

McH91-92-4-5

COSG

Box 591

Kengray

2100

19/4/91

The Chairperson
ANC Constitutional Committee
16 Fredrick St.
Johannesburg

Dear Mr. Skweyiya

Draft Bill of Rights

We have studied and discussed your working document "A Bill of Rights for a New South Africa". From the introductory note we see that you would like comment from interested people. We have therefore made some suggestions concerning objection to conscription, of which we have considerable experience.

The Conscientious Objector Support Group (COSG) was started in 1979 to support conscientious objectors (COs) imprisoned for refusing to be conscripted into the SADF. Supporting COs is still our main activity. The better known COs whom we have helped over the last few years include Ivan Toms, David Bruce, Charles Bester, Saul Batzofin, Douglas Torr and Michael Graff.

In 1983 COSG helped to start the End Conscription Campaign (ECC). We are still affiliated to ECC. When it was restricted in 1988 we temporarily expanded our activities to take over ECC's role.

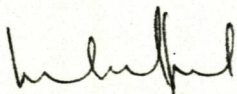
COSG is a national organisation, committed to non-racialism, non-sexism and democracy. Many of our activists are COs and some have been imprisoned for their beliefs.

Paul Goller who has already spoken to you, will contact you to arrange a meeting to discuss our suggestions. We will mandate 4 or 5 COSG members to attend and we hope that at least yourself and 2 or 3 other constitutional committee members will be able to attend. To make discussion easier we have enclosed :

- What is COSG ? pamphlet
- Suggested amendments to your draft bill of rights
- Motivating document
- ☛ COSG policy statement on conscientious objection
- Our evidence to the SA Law Commission Working Group on group and human rights.

If you would like anything clarified before the meeting please contact Paul Goller at 648 2583 (home) or 637 9111 (work).

Regards



Mark Kilfoil : Secretary - COSG Johannesburg

COSG's SUGGESTED AMENDMENTS TO THE ANC's DRAFT BILL OF RIGHTS

Insert :

- (a) Everyone shall have the right not to be conscripted into an armed force.
- (b) Everyone shall have the right to object, on grounds of conscience, to service in an armed force and there shall be no inquiry into any individual's motivation in this matter.
- (c) No one objecting on grounds of conscience to service in an armed force shall be penalized in any way.

Clause 4 of Article 2 seems ambiguous and in conflict with our suggestions (a), (b) and (c) above. We suggest it be rewritten to clarify it and to remove any conflict with our suggestions.

Conscientious Objector Support Group

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April 15 1991

MOTIVATION FOR SUGGESTED AMENDMENTS TO THE DRAFT BILL OF RIGHTS

The Bill of Rights for the new South Africa will probably be largely based on the ANC's working document. Since this document does not exclude conscription, we are assuming that at some future date a government might re-introduce conscription. If this were the case, then there would still be Conscientious Objectors (C.O.'s).

Local and international experience shows that conscription and war always produce C.O.'s. They have many different reasons for refusing to do military service; some of the most common are:

- * religious belief
- * pacifism
- * belief in the "just war" theory
- * refusal to be involved (directly or indirectly) in killing
- * objection to the structure and organisation of a particular armed force
- * universal anti-conscriptivism
- * opposition to a particular war.

One thing that they have in common is their belief that their refusal to be part of a military force is a matter of principle. As a result of this belief they will often make great sacrifices rather than be conscripted. Often the consequences of conscientious objection are more onerous than those borne by conscripts.

Having supported and worked with C.O.'s for many years, we know that they

- are usually socially responsible people
- care about the welfare of others
- are respected members of society
- are often deeply religious.

They are not criminals, nor are they motivated by self-interest. To make them suffer for their beliefs is a major injustice, and any possibility of this happening should be made illegal.

A new South Africa should be based on tolerance and respect for different beliefs. Since C.O.'s are principled members of the community their supporters will go to great lengths to persuade others of the correctness of their actions. But since C.O.'s are always in a minority position there will also be many people who believe equally strongly that conscientious objection to military service is wrong. These differences in belief can lead to deep and unnecessary divisions in society. Such divisions could be avoided by including the right to conscientious objection in a Bill of Rights.

