Africa. Here, by virtue of the "évolué" or "assimilado" systems, an African capable of sustaining responsibilities and who has acquired the necessary qualifications, is granted full rights of citizenship. But even these concessions will no longer suffice. Certainly these systems have given more leeway and as a result the climate of race relations hitherto has been better than in the British territories. But they have not provided for the political aspirations of the African. The racial tensions are now becoming as taut as those in British Africa. Their problems, like ours, can only be solved finally by the creating of a new ideology—a new African patriotism as a basis of common

citizenship capable of satisfying the emotional aspirations of all races in Africa.

The foundations, and the new political structure they will sustain, must be designed by a consortium of all races. There is no such consortium in existence in Africa except the Capricorn Africa Movement. The new Capricorn house will bear the hand of every race in its design and in its construction.

If the Society succeeds in its purpose, the orderly development of the Continent and the happiness of its inhabitants are assured. If it fails through inability to carry out its programme the whole idea of common citizenship will have failed in the eyes of many of Africa's coloured peoples who will look with renewed bitterness for other outlets for their aspirations.

Only lack of funds could prevent the Society from carrying out its full programme.

Establishment and Costs

(1) Stage I—Pre-Convention Period.

(a) *The Executive Set-Up*: (See Section III (a)). All members of the Central, Territorial and Regional Committees give their time free to the Society. In most cases, however, travelling costs have to be provided. During the period of fifteen months leading up to the Convention, a considerable amount of travelling by the Society's executives will be necessary to insure effective co-ordination. We estimate this will cost about £4,500 during this period.

(b) *Administration*: Offices, with a full-time secretary to deal with all routine administrative work, will have to be maintained in Salisbury, Nairobi, Dar-es-Salaam and London. We estimate this will cost an average of about £150 a month for each of the four office establishments.

(c) *Field Teams*: (See Section V (b)). Three multi-racial teams consisting of an African, Asian (or Arab or Coloured) and a European will have to be continuously active in Central Africa, Kenya and Tanganyika. The Europeans will be voluntary workers but the Africans, Asians and others will have to be paid at least a subsistence wage, and travelling expenses for all will have to be found. We estimate the cost will average about £200 a month per team.

(d) *Educational Activities in Africa*: (See Section V (c)). In addition to maintaining the field teams, the Society will have to bear the cost of hiring halls for public meetings, and carrying press advertisements, etc. We estimate these operations will cost about £150 a month in Central Africa and about £100 each in Kenya and Tanganyika.

(e) *Educational Activities in Britain and in the U.S.A.*: (See Section V (d)). Much can be done in this line without cost to the Society, in the press and on the radio. But in Britain it will also be necessary to circulate members of both Houses of Parliament, Church leaders, the press, etc., with periodical progress reports on the Society's activities. We estimate this will cost, along with a

similar type of campaign in the U.S.A., a total of about £2,500 up to the time of the Convention.

(f) *The Capricorn Clubs*: (See Section V (f)). The capital costs of these clubs will be about £5,500 each and modifications to each one will cost about a further £1,500. We estimate that the excess of running costs over revenue will amount to about £80 a month in each case. We do not include these costs, however, in the budget summary below as we intend to organise a separate appeal for these funds, possibly under the auspices of the Y.M.C.A.

(2) Stage II—The Convention.

The Convention Costs: (See Section V (e) and VI). The Society will have to bear the travelling costs of nearly all the 200 official delegates and probably at least 20 of the observers (the press will of course pay their own travel expenses). This we estimate will amount to about £21,000. The cost of the camp and all installations (accommodation for 450) will come to about £9,000 and all running expenses of the Convention will, we estimate, amount to about £4,000.

(3) Stage III—Post-Convention Period:

The Society's four offices will have to be maintained for two to three months after the Convention in order to wind up the administrative aftermath of the Convention and in order to attend to the publication and distribution of the citizenship document.

The printing and production costs of the document and its distribution will cost about £10,000.

Finally, the Society will need a fund of say £10,000 to carry out its residual tasks. (See Section V—last paragraph).

SUMMARY OF THE ESTIMATED FUNDS REQUIRED FOR THE COMPLETION OF THE SOCIETY'S FULL PROGRAMME

(1) The First Stage—Pre-Convention Period.

