

DRAFT PROPOSALS ON ALTERNATIVE/CIVILIAN NATIONAL SERVICE.

**This document has been compiled by the
Alternative National Service (ANS) Forum.
It is intended to stimulate debate about the ad-
ministration of a system of Alternative/Civilian
National Service.**

At present the Defence Amendment Act allows for Community Service for religious pacifists to be performed in a government department for a period 1 1/2 times that of military service.

This has some obvious shortcomings and a growing number of people and organizations now believe that a more equitable and just system of alternative (community) service would be based on the following three principles.

- 1. Alternative National Service (ANS) should be available to all conscripts who in conscience cannot serve in the SADF;
- 2. It should be available in non-government and government institutions;
- 3. It should be available on equal terms to military service.

The document consists of two proposals:

1. Interim adjustments to the present system of religious objection and community service that can be made soon and without a change to the Defence Act.
2. A more ideal system that could be set up in South Africa should conscription remain.

Please note:

**Our first demand is that the present system of military conscription be stopped,
and that there be no conscription in a future democratic South Africa.**

These proposals must be seen in the light of this demand.

Proposal one: Adjustment to the present system of religious objection and community service.

This interim adjustment is proposed on the grounds that at this point in South African history the state is not willing or able to establish a whole new system for objectors. Furthermore, fundamental changes will need to go before parliament, and this could mean a delay of years - which would not help present conscripts.

1. The Board for Religious Objection.

- 1.1. The present structure and composition of the board should be maintained.
- 1.2. The present administrative system pertaining to application to the board, hearings, and acceptance should be maintained.
- 1.3. The definition of 'religion' will be broadened to mean 'world-view'.
- 1.4. The focus of objection will be: "refusal to serve in the SADF at this point in time" - and all questions pertaining to the universality of this objection are declared not valid.

The result of these steps (particularly 1.3. and 1.4.) is that objection is available to any conscript who in conscience cannot serve in the SADF.

2. Placement.

- 2.1. The Department of Manpower will continue to serve as the government department which oversees the placement and administration of those doing community service.
- 2.2. Any non-governmental body working for the 'public good' who would like to make use of objectors may choose to 'contract into' a scheme with the Department of Manpower. (The full details of this contract would need to be developed but it would proceed on the analogy of a 'subsidy' from the state to the body).
- 2.3. The present job-placement categories in government service will continue to be available.

2.4. The Department of Manpower will make known to the objector the range of jobs available in both government and (contracted) non-government sectors. He will then have the choice.

2.5. The present system of remuneration, benefits, leave and allowances will continue to be paid and administered from a central point (i.e. Pretoria).

The result of these steps (particularly 2.2 and 2.4) is that community service would be available in both government and non-government institutions.

3. Terms of service.

3.1. The State President will use the discretion granted to him by the governing act and reduce the length of service to be equal to the current effective length of military service.

3.2. The basic salary levels will remain as they are. The salary categories will, however, be changed from their 'military bias' (i.e. weighted in favour of engineers and doctors and to the detriment of teachers) to reflect a civilian 'bias' and level of study.

3.3. The basic daily pay and the monthly allowance (for food, clothing, housing, etc.) granted to objectors shall not be lower than the recognized living wage (1990 - R850.00), and shall rise annually according to the CoL index).

The result of these steps is that community service would be available on equal terms to military service.

4. Conclusion.

It is our firm conviction that these changes can be effected by the relevant authorities immediately without prejudicing the intent of the law, and the current administration of the system of community service. On the contrary, such changes will diminish the conflict surrounding conscription, release skilled manpower into the community and the economy, and be applauded by all those who respect human rights.

The second proposal starts over the page.