There are many international precedents for allowing the right

to conscientious objection. In addition, many local and international religious bodies have passed resolutions calling for the recognition of the right to be a conscientious objector. These are detailed in our evidence to the S.A. Law Commission of Enquiry into a Bill of Rights, a copy of which evidence is enclosed.

The right to conscientious objection is a particular case of the right to conscience in the A.N.C. Draft Bill of Rights (article 2 clause 32). We believe that it should be specifically dealt with so that there can be no doubt about the matter. We would rather see a few more clauses added to the draft bill now than make the courts decide on interpretation later.

Representatives of the A.N.C. have said that the A.N.C. does not foresee a need for conscription in the new South Africa. We welcome that. However it is possible that the A.N.C. will not always be in government. We must ensure now that future less progressive governments do not take us backwards as far as human rights are concerned. History shows that most governments will ignore human rights when it suits them. This is why we need a clear and comprehensive Bill of Rights in which the rights of C.O's are included whether there is conscription or not. In our view, the draft Bill of Rights is not clear and comprehensive in so far as the right to conscientious objection is concerned, and so we have drawn up possible amendments to the draft bill, which are enclosed.

In conclusion then, we believe that for a country and its people to be truly free, it has to allow conscientious objection without penalty.

COSG POLICY STATEMENT ON CONSCIENTIOUS OBJECTION.

As discussed and agreed on at the National Conference of the Conscientious Objector Support Group, Johannesburg, September 22, 1990.

The Conscientious Objector Support Group (COSG) sees the right to Conscientious Objection as a basic human right which should be constitutionally protected.

We believe that in a post-Apartheid South Africa:

1. The right not to be conscripted into an armed force should be entrenched in a Bill of Rights guaranteed by the constitution.
2. If there is conscription into military service, a non-military national service should also be available. It should
 - 2.1 Be available on application to anyone unwilling to do military service
 - 2.2 Be independent of the Defence force
 - 2.3 Be of the same length as actual military service
 - 2.4 Allow participants to serve in State or semi-state or in non-governmental (welfare) organisations.
 - 2.5 Those who choose non-military service should not be penalised in any way: this would include pay and service conditions.
3. Opting for non-military service should be a matter of simple choice; there should be no enquiry into the motivation of anyone who chooses non-military service.

The Conscientious Objectors' Support Group

Response to the working paper on Group and Human Rights. (South African Law Commission.)

Part 1: Introduction

Part 2: The right to conscientious objection - International support
- South African support

Part 3: Statements by conscientious objectors

Part 4: The current legal position with regard to conscientious objection

Part 5: Content of the right to conscientious objection and suggested wording
for additional Article.

Part 6: Conclusion

Date: 31 August 1989.

Part 1 : Introduction

1.1. This memorandum is submitted by the Conscientious Objectors' Support Group (COSG), a national organisation formed in 1980 to support those who, for reasons of conscience, refuse to do military service.

- COSG affirms the right of the individual to refuse to do military service on the grounds of conscience.

- COSG believes that, in our divided and conflict-ridden society, it is singularly inappropriate to require individuals to render compulsory military service in support of one or other grouping in the community.

- COSG believes that the right to conscientious objection on the widest grounds should be seen as an appropriate limitation on the power of the State in a pluralist society.

- COSG calls for the provision of a constructive and non-punitive form of alternative non-military service for all objectors.

1.2. Having read the working paper on Group and Human Rights prepared by the South African Law Commission, COSG would like firstly to express its support for the general thrust of the working paper, and secondly would like to propose an additional article to the proposed Bill of Rights presented in Chapter 15 of the working paper.

We were concerned to see that the commission did not consider or debate the right to conscientious objection as an expression of freedom of conscience and the purpose of this memorandum is to motivate that right in terms of international precedent, widespread South African support and the statements of conscience issued by a number of conscientious objectors.

Part 2 : The Right to Conscientious Objection

2.1. International Support

The right to freedom of conscience is a clearly established international principle.

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to..... manifest his (or her) religion or belief in teaching, practice, worship or observance."
(Article 18 of the Universal Declaration of Human Rights.)

The right to conscientious objection as an expression of the right of freedom of conscience also enjoys international recognition.