(a) Travelling costs of members of the executive (ref. para. (1) (a) above)	£4,500
(b) Administrative costs of maintaining four offices and staff (ref. para. (1) (b))	£9,000

(1) The First Stage—Pre-Convention Period (<i>continued</i>).	
(c) Field teams in Africa (ref. para. (1))	
(c))	£9,000
(d) Educational activities in Africa (ref. para. (1) (d))	£5,250
(e) Educational activities in Britain and U.S.A. (ref. (1) (e))	£2,500
(f) <i>Total cost of first stage</i>	£30,250
(2) The Second Stage—the Convention :	
(a) Travelling costs of delegates and others (ref. para. (2) above)	£21,000
(b) Cost of camp installations (ref. para. (2))	£9,000
(c) Running costs of convention (ref. para. (2))	£4,000
(d) <i>Total cost of Convention</i>	£34,000
(3) The Third Stage—the Post-Convention Period.	
(a) Office administration for three months (ref. (3))	£1,800
(b) Cost of publication and distributions (ref. (3))	£10,000
(c) Residual fund (ref. (3))	£10,000
(d) <i>Total cost of third stage</i>	£21,800
(4) Deferred Loan (ref. section III (h)) ..	£8,000
(5) Contingencies	£5,950
(6) GRAND TOTAL	<u>£100,000</u>

The revenue which will accrue from membership subscriptions to the Society (5s. in Africa, 1 guinea in Britain, and \$5 in America) will be absorbed by cost of badges and by cost of postage and printing, etc., of quarterly progress reports which will be sent to all members.

The Work of the Society's Citizenship Committees

Multi-racial Citizenship Committees are the spearhead of work and thought in the coming drive of the Capricorn Africa Society.

The task of the Committees is to produce a document defining the qualifications for citizenship and its rights and responsibilities; defining a loyalty code to which all citizens would be subject; and laying down the machinery and procedure necessary to bring the citizenship into being.

The Machinery of Citizenship.

The Society suggests that one procedure by which a candidate could be assessed for citizenship in each State would be through application to a multi-racial tribunal. This tribunal would be part of the judiciary and would consider the worthiness of the candidate under the headings of:

- (a) Property and means.
- (b) Education.
- (c) Character.

In most cases a candidate who had established his qualification under (a) and (b) and who had nothing against him under (c) would not normally be required to appear personally before the tribunal. People already entitled to the vote under existing common roll franchise legislation would automatically qualify.

A candidate for citizenship who considered himself unjustly refused by the tribunal would have the right of appeal to the courts—thus building up precedent for the guidance of the tribunals.

In considering character the tribunals should have the power to exercise their discretion in favour of non-Europeans who fell short of some qualification in one or both of the first two categories (property or education).

The Society is convinced that until the non-Europeans have opportunities comparable to the Europeans for acquiring education and wealth, they should be able to qualify for full rights of citizenship if their character and past record were, in the opinion of the tribunal, of a sufficiently high standard. The use of these discretionary powers would cease when the time came that all races had equal access to educational and other facilities.

The Society is confident that a franchise system incorporating the principles of the one suggested above but simpler and more easily workable, will be devised by the Citizenship Committees, and their consultants.

The Code of Loyalty.

The Committees are also charged with the task of defining the code of loyalties to which all races could subscribe and the citizen's oath of allegiance.

Not much can be said at this stage, without prejudicing their work, of the results these Committees have already achieved, but it is interesting to note that it was the Asian and African members, at one of the first of these meetings, who insisted that the Crown of Britain should be the keystone of the loyalty code.

They also asked that the person of the Crown should be known to them, not under the English title of "Defender of the Faith", but that the Crown should be sovereign over their own territory with the title of "Protector of Faiths", thus tying the loyalty of Africa's peoples of all religions.

The High Franchise and the Multiple Vote.

The Society, in accepting the principle of the high franchise, has always stressed the importance of placing the ladder of opportunity and advancement firmly on the ground within reach of the most backward members of each; and the importance of seeing that there should be no obstacle on this ladder in the way of full rights of citizenship.

The high franchise would exclude many Asians and at least some of the lower grade of Europeans from the vote. It is the effect of these votes on legislation that the African fears is most likely to interfere with his passage up the ladder.

The Society also views with approval the principle of the multiple vote, which would set a further premium on responsibility. It believes that members of all races in the community who deserve well of their country and who have positions of special responsibility should be candidates for additional votes.

The Citizenship Committees have a heavy responsibility. "It is their task to carve out from the living rock the headstone of the corner."

A DEFINITION OF THE RIGHTS AND PRIVILEGES OF CITIZENSHIP.

The citizen is one who owes allegiance to a State and who is entitled to a reciprocal protection by it.

The Society believes it is essential that every individual should have the opportunity to become a full citizen; it does not say that every person be permitted to become a citizen for the asking. The status of a citizen must be one towards which every member of a community can aspire and one whose achievement is a source of great pride.

The rights and privileges which flow from being a citizen must, therefore, be worthy of attainment. Equally important, citizenship must also require the acceptance of certain responsibilities. There can be no question of one without the other. The Society believes that the African will continue to resent the disciplines of civilisation until he feels that on qualification he is able to enjoy to the full the privileges and amenities that derive from attaining civilised standards.

In a country where there is a wide divergence of cultural levels between various individuals, there must inevitably be a difference of status between citizens and non-citizens. All individuals should be entitled to equal standing before the law, access to public services and institutions, the right to apply for the status of full citizenship and legal protection against the unjust denial of any of these. The individual who becomes a full citizen acquires equality with other citizens in the very fullest sense, precluding any form of discrimination, and takes on the further responsibilities of the vote and, therefore, a share in the government. The citizenship oath would impose on him loyalty

to the State and obligations to conform to a civilised pattern of social behaviour. Failure in respect of these responsibilities and failure to live by the oath of allegiance would lead to the forfeiture of citizenship.

Common citizenship of all races in Africa would create an atmosphere in which problems could be discussed on the basis of common interest and solved without the poison of racialism.

821
68



FOR RIGHT AND JUSTICE



**"Ill Fares the Land, to hastening ills a prey,
where wealth accumulates and men decay."**

0

"Crime is costing South African citizens more than all the public health, social welfare and education expenditure of the Union Government."

Dr. D. B. Smuts, nutrition expert attached to the Industrial Development Corporation, says that 80% of the natural deaths in South Africa can be laid at the door of malnutrition and underfeeding. Malnutrition means starving by degrees. The Food Controller says the Union has sufficient food for health. But the newspapers also tell of high prices. —(Sunday Times, 5-9-43).

From these statements can be estimated some extent of the havoc that is being wrought in the body, mind and soul of the African people.

In this period of swift and far-reaching changes in the history of the world, there are bound up in the momentous events which are now taking place, issues of vital consequence for the destiny of peoples and nations.

Foremost amongst the issues at present confronting the peoples of this land with grave danger, no less than with great possibilities, for their future happiness and well-being, are:—

1. The military destruction of the Axis Powers, both in the West and in the East, and the final defeat of all the political accessories of fascist dictatorship.

2. The Liberation of all Axis dominated territories and the establishment of Peace amongst all Nations through the application, both in the spirit and the letter of the principles of the Atlantic Charter, and in particular of Article III which upholds "the rights of all peoples to choose the form of Government under which they will live."

3. The establishment, on a just and durable basis, of the political and economic status of the African people within the Constitution.

In both the military and industrial fields the African people have achieved with courage and endurance, and will continue to achieve, all that they have been called upon to perform in the cause of human Right and Justice; and it is inevitable that their thoughts should now be turning towards their own future in the new world to which humanity is struggling to give birth.

On what basis are these aspirations founded? And what are the immediate steps towards their fulfillment.

The Chamber of Mines reporting on the position of the gold-mining industry to the Mine Wages Commission concluded that "About one half of Government's finances was, directly or indirectly, derived from it." In any given year the proportion of this wealth produced by the African miners, and workers in subsidiary industries would amount to a very considerable proportion of the National expen-

diture on social and administrative services. In fact it has recently been asserted by the Administrator of the Transvaal, General Pienaar:

"We cannot escape the knowledge that the African is indispensable to our economic system, that on his shoulders rests the burden of our social and economic well-being as a Nation. The Native is the foundation on which the country's whole economic structure is built."

The recognition of this undoubted fact carries with it both the moral and the logical obligation to recognise also, as belonging to the African, those fundamental human rights which are upheld by the Atlantic Charter.

Conversely it must inevitably discountenance the severe discrimination which is at present exercised against the Native people solely on the grounds that they are African. Human justice and Divine Law alike condemn the extensive disabilities imposed upon them both by legal enactment as well as by educational disadvantage.

In making this declaration therefore we are confident of the support of all freedom-loving people in this Land and throughout the world.

We declare it to be both a human right and a moral duty of all people of good will to demand:—

1. Primary education for all children native to this land or domiciled in it.

Secondary, technical, and university education on the basis of merit.

2. Proportional representation within the Legislatures of all tax-paying peoples and races; and provision within the Constitution for an eventual extension of the franchise to all adult persons.

3. The abolition of all racial discrimination in industrial legislation. Recognition of Non-European Trade Unions in terms of the Industrial Conciliation Act; and the amendment of the definition "employé" in the same Act to include all non-European employés in Trade, Industry, and Government-aided institutions.

4. The enactment of legislation providing for a minimum wage of 40s. per week for all unskilled work in trades and industries; and the equivalent of 40s. per week in cash and kind for all agricultural labourers and domestic servants.

5. The extension of the Unemployment Benefit Act to include all workers irrespective of race or colour.

6. The provision of adequate housing accommodation for all working people at rents proportionate to their wages, and of proper safeguards for all consumers against unjust prices for essential commodities.

7. The provision of adequate Medical Services, hospital accommodation, and clinical treatment for all men, women and children irrespective of race, colour, or class.

8. The increase of facilities for scientific research into the cause, prevention, and cure of diseases prevalent amongst all sections of the community.

This Manifesto invites all political and industrial organisations, all religious bodies, and all persons of good will, who value the principles of justice and freedom to support these demands. Local Committees will be formed to organise mass meetings in support of them and for the purpose of making such representations to Governmental bodies as will render them effective.

Our strength lies in our unity and in the justness of our struggle against poverty and ignorance, hunger and disease.

Our Motto dates back to the birth of human freedom in the struggle for Magna Charta.

"To none will we sell, to none will we refuse, to none will we delay Right and Justice."

labour -

Trades Unions

Trade Unions

No. 1361.]

[23 July 1943.]

INDUSTRIAL CONCILIATION ACT, 1937.

STEVEDORING (LOADING AND UNLOADING OF SHIPS)
TRADE, CAPE.

I, WALTER BAYLEY MADELEY, Minister of Labour, do hereby—

(a) in terms of sub-section (1) of section *forty-eight* of the Industrial Conciliation Act, 1937, declare that all the provisions of the Agreement which appears in the Schedule hereto, and which relates to the Stevedoring (loading and unloading of ships) Trade, shall be binding from the 2nd day of August, 1943, and for the period ending the 31st day of December, 1944, upon the employers' organization and trade union which entered into the said Agreement and upon the employers and employees who are members of that organization or that union;

(b) in terms of sub-section (2) of section *forty-eight* of the said Act, declare that the provisions contained in clauses 1 to 13 (inclusive) and 15, 16, 17 and 19 of the said Agreement shall be binding from the 2nd day of August, 1943, and for the period ending the 31st day of December, 1944, upon the other employers and employees engaged or employed in the said trade in the Municipal Areas of Cape Town and Simonstown; and

(c) in terms of sub-section (4) of section *forty-eight* of the said Act, declare that in the Municipal Areas of Cape Town and Simonstown, and from the 2nd day of August, 1943, and for the period ending the 31st day of December, 1944, the provisions contained in clauses 3 to 13 (inclusive) and 15, 16, 17 and 19 of the said Agreement shall *mutatis mutandis* apply in respect of such persons as are not included in the definition of the expression "employee" contained in section *one* of the said Act.

WALTER B. MADELEY,
Minister of Labour.

INDUSTRIAL COUNCIL FOR THE STEVEDORING (LOADING AND UNLOADING OF SHIPS) TRADE (CAPE).

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1937, made and entered into by and between the

Cape Town Dock Employers' Association,

(hereinafter referred to as "the employers" or "the employers' organization"), of the one part, and the

Cape Town Stevedoring and Dock Workers' Union,

(hereinafter referred to as "the employees" or "the trade union"), of the other part,

being the parties to the Industrial Council for the Stevedoring (loading and unloading of ships) Trade (Cape).

1. SCOPE OF APPLICATION OF AGREEMENT.

The terms of this Agreement shall be observed by all members of the employers' organization and of the trade union employed or engaged in the Stevedoring (loading and unloading of ships) Trade in the Municipal Areas of Cape Town and Simonstown.

2. PERIOD OF OPERATION OF AGREEMENT.

This Agreement shall come into operation on such date as may be specified by the Minister in terms of section *forty-eight* of the Act, and shall remain in force for such period as may be determined by him.

3. DEFINITIONS.

Any expressions used in this Agreement which are defined in the Industrial Conciliation Act, 1937, shall have the same meanings as in that Act, further, unless inconsistent with the context—

(a) "Act" means the Industrial Conciliation Act, 1937.

(b) "Cool Chamber" means a freezing hold or a chamber on board ship with a temperature above 26 degrees F.

(c) "Council" means the Industrial Council for the Stevedoring (loading and unloading of ships) Trade (Cape) registered in terms of section *two* of the Industrial Conciliation Act, 1924, and deemed to be registered in terms of the Act.

(d) "Dirty Cargo" means bulk cargo or phosphate, cement, cement clinker, coal or sulphur and includes cement packed in hessian bags.

(e) "Foreman" or "serang" means an employee who is engaged to supervise men working on board ship employed in discharging, loading or shifting cargo or other work in connection with the stevedoring trade.

(f) "Freezing Chamber" means a place on board ship with a temperature below 26 degrees F.

(g) "Gangwayman" or "hatchman" means an employee who under a foreman is engaged to give instructions to a craneman or winchman.

(h) "Prescribed daily wage" means the wage prescribed in Part A of section 4 for an employee of a particular class.

(i) "Tackle repairer" means an employee engaged in the repair, construction or assembling of the tackle (other than power driven machinery) used in the activity of the loading and unloading of ships.

(j) "Weekly employee" means an employee engaged in terms of Part B of section 4 to work on a weekly basis.

(k) "Winchman" means an employee who is engaged to operate a power driven winch.

4. WAGES.

Part A.—Daily Wages.

(1) Subject to the provisions of sub-sections (2) and (3) of this part the minimum rate of remuneration that shall be paid by an employer to an employee employed in the occupation of loading or unloading cargo in connection with ships shall be at the rate of 9s. (nine shillings) per day, provided that an employee—

(a) who works inside a cool chamber or on the loading or unloading of dirty cargoes or who is employed in the capacity of a gangwayman or hatchman shall be paid at a rate of not less than 10s. (ten shillings) per day; or

(b) who works inside a freezing chamber or who is employed in the capacity of a winchman shall be paid at a rate of not less than 11s. (eleven shillings) per day; or

(c) who is employed in the capacity of a foreman shall be paid at a rate of not less than 14s. (fourteen shillings) per day; or

(d) who is employed in the capacity of a tackle repairer shall be paid at the rate of—

(i) 9s. (nine shillings) per day during the first six months of experience;

(ii) 10s. (ten shillings) per day during the second six months of experience; and

(iii) 11s. (eleven shillings) per day thereafter.

For the purposes of this sub-paragraph "experience" shall include the total period of employment which an employee has had as a "tackle repairer" with any employer engaged in the stevedoring trade, either before or subsequent to the date on which this Agreement comes into operation

(2) An employee shall be paid not less than the full prescribed daily wage in respect of work performed on any day from Mondays to Fridays inclusive and not less than half such prescribed daily wage in respect of any work performed on a Saturday, whether he has worked the full number of ordinary hours prescribed in section 6 for that day or less, provided that—

(a) where, owing to unforeseen circumstances beyond his employer's control, an employee is precluded from commencing work and is required to stand by for a period not exceeding 3 hours he shall be paid not less than one-half of the prescribed daily wage; and

(b) when an employee, owing to adverse weather conditions, other unforeseen circumstances or the completion of the work, ceases work for the day prior to the completion of the ordinary hours of work prescribed in section 6, he shall in respect of the work performed on that day be paid not less than the proportionate wage calculated in terms of sub-section (3) of this part; and

(c) when an employee is engaged to commence work after 7.20 a.m. on any day from Mondays to Fridays inclusive and is required to continue at work after 5 p.m., he shall, in respect of the period worked until 5 p.m., be paid not less than the proportionate wage calculated in terms of sub-section (3), and in respect of work performed after 5 p.m. be paid at the overtime rates prescribed in Part A of section 7, but shall in respect of all the work performed on that day be paid not less than the prescribed daily wage; and

(d) when an employee is engaged to commence work after 7.20 a.m., on a Saturday and is required to continue at work after 12 noon, he shall, in respect of the period worked up to 12 noon, be paid not less than one-half the prescribed daily wage and in respect of work performed after 12 noon at the overtime rates prescribed in Part A of section 7, but shall in respect of all the work performed on that day be paid not less than the prescribed daily wage; and

(e) when an employee, except on the instruction of his employer or for the reasons set out in proviso (b) to sub-section (2) ceases work before the termination of the ordinary hours of work for that day, he shall in respect of work on that day be paid for each hour worked at the rate of the prescribed daily wage divided by $8\frac{1}{2}$ (eight and a half).

(3) For the purpose of calculating the proportionate wage referred to in sub-section (2) the wage payable in respect of work performed only between the hours of—

- (a) 7.20 a.m. and 12 noon; or
- (b) 9.30 a.m. and 3 p.m.; or
- (c) 1 p.m. and 5 p.m.

shall be half the prescribed daily wage.

Part B.—Weekly Wages.

(1) Notwithstanding anything to the contrary contained in Part A of this section an employer may enter into a contract with an employee to engage him on a weekly basis and such an employee shall, save for a pro rata deduction from his wage which an employer may, subject to the provisions of section 10, make when the employee absents himself from work, be paid the full weekly wage prescribed in this part for an employee of his class whether he has worked the full ordinary hours prescribed in section 6 for each day of the week or less.

(2) The minimum wage which shall be paid by an employer to a weekly employee shall be—

	<i>Per Week.</i>
(a) in the case of an employee engaged in the occupation of loading or unloading ships ...	£2 5 0
(b) in the case of a gangwayman ...	2 10 0
(c) in the case of a winchman ...	2 15 0
(d) in the case of a foreman ...	4 0 0
(e) in the case of a tackle repairer—	
during first six months of experience ...	2 5 0
during second six months of experience ...	2 10 0
during third six months of experience ...	2 15 0

Part C.

(1) Whenever an employee is on any day engaged at Cape Town for work at Simonstown he shall be provided by his employer with transport free of charge and shall—

(a) be provided with a meal free of charge or be paid an allowance of 1s. in lieu of such meal; and

(b) be paid a travelling time allowance as set out hereunder:—

(i) If the train by which the employee travels to Simonstown leaves Cape Town after 7.20 a.m.

	<i>s. d.</i>
To Foreman ...	2 0
To Winchman, Gangwayman or Hatchman ...	1 9
To all other employees ...	1 6

(ii) If the train by which the employee travels to Simonstown leaves Cape Town before 7.20 a.m.

	<i>s. d.</i>
To Foreman ...	3 0
To Winchman, Gangwayman or Hatchman ...	2 6
To all other employees ...	2 0

(2) The wages prescribed in this section shall not include any coast of living allowance payable in terms of War Measure No. 43 of 1942 or any amendment thereof or any War Measure proclaimed in substitution therefor and any cost of living allowance payable in terms of such War Measures shall, in the areas to which they may from time to time apply, be payable in addition to the remuneration payable in terms of this Award.

5. PAYMENT OF WAGES.

(1) Wages and other remuneration shall be paid weekly in cash provided that a weekly employee may agree with his employer to be paid monthly on a basis of four and one third times the weekly wages prescribed in Part B of section 4.

(2) Payment of weekly wages shall commence at 1 p.m. on each Friday and shall include all wages due up to 5 p.m., on the preceding Thursday plus any overtime earned between that time and 6 a.m. on the Friday.

(3) Payment of wages and other remuneration due to an employee who has agreed to be paid on a monthly basis shall be made not later than the last working day of the month in question.

6. HOURS OF WORK.

(1) The ordinary hours of work for which the wages prescribed in section 4 are payable shall be:—

(a) On Mondays to Fridays (inclusive): 7.20 a.m. to 5 p.m. (exclusive of meal breaks).

(b) On Saturdays: 7.20 a.m. to 12 noon.

(2) Subject to the provisions of sub-section (3) an employer shall not permit or require an employee to work for more than five hours continuously on any day without an interval of not less than one hour during which no work shall be performed by the employee and such interval shall not be deemed to be time worked, provided that for the purposes of this sub-section periods of work interrupted by intervals of less than one hour shall be deemed to be continuous.

(3) Whenever overtime is worked after the conclusion of the ordinary hours of work prescribed in sub-section (1) intervals of not less than thirty minutes' duration shall be given after not more than four hours of continuous work. If overtime is not worked beyond 9 p.m., the interval of one hour referred to in sub-section (2) need not be given.

7. OVERTIME.

Part A.—Daily Employees.

(1) When work is performed on Public Holidays or outside the ordinary hours of work prescribed in section 6, an employer shall pay an employee in respect of each hour so worked at rates not lower than the following:—

<i>Prescribed Daily Wage.</i>	<i>Rate of Payment for Overtime.</i>
s.	s. d.
9	1 7
10	1 9
11	2 0
14	2 9

(2) When work is performed on Sundays an employer shall pay an employee in respect of each hour so worked at rates not lower than the following:—

<i>Prescribed Daily Wage.</i>	<i>Rate of Payment for Overtime.</i>
s.	s. d.
9	2 1
10	2 4
11	2 9
14	3 8

(3) Notwithstanding anything to the contrary in sub-sections (1) and (2) an employee, other than a weekly employee, engaged to perform work on a public holiday or on a Sunday shall in respect of the work performed on that day be paid not less than the prescribed daily wage.

Part B.—Weekly Employees.

(1) When work is performed on public holidays or outside the ordinary hours of work prescribed in section 6 an employer

shall pay an employee in respect of each hour so worked not less than one and one half times the weekly wage prescribed in Part B of section 4 for an employee of his class divided by 48

(2) When work is performed on Sundays an employer shall pay an employee in respect of each hour so worked not less than twice the weekly wage prescribed in Part B of section 4 for an employee of his class divided by 48.

8. PUBLIC HOLIDAYS.

(1) A weekly employee shall be entitled to leave on full pay on New Year's Day, Good Friday, Dinggaan's Day and Christmas Day and no deduction shall, if an employee does not work on such days, be made by an employer from the weekly wage prescribed in Part B of section 4.

(2) When a weekly employee is required to work on New Year's Day, Good Friday, Dinggaan's Day or Christmas Day payment at the overtime rates prescribed in Part B of section 7, shall be made in addition to the prescribed weekly wage payable to such employees.

9. ANNUAL LEAVE.

(1) A weekly employee shall be entitled to and be granted two consecutive weeks' leave of absence in respect of each completed year of employment with the same employer, and shall in respect of each week thereof be paid not less than the weekly remuneration which he was receiving immediately before the commencement of such leave: Provided that if New Year's Day, Good Friday, Dinggaan's Day or Christmas Day falls within the period of such leave, another day shall in substitution for each such day be added to the said period as a further period of leave with pay.

(2) The leave referred to in sub-clause (1) shall be granted at a time to be fixed by the employer: Provided that:—

(i) an employer may require or permit his employee to take his annual leave before the completion of the year of employment to which it relates;

(ii) save as provided in proviso (v), such leave shall be granted not later than two months after the completion of the year of employment to which it relates;

(iii) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at his employee's request during the year of employment to which the period of annual leave relates;

(iv) the period of such leave shall not be concurrent with sick leave;

(v) an employer and his employee may agree that annual leave be accumulated over a period of employment of not more than two consecutive years.

(3) *Leave Remuneration.*—The remuneration in respect of annual leave referred to in sub-clause (1) shall be paid not later than the last work day before the date of the commencement of such leave.

(4) An employee whose contract of service terminates in the first or any successive year of employment with an employer before the period of leave referred to in sub-clause (1) has accrued, shall, save as provided in the third proviso to sub-clause (2) upon such termination be paid in respect of each completed month of such period of less than one year not less than one-sixth of the weekly wage which he was receiving immediately before the date of such termination.

(5) An employee who has become entitled to a period of leave in terms of sub-clause (1) and whose contract of employment terminates before such leave has been granted shall upon such termination be paid in respect of such leave the amount referred to in sub-clause (1).

(6) For the purposes of this clause the expression "employment" shall be deemed to include any period or periods during which an employee is—

(a) absent on leave in terms of sub-clause (1);

(b) absent from work on the instructions of or at the request of his employer;

(c) absent on sick leave in terms of clause 10;

and shall be deemed to commence from the date such employee entered the employer's service or from the 27th April, 1943, whichever is the later.

10. SICK LEAVE.

(1) An employer shall grant to a weekly employee who has completed one month's employment with him and who is absent from work through sickness or accident not caused by his own misconduct, other than an accident compensable under the Workmen's Compensation Act, 1941, twelve work days in the aggregate during any one year of employment with him and shall pay in respect of each such work day one-sixth of the weekly wage which the employee was receiving immediately prior to the commencement of such sick leave; provided that the employer may require the production of a certificate signed by a medical practitioner showing the cause of absence in respect of each such period of absence for which payment is claimed. For the purpose of this section employment shall have the same meaning as in section 9.

11. TERMINATION OF EMPLOYMENT.

(1) A weekly employee or his employer shall give not less than one week's notice of his intention to terminate the contract of employment or shall forfeit or pay in lieu thereof not less than the weekly wage which the employee was receiving immediately before the date of such termination provided that this shall not affect—

(a) the right of an employer or employee to terminate a contract of employment without notice for any cause recognised in law as sufficient, or

(b) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than one week.

(2) When an agreement is entered into in terms of paragraph (b) of sub-section (1) the forfeiture or payment in lieu of notice referred to in that sub-section shall be proportionate to the period of notice agreed upon.

(3) The notice referred to in sub-section (1) shall take effect from the day on which it is given and shall not run concurrently with nor shall notice be given during the employee's absence on annual leave in terms of section 9 or sick leave in terms of section 10.

12. PROTECTIVE CLOTHING.

When an employee is employed to work inside freezing chambers, his employer shall provide him free of charge with the use of a suitable overall.

13. EMPLOYMENT OF MINORS.

No person under the age of 15 years (fifteen years) shall be employed in the Stevedoring Trade.

14. EMPLOYMENT OF MEMBERS OF TRADE UNION.

Preferential treatment in the matter of employment shall be given to members of the trade union by employers and officials of the trade union shall be given by employers every reasonable facility to organise employees. Proof of membership of the Trade Union shall be the wearing of the official trade union metal badge and the production on demand by the employer or his agent of the employee's membership card of the Union.

15. COUNCIL FUNDS.

The funds of the Council, which shall be vested in and administered by the Council, shall be provided in the following manner :—

One penny shall be deducted by each employer from the wages of each of his employees, at the time of the payment of the wages, for every ten shillings or part thereof paid by such employer to such employee, provided that in no case shall more than threepence be deducted in any one week or one shilling in any one month as the case may be, from any employee by any one employer. To the amount so deducted, the employer shall add an equal amount. The total amount shall be paid by the employer, month by month and not later than the tenth day of each month, to the Secretary of the Council, Reserve Bank Chambers, 6 Wale Street, Cape Town.

The levies provided for in this section may be suspended from time to time by the Council if and when they consider it desirable so to do.

16. ADMINISTRATION OF AGREEMENT.

The Council shall be the body responsible for the administration of this Agreement and may issue expressions of opinion not inconsistent with its provisions for the guidance of employers and employees.

17. EXHIBITION OF AGREEMENT.

Every employer shall affix and keep affixed at the place where payment of wages is made so that it can be easily read by his employees, a legible copy of this Agreement in both official languages and in the form prescribed in the regulation under the Act.

18. AGENTS.

The Council shall have the right to appoint one or more specified persons as agents to assist in giving effect to the terms of this Agreement. An agent may enter any establishment and may question any employer or employee, and inspect the records of wages paid, time worked and payments made for overtime, for the purpose of ascertaining whether the terms of this Agreement are being observed.

19. EXEMPTIONS.

The Council may grant exemption from any of the provisions of this Agreement. Each person exempted by the Council shall be furnished with a licence of exemption signed by the Secretaries of the Council, setting forth the conditions subject to and the period for which the exemption has been granted. The Council may, after one week's notice in writing has been given to the person concerned, withdraw any licence of exemption, whether or not the period for which exemption was granted has expired.

Signed at Cape Town on behalf of the parties, on the 14th June, 1943.

W. D. KILLOPS,
Chairman of the Council duly authorised.

F. C. WELCOME,
Vice-Chairman of the Council.

W. B. GURNEY,
for GURNEY, NOTCUTT & FISHER,
Secretaries of the Council.

No. 1361.]

[23 Julie 1943.

NYWERHEID-VERSOENINGSWET, 1937.

STUWADOORBEDRYF (OP- EN AFLAAI VAN SKEPE),
KAAP.

Ek, WALTER BAYLEY MADELEY, Minister van Arbeid, verklaar hierby—

(a) kragtens subartikel (1) van artikel *ag-en-veertig* van die Nywerheid-versoeningwet, 1937, dat al die bepalings van die Ooreenkoms wat in die Bylae verskyn en betrekking het op die Stuwadoorbedyf (op- en aflaaï van skepe) vanaf die 2de dag van Augustus 1943, en vir die tydperk wat eindig op die 31ste dag van Desember 1944, bindend is op die werkgewersorganisasie en vakvereniging wat genoemde Ooreenkoms aangegaan het en op die werkgewers en werknemers wat lede is van daardie organisasie of daardie vereniging;

(b) kragtens subartikel (2) van artikel *ag-en-veertig* van genoemde Wet dat die bepalings vervat in klousules 1 tot en met 13 en 15, 16, 17 en 19 van genoemde Ooreenkoms vanaf die 2de dag van Augustus 1943, en vir die tydperk wat eindig op die 31ste dag van Desember 1944, bindend is op die ander werkgewers en werknemers betrokke by of in diens van genoemde bedryf in die munisipale gebiede Kaapstad en Simonstad; en

(c) kragtens subartikel (4) van artikel *ag-en-veertig* van genoemde Wet dat die bepalings vervat in klousules 3 tot en met 13 en 15, 16, 17 en 19 van genoemde Ooreenkoms vanaf die 2de dag van Augustus 1943 en vir die tydperk wat eindig op die 31ste dag van Desember 1944, in die munisipale gebiede Kaapstad en Simonstad *mutatis mutandis* van toepassing is ten opsigte van persone wat nie by die woordskrywing van die uitdrukking „werknemer” vervat in artikel *een* van genoemde Wet ingesluit is nie.

WALTER B. MADELEY,
Minister van Arbeid.

Collection Number: AD843

XUMA, A.B., Papers

PUBLISHER:

Publisher:- **Historical Papers Research Archive**

Location:- **Johannesburg**

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of the archive of the South African Institute of Race Relations, held at the Historical Papers Research Archive at the University of the Witwatersrand, Johannesburg, South Africa.