Proposal two: An ideal system of alternative/civilian national service

THE SYSTEM PRESUPPOSES:

- 1. That a system of military conscription is still in force.**
- 2. That Alternative/civilian national service can make a positive contribution to the people and resources of South Africa, rather than just be an response to conscription.**
- 3. That a precedent exists for the state to invest authority in a 'para-statal' body - such as the SABC board, the censorship board, the HSRC/CSIR/MRC, etc.**

It proposes the establishment of a **CNS board** and a **CNS agency**. The board is responsible for recognizing the CNSman and overseeing the work of the agency. The agency is responsible for overseeing the placement, pay and monitoring of the CNSman.

1. Eligibility:

1.1. Upon receiving his military call-up paper, the conscript would make application to a 'Board for Civilian National Service (CNS)'. He would need to state his case for both:

- 1. Moral objection to service in the SADF. (This covers religious, political, and universal pacifist objections - without getting into religious/political/ pacifist debates.)
- 2. A willingness to serve the country and its people. (This is a *positive* position - with implications w.r.t. discipline - see 5.7)

1.2. The board will be competent to judge only the sincerity of the applicant - not the merit of his views.

1.3. The applications will be dealt with in writing. Only if the board is unclear about an application will the applicant have to appear before the board.

1.4. The names of successful applicants will be removed from the SADF files and sent on to the CNS placement agency.

A CRITICAL QUESTION:

Should the conscript have to go through this process? Would it not be better for him to simply have a free choice between civilian and military service? A third (middle) option may be for the conscript to sign a standard declaration under oath (similar to 1.1.1/2 above). This would undergird the political nature of objection, as well as be a goad to discipline (see 5.6).

2. Composition of the board.

2.1 The board will be chaired by a judge and comprise the following: social worker, psychologist, minister/rabbi/ psychiatrist, academic, and business person. The board will be appointed by the Chief Justice in consultation with interested parties. They will meet once a month to deal with applications.

2.2 This board will also function as the board which oversees the work of the placement agency.

3. Placement.

3.1 A para-statal agency (The CNS Agency) will be established to oversee the work of CNSmen. It would fall under the Department of Manpower, would be co-ordinated by the judge who chairs the Board for CNS, and would have full-time staff appointed by the CNS Board.

3.2 The staff would be qualified in personnel work (i.e. psychologists/social workers/personnel managers) - as well as accountants, secretaries, etc. These posts may be filled by CNSmen themselves.

3.3 Charities, service and welfare bodies, other organizations working for the benefit of the community or government departments who would like to make use of CNSmen, would contract into this agency and make know any staffing needs.

3.4 This contractual relationship (3.3) would not prejudice any other relationship (or non-relationship) the contracting body would have with the state.

3.5 Through this agency the CNSman would be offered any job that is available - and he would have the freedom to choose his own placement.

3.6 The CNSman may also take the initiative to create a job for himself in any organization - but this body must contract into the CNS agency to be able to receive him.

3.7. The education and training of the CNSman is an important part of the process, and should be undertaken at the expense of the state.

4. Pay and benefits.

This is based on the CNSman doing service equal to the current effective length of military service. (See 4.7 below)

4.1. The CNS Agency will be in receipt of money from two sources:

- 1. As part of the Government's budget for Manpower (for its own administration);
- 2. A specific amount will be transferred from the Defence budget to the agency for every conscript who is accepted for CNS (for salaries and other benefits).

4.2. CNSmen would be paid the same basic salary as military servicemen. Rather than being linked to promotion within the military hierarchy the salary scale would recognize the CNSman's years of study, and professional qualifications.

4.3. CNSmen would receive a further (realistic) allowance in lieu of housing, clothing, transport, food, and utilities.

4.4. The combined amount for salary and allowance may not be lower than the living wage (linked to the CoL index and adjusted every year).

4.5. For the duration of his CNS, the CNSman would receive free medical treatment from state hospitals.

4.6. The CNSman would receive the standard leave allowance for a new employee in the job in which he is placed. (This includes annual leave, study leave, compassionate leave, etc.)