The most recent example known to us, is a resolution passed on 8 March 1989, by the Human Rights Commission of the United Nations, recognising the right to conscientious objection to military service (see Annexure A).

In its concluding paragraphs the resolution:

- "Recognises the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion;"

- "Recommends to States with a system of compulsory military service.... that they introduce for conscientious objectors various forms of alternative service and that they refrain from subjecting such persons to imprisonment;"

"Emphasises that such forms of alternative service be in principle of non-combatant or civilian character, in the public interest and not of a punitive nature;"

The resolution was sponsored by Austria, Canada, Costa Rica, France, Federal Republic of Germany, Hungary, Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

Conscientious objection to military service has been an issue for the United Nations and its predecessor the League of Nations for some 60 years, with an increasing number of states initiating legislation on the issue, the most recent examples being Hungary and Poland. What follows are a few examples of clauses on conscientious objection included in the constitutions or bills of right of various countries.

2.1.2. West Germany (quoted in the working paper on pages 99 and 102)

Article 4 (Freedom of faith and creed)

3. No one may be compelled against his conscience to render war service involving the use of arms. Details shall be regulated by a federal law.

Article 12a (Liability to military and other service)

2. A person who refuses, on grounds of conscience, to render war service involving the use of arms may be required to render a substitute service. The duration of such substitute service shall not exceed the duration of military service. Details shall be regulated by a law which shall not interfere with the freedom of conscience and must also provide for the possibility of a substitute service not connected with units of the Armed Forces or of the Federal Border Guard.

2.1.2. Austria

"Every male Austrian citizen is liable for military service. Whoever refuses to fulfill his defence obligations on the grounds of conscience and is exempted from it, is to render alternative service. Details will be determined by law."

2.1.3. Portugal

Article 41 : Freedom of Conscience, Religion and Worship (1982 text)

6. The right to be a conscientious objector shall be safeguarded in accordance with the law.

Article 41 ; (1976 text)

5. The right of conscientious objectors shall be recognised, provided that conscientious objectors shall be required to perform unarmed service for a period identical with that of compulsory military service.

2.1.4. Spain

Article 30

1. Citizens have the right and duty to defend Spain.

2. The law shall determine the military obligations of Spaniards and shall regulate, with all due guarantees, conscientious objection, as well as other causes for exemption from compulsory military service, and it may when appropriate, impose a substitute social service.

3. A civilian service may be established for the accomplishment of objectives of general interest.

2.2 South African support for the right to conscientious objection

2.2.1. Churches

The churches of South Africa have on the whole taken a strong position in favour of the right to conscientious objection. What follows are extracts from a number of resolutions passed by different denominations.

2.2.1.1. The Catholic Church

The South African Catholic Bishops Conference (SACBC) - February 1977

"In this matter of conscientious objection we defend the right of every individual to follow his own conscience, the right therefore to conscientious objection both on the grounds of universal pacifism and on the grounds that he seriously believes the war to be unjust. In this, as in every other matter, the individual is obliged to make a moral judgment in terms of the facts at his disposal after trying to ascertain these facts to the best of his ability. While we recognise that the conscientious objector will have to suffer the consequences of his own decision and the penalties imposed by the State, we uphold his right to do this and we urge the State to make provision for alternative forms of non-military national service as is done in other countries of the world."

2.2.1.2. The Church of the Province of South Africa (CPSA)

The Provincial Synod of the CPSA (1985)

"Believing that people should never be compelled against their consciences to participate in military structures calls upon the Government in South Africa to widen the grounds for conscientious objectors by basing these on ethical, not only religious criteria and specifically to include selective objection."

2.2.1.3. The Methodist Church of SA

Annual Conference (1985)

"Conference affirms that the position of the conscientious objector has a legitimate place within the Christian tradition and that the right to discuss, question or advocate this position must be regarded as an integral part of the religious liberty fundamental to the health of our society."

"The Conference, while appreciating the work of the Naude Committee of the S.A.D.F. and the positive aspects of the Defence Amendment Act of 1983, finds the new provisions on Conscientious Objectors, taken as a whole, to be inadequate and calls for:

1. The recognition of ethical, moral and philosophical objections to warfare;
2. The recognition of the Just War objector, whether or not his position involves a religious basis or political assessment."

2.2.1.4. The Presbyterian Church of South Africa

1979 - "The Assembly reaffirms its support of the right of young men to be conscientious objectors in South Africa, provided their motives are sincere.

The Assembly assures any member of our Church who refuses to do military service and suffers a consequent penalty of the continuing solidarity of its fellowship with him. It calls on all ministers and members of our Church to give moral and pastoral support to sincere conscientious objectors, wherever they can..... The Assembly appeals to the Minister of Defence to amend the law so as to provide an alternative form of national service to military service."

1985 - The Assembly approves the proposals for the recognition of conscientious objectors who are not recognised by the South African Defence Act.

2.2.1.5. The United Congregational Church of SA (UCSSA)

The General Assembly - 1979

"The Assembly of the UCSSA expresses its concern about the legislation on conscientious objection. It notes that this grants the right to be exempt from military service on religious grounds only to members of religious organisations with a pacifist tradition or confession. A basic tenet of Congregational tradition, however is the liberty of individual conscience under God and his Word. Therefore, though we do not legislate to our members on such issues as military service, we strongly support those who do object to military service on religious or moral grounds."

2.2.1.6. The Baptist Union of SA

1979 - "This Assembly of the Baptist Union recognises the right of individuals to express their genuine and sincere objection to taking up arms on the grounds of conscience or religious convictions."

2.2.2 The Democratic Party

The Democratic Party has recently asserted its support for the right to conscientious objection. In the long term, it supports the gradual phasing out of conscription and the introduction of a professional army, but in the short term it believes that all men who have a conscientious objection to military service should be permitted in law to perform non-military community service. (See Annexure B)

2.2.3. Public Support

Organisations like the now restricted End Conscription Campaign (ECC), demonstrated widespread support for the right to conscientious objection. According to evidence presented by ECC to the Geldenhuys Commission in 1985, its campaign "is premised on the fundamental belief that individuals should have the freedom to choose whether or not to participate in the SADF". Their evidence goes on to state that "the ECC believes that the option of community service, as an alternative to military service should not be limited to religious pacifists, but should be available to all those who in good conscience cannot serve in the SADF."

At the time of its restriction, there were 54 organisations affiliated to the ECC and the organisation claimed an active membership of almost 1000 members.

Since the restriction of ECC there have been a number of independent actions clearly demonstrating the breadth of support for the right to conscientious objection. Perhaps the best example, is a stand of approximately 900 mothers which took place in February 1989. The women involved all signed a statement declaring their support for a change in the law allowing for conscientious objection to military service. They argued that the present system was inadequate and should be amended to allow all men who in conscience cannot serve in the SADF to be able to perform non-military community service.

In addition, earlier this year leading members of the business community expressed their support for a young businessman, Saul Batzofin, sentenced to 18 months imprisonment for his refusal to do military service. They also called for "an acceptable non-military form of community service." (See Annexure C)

Part 3 : Statements by Conscientious Objectors

Over the last 12 years there have been a number of men who have chosen to go to jail rather than violate their consciences by serving in the military. The bona fides of these men had in most instances been acknowledged by the courts of law or court martials that have sentenced them. An example is the case of Dr. Ivan Toms, a medical doctor who was serving in the squatter areas of Cape Town. The magistrate in his judgement, said that Dr. Toms "was not a menace to society. You are the opposite, an asset. It is sad that you went so far to insist on the stand you took." (March 1988, Magistrates Court, Wynberg).

What follows are brief biographies of some of the men who have conscientiously objected to military service, and extracts from some of their statements, illustrating that their choice was clearly for them, an act of conscience.

3.1. Anton Eberhard refused to do a 3 month camp, and on 14 December, 1977 was sentenced by a civil court to 12 months in Detention Barracks, of which 10 months were suspended. Eberhard in his matric year at Grey's High School (PE) was awarded the Shield for the best all round student in regard to sport, academic results and leadership. He was chairperson of the school Student Christian Association (SCA). He has a B.SC degree. At the time of his trial he was a member of the Presbyterian Church and a convinced pacifist.

3.2. In December 1976 Peter Moll, a Baptist, a Business Science graduate and Chair of the SCA at the University of Cape Town for 3 years, refused a camp call up on the "Just War" basis. He received a suspended sentence of 3 months from a civil court, a fine of R5 000 from a Court Martial for a further refusal in 1979 and then on 3 December, 1979 he was sentenced to 18 months in Detention Barracks, which was reduced to 12 months when the sentence was confirmed.

3.3. On 25 February, 1980 Richard Steele, a Baptist pacifist who had been Head Prefect of his high school in Kempton Park, Captain of Athletics and Cricket and Deputy Junior Mayor, was sentenced to 18 months in Detention Barracks (six months of which were suspended) for refusing his initial training.

He began his evidence at his court martial by saying:

"In seeking to follow the example and teachings of Jesus Christ, I have, after much prayer, reading and discussion over a period of 5 years, come to the conclusion that military service of any sort, anywhere in the world, is incompatible with my Christian convictions..... I believe that I have been obedient to God in this matter, and trust his leading in whatever lies ahead."

(Annexure D)

3.4. Charles Yeats, an Anglican pacifist who had been head boy at Hilton College and Natal Schools rugby captain, was sentenced to a year in Detention Barracks for having refused the July 1980 call up. Though having a B.Comm degree and an MBA, Yeats had relinquished his job and taken up firstly relief work in drought-stricken Kwa-Zulu, then a post with an Inter-Church agency, and finally, at the time of his trial, he was working as secretary to the Anglican Diocesan office in Windhoek. Having completed his sentence, he went on to become an Anglican priest.

3.5. Neil Mitchell, a Catholic pacifist and a qualified high school teacher, was sentenced in July 1982 for refusing to do his initial service. His statement of belief concludes:

"I am aware that I am contravening a section of the Defence Act of South Africa, and I am aware of the legal consequences of such a contravention. Nevertheless, I believe that I have informed my conscience in this matter, and my conscience urges me to take this stand. To go against my conscience is sin. "Obedience to God comes before obedience to men" (Acts 5:29)." (See Annexure E)

3.6. In July 1988, David Bruce became the first person to be sentenced to a prison sentence of 6 years. His stand is based on his complete rejection of racism and in court, he spoke about the effect that his mother's experiences as a German Jew, had had on him. We quote from his statement of conscience:

"My reasons for refusing to serve in the South African Defence Force are based on my understanding of the situation in South Africa and my own political and moral convictions which revolve around my opposition to racism.

Being aware, as I am, of how Europeans Jews and in fact the entire people of Eastern Europe suffered during the period of the Holocaust, I feel that I have no choice but to set myself against those who choose the path of increasing racial intolerance and racial hatred in the firmest way which is possible to me." (See Annexure F)

3.7. Charles Bester was similarly sentenced to 6 years imprisonment. He was 18 years old when he stood trial. His statement of belief begins as follows:

"My basic motivation for refusing to serve in the South African Defence Force is that I am a Christian, and as a Christian I must follow Christ. I want to break down the barriers which divide us and I reject violence as a means to do so. If I were to serve in an institution such as the SADF which I see as perpetuating these divisions and defending an unjust system, it would be contrary to all I believe in."

He concludes his statement with the following words:

"I am fully aware that I am breaking the law of the land, and have no guilt in doing so. After studying Christ's commandments and seeking God's calling in prayer, I personally cannot be obedient to this law and to God's calling. I shall submit to the authority of the State and stand trial. I believe that in order for me to follow a path that will best demonstrate my love for God, my country and my fellow South Africans, I must pursue the way of reconciliation and non-violence. I will therefore refuse to serve in the SADF, and take the consequences." (Annexure G)

In concluding this section we would like to emphasise that the above conscientious objectors represent the tip of an iceberg. Many other conscientious objectors have chosen to express their objection by leaving the country rather than going to jail for 6 years, a decision usually made at great cost to themselves, their families and, on a different level, to the South African economy. Others have chosen to express their objection by appearing before the Board for Religious Objection, and, if they are accepted by the board, are obliged to do 6 years community service. We would argue that the conditions under which these men work, and the length of their service means in effect, that they are being punished for their stand of conscience.

