

BILL OF RIGHTS.

FULL CITIZEN RIGHTS AND DEMANDS.

We, the African people in the Union of South Africa, urgently demand the granting of full citizenship rights such as are enjoyed by all Europeans in South Africa. We demand:-

- 1 Abolition of political discrimination based on race, such as the Cape "Native" franchise and the Native Representative Council under Representation of Natives Act, and the extension to all adults, regardless of race, of the right to vote and be elected to parliament, provincial councils and other representative institutions.
- 2 The right to equal justice in courts of law, including nomination to juries and appointment as judges, magistrates, and other court officials.
- 3 Freedom of residence and the repeal of laws such as the Natives (Urban Areas) Act, Native Land Act and the Natives Law Amendment Act that restrict this freedom.
- 4 Freedom of movement, and the repeal of the pass laws, Natives Urban areas Act, Natives laws Amendment Act and similar legislation.
- 5 Right of freedom of the press.
- 6 Recognition of the sanctity or inviolability of the home as a right of every family, and the prohibition of police raids on citizens in their homes for tax or liquor or other purposes.
- 7 The right to own, buy, hire or lease and occupy land and all other forms of immovable as well as movable property, and the repeal of restrictions on this right in the Native Land Act, the Native Trust and Land Act, the Natives (Urban Areas) Act and the Natives Laws Amendment Act.
- 8 The right to engage in all forms of lawful occupations, trades and professions, on the same terms and conditions as members of other sections of the population.
- 9 The right to be appointed to and hold office in the civil service and in all branches of public employment on the same terms and conditions as Europeans.
- 10 The right of every child to free and compulsory education and of admission to technical schools, universities, and other institutions of higher education.
- 11 Equality of treatment and any other section of the population in the State social services, and the inclusion on an equal basis with Europeans in any scheme of Social Security.

LAND.

We demand the right to an equal share in all the material resources of the country, and we urge:

- 1 That the present allocation of 12½% of the surface area to 7,000,000 Africans as against 87¼% to about 2,000,000 Europeans is unjust and contrary to the interest of South Africa, and therefore demand a fair redistribution of the land as a prerequisite for a just settlement of the land problem.
- 2 That the right to own, buy, hire or lease and occupy land individually or collectively, both in rural and in urban areas is a fundamental right of citizenship, and therefore demand the repeal of the Native Land Act, the Native Trust and Land Act, the

Natives Laws Amendment Act, and the Natives (Urban Areas) Act in so far as these laws abrogate that right.

- 3 That African farmers require no less assistance from the State than that which is provided to European farmers, and therefore demand the same Land Bank facilities, State subsidies, and other privileges as are enjoyed by Europeans.

INDUSTRY AND LABOUR.

We demand for the Africans-

- 1 equal opportunity to engage in any occupation, trade or industry in order that this objective might be realised to the fullest extent, facilities must be provided for technical and university education of Africans so as to enable them to enter skilled, semi-skilled occupations, professions, government service and other sphere of employment;
- 2 equal pay for equal work, as well as equal opportunity for all work and for the unskilled workers in both rural and urban areas such minimum wage as shall enable the workers to live in health, happiness, decency and comfort;
- 3 the removal of the Colour Bar in industry, and other occupations;
- 4 the statutory recognition of the right of the African worker to collective bargaining under the Industrial Conciliation Act.
- 5 that the African worker shall be insured against sickness unemployment, accidents, old age and for all other physical disabilities arising from the nature of their work; the contributions to such insurance should be borne entirely by the government and the employers;
- 6 the extension of all industrial welfare legislation to Africans engaged in Agriculture, Domestic Service and in Public institution or bodies.

COMMERCE

- 1 We protest very strongly against all practices that impede the obtaining of trading licences by Africans in urban and rural areas, and we equally condemn the confinement of African economic enterprise to segregated areas and localities.
- 2 We demand the recognition of the right of the Africans to freedom of trading.

EDUCATION.

- 1 The education of the African is matter of national importance requiring state effort for its proper realisation. The magnitude of the task places it beyond the limits of the resources of the missionary or private endeavour. The right of the African child to education, like children of other sections must be recognised as a State duty and responsibility.
- 2 We, therefore, demand that-
 - a the state must provide full facilities for all types of education for African's children.
 - b Education of the African must be financed from General Revenue on a per caput basis.

- c The state must provide enough properly built and equipped schools for all African children of school going age and institute free compulsory primary education.
 - d The state must provide adequate facilities for Secondary, professional, technical and university education.
- 3 We reject the conception that there is any need of a special type of education for Africans as such, and therefore we demand that the African must be given the type of education which will enable him to meet on equal terms with other peoples the conditions of the modern world.
- 4 We demand equal pay for equal educational qualifications and equal grade of work for all teachers irrespective of their race or colour. We also urge that pensions, conditions of service, and other privileges which are enjoyed by European teachers should be extended to African teachers on equal terms.
- 5 We claim that the direction of the educational system of the African must fall more and more largely into the hands of the Africans themselves, and therefore we demand increased and direct representation in all bodies such as Education Advisory Boards, School Committees, Governing Councils, etc., which are responsible for the management and the shaping of policy in African schools, Institutions and Colleges and/or adequate representation in all bodies moulding and directing the country's educational policy.

PUBLIC HEALTH AND MEDICAL SERVICES.

- 1 We regard it as the duty of the state to provide adequate medical and health facilities for the entire population of the country. We deplore and deprecate the fact that the state has not carried out its duty to the African in this regard, and has left this important duty to philanthropic and voluntary agencies. As a result of this gross neglect the general health of the entire African population has deteriorated to an alarming extent. We consider that the factors which contribute to this state of affairs are these:-
 - a the low economic position of the African which is responsible for the present gross malnutrition, general overcrowding, high mortality and morbidity rates;
 - b the shortage of land resulting in the congestion in the reserves and in consequence the bad state of African's health and the deterioration of his physique;
 - c the slum conditions in the urban areas;
 - d neglect of the health and the general education of the Africans;
 - e neglect of the provision of water supplies, proper sanitary and other conveniences in areas occupied by Africans both in urban and rural areas.
- 2 To remedy this state of affairs we urge and demand-
 - a a substantial and immediate improvement in the economic position of the African;
 - b a drastic overhauling and reorganisation of the health services of the country with due emphasis on preventive medicine with all that implies in modern public health sense.

- 3 We strongly urge the adoption of the following measures to meet the health needs of the African population:-
 - a the establishment of free medical and health services for all sections of the population;
 - b the establishment of a system of School Medical Service with a full staff of medical practitioners, nurses and other health visitors;
 - c increased hospital and clinic facilities both in the rural and in urban areas;
 - d increased facilities for the training of African doctors, dentists, nurses, sanitary inspectors, health visitors, etc.;
 - e A co-ordinated control finance of health services for the whole Union;
 - f the creation of a proper system of vital statistics for the whole population including Africans;
 - g the appointment of District surgeons in rural areas with a large African population.

DISCRIMINATORY LEGISLATION.

- 1 We, the African people, regard as fundamental to the establishment of a new order in South Africa the abolition of all enactments which discriminate against the African on grounds of race and colour. We condemn and reject the policy of segregation in all aspects of our national life in as much as this policy is designed to keep the African in a state of perpetual tutelage and militates against his normal development.
- 2 We protest strongly against discourteous harsh and inconsiderate treatment meted out to Africans by officials in all state and other public offices and institutions. Such obnoxious practices are irreconcilable with Christian, democratic and civilised standards and are contrary to human decency.
- 3 We, therefore, demand-
 - 1 the repeal of all colour-bar and/or discriminatory clauses in the Union's Constitution, that is the South Africa 1909 Act;
 - 2 the repeal of the Representation of Natives Act 1936;
 - 3 the repeal of the Natives' Land Act 1913 and the Natives Land Amendment and Trust Act 1936;
 - 4 the repeal of the Pass Laws, Natives Urban Areas Acts as amended, the Natives Administration Act 1927;
 - 5 Repeal of the "Colour Bar" Act or Mines and Works Act 1926, Natives Service Contract Act, Masters and Servants Act, the Natives Labour Regulation Act and the amendment of all discriminatory and disabling clauses against African workers contained in the Industrial Conciliation Act.

In short, we demand the repeal of any and all laws as well as the abandonment of any policy and all practices that discriminate against the African in any way whatsoever on the basis of race, creed or colour in the Union of South Africa.

LIST OF MEMBERS OF THE COMMITTEE.

- 1 Mr R.G. Baloyi, Treasurer-General, African National Congress.
- 2 Dr R.T. Bokwe M.B., Ch.B., Medical Practitioner, Executive Member A.N.C., Additional District Surgeon, Middledrift.
- 3 Rev. James Calata, Priest, Secretary-General, African national Congress.
- 4 Mr. R.H. Godlo, Member of Native Representative Council, President Location Advisory Board, Executive Member A.N.C.
- 5 Mr. M.L. Kabane, B.A., Teacher, president O.F.S. African Teachers' Association.
- 6 Mr. Moses Kotane, Secretary S.A. Communist Party, Member of the African National Congress.
- 7 Mr. S. Mac. Lepolisa, Trader, Organiser O.F.S. African National Congress, Deputy Speaker, A.N.C.
- 8 Rev. Z.S. Mahabane, Minister, Chaplain, A.N.C.
- 9 Mr. G. Makabani, Trade Unionist, President Council of non-European Trade Unions, Johannesburg.
- 10 Mr. T. M. Mapikela, Honorary Life Speaker, A.N.C., Executive member of African National Congress.
- 11 Mr. Z.K. Matthews, M.A., LL.B., Lecturer, Fort Hare College, member of the Representative Council, Executive member A.N.C.
- 12 Mr. C. Mbata, B.A., Teacher, Chairman African Study Circle, Johannesburg.
- 13 Mr. G. A. Mbeki, B.A., B.com., Trade Secretary, Federation of Organised Bodies, Transkei
- 14 Mr. M.T. Moerane, B.A., Secretary, Natal Bantu Teachers' Association.
- 15 Mr E.T. Mofutsanyane, member National Executive African National Congress.
- 16 Dr. S.M. Molema, M.B., Ch.B., Medical Practitioner, Executive member of the African National Congress.
- 17 Dr. J.S. Moroka, M.B., Ch.B., Member of the Native Representative Council, Treasurer All African Convention.
- 18 Rev. Mpitso, Mendi memorial Fund, Secretary-Organiser African Ministers Association, Executive Member A.N.C.
- 19 Rev. Abner Mtimkulu, M.A., Minister, Acting-President, Natal A.N. Congress.
- 20 Mr Don. Mtimkulu, M.A., President, African Teachers' Federation.
- 21 Mr. Leo. Mtimkulu, Attorney.
- 22 Mr. J.M. Nhlapo, B.A., Wilberforce Institution, Executive member, A.N.C.
- 23 Mr. Selby Ngcobo, B.A., B.Econ., Principal Loram Secondary School.
- 24 Dr. I.P. Ka Seme, B.A, LL.D., Attorney at law, Congress National Executive.
- 25 Dr. R. Setlogelo, M.B., Ch.,B, Medical Practitioner.
- 26 Mr. R. V. Selope-Thema, Editor, *Bantu World*, Member Native Representative Council, Speaker African National Congress.
- 27 Mr. B.B. Xiniwe, Member native Representative Council.
- 28 Dr. A.B. Xuma, M.D., B.Sc. (U.S.A.), L.R.C.P., L.R.C.S. (Edin), L.R.F.P. & S. (Glas), DPH. (Lond.), Medical Practitioner, Medical Officer of Health Alexandra Health Committee, Physician-in-Charge Cragman Community, Clinic, Evaton.

Notes:

1. Congress Series No. II. Issued and Published by the African National Congress, Rosenberg Arcade, 58 Market Street, Johannesburg, and Printed by the Liberty Printers, 325, 6th Street, Asiatic Bazaar, Pretoria.

In December 1942, the conference of the African National Congress requested its President, Dr. A.B. Xuma, to appoint a committee to study the Atlantic Charter and draft a bill of rights to be presented to the peace conference at the end of the war. (The Atlantic Charter had been proclaimed on August 14, 1941, by President Franklin D. Roosevelt of the United States and Prime Minister Winston Churchill of Great Britain, as a statement of the peace aims of the Allies.)

Accordingly, an Atlantic Charter Committee - consisting of prominent African professionals and intellectuals of varied political views - met on December 13 and 14, 1943, in Bloemfontein. Professor Z.K. Matthews was elected Chairman.

The report of this Committee - "Africans' Claims in South Africa" - was unanimously adopted by the ANC annual conference on 16 December 1943.

This statement of the aspirations of the African people was one of the most important documents of the ANC. It was, however, spurned by the racist regime. Dr. Xuma requested an interview with Prime Minister Smuts to discuss it, but received a reply that Smuts was "not prepared to discuss proposals which are wildly impracticable".