4.7. Should CNSman have to do a longer period of service than military servicemen, then the following must apply for the extra period of service:

- 4.7.1. The CNSman must receive a civil-service related salary;
- 4.7.2. The CNSman *and his family* must receive free medical treatment in state hospitals.

5. Monitoring and discipline.

5.1. The organization in which the CNSman works would be responsible for submitting quarterly reports to the CNS Agency on the progress of the CNSman.

5.2. It is hoped that the CNSman's freedom to choose both the service and the job placement will alleviate victimization against the CNSman by his employers. (This is a tension that exists in some jobs in the current system of Religious Objection and Community Service.)

5.3. CNS Agency representatives are free to visit any organization in which a CNSman works to monitor the working conditions and performance of the CNSman.

5.4. CNSmen are free to form and participate in organizations/unions that promote their interests.

5.5. A process of arbitration will be followed in the instance of a dispute between a CNSman, his place of employment, and/or the CNS Agency. The judge of the board will be a key person in this process of arbitration.

5.6. For the CNSman, legal proceedings against his place of employment, and/or the CNS Agency may be instituted as a final measure.

5.7. Because one of the criteria for eligibility for CNS is 'a willingness to serve the country and its people' - the final disciplinary measure for the CNS Agency with a CNSman who refuses to work in these interests is to refer him back to the CNS Board to have his eligibility questioned.

5.8. Provision is made for the CNSman to change jobs in the case of incompatibility or lack of reasonable prospects.

5.9. The individual's liability as a CNSman extends only in work hours.

ECC DRAFT POLICY GUIDELINE (1990-03-25)

ECC believes that the present system of compulsory military conscription into the SADF whereby conscripts are forced to participate in the defence of Apartheid is unjustifiable.

AN IMMEDIATE END TO CONSCRIPTION

1. ECC therefore calls for:

- 1.1 An immediate end to conscription and the restructuring of the SADF into a professional army with a volunteer reserve force;
- 1.2 The unconditional release of jailed conscientious objectors;
- 1.3 The dropping of all charges pending against objectors in terms of the Defence Act;
- 1.4 The granting of amnesty to exiles who have left the country to avoid military service, in order that they may be allowed to return home without fear of prosecution;
- 1.5 The dropping of all charges, in terms of the Defence Act, against those conscripts evading military service within the country;

THE PROVISION OF AN INTERIM ALTERNATIVE NATIONAL SERVICE

2. ECC further proposes that while conscription remains, a system of reasonable alternative national service open to all objectors be introduced. Such a system should be available for all those who in conscience refuse to render military service; it should be of the same duration as military service and it should be available in government and non-government institutions.

NO CONSCRIPTION IN A POST-APARTHEID SOUTH AFRICA

- 3.1. ECC believes that conscription will be both unnecessary and undesirable in a post-apartheid South Africa, for the following reasons:
 - 3.1.1. Conscription is an economically costly form of military recruitment.
 - 3.1.2. Military Conscription will be a miss direction of skills and resources in a society where a key priority will be redressing the damage that the system of apartheid has had on our country and its people.
 - 3.1.3. It is unlikely in a post-apartheid South Africa that the southern African sub-continent will be

characterised by the conflict that we have witnessed in the last 20 years. The national priority of defence which has characterised the National Party's rule will more that likely be altered to a priority of reconstruction and social, political and economic upliftment. In this context a large Defence Force, swelled by conscripted soldiers may well prove unnecessary.

3.1.4. A volunteer army made up of career soldiers with a volunteer reserve (such as the Territorial Force of the United Kingdom), is a more effective use of manpower than an army primarily made up of conscripted soldiers serving for a limited time period.

3.2. To protect the individual in the event of conscription being re-introduced, ECC insists that the right to be a conscientious objector be guaranteed in the constitution of a post-apartheid South Africa.

The following is an example of a clause that could be included in a future bill of rights.

"The right of a person to conscientiously object to military service shall be recognised, provided that such a person may be required to render community service for a period identical with that of compulsory military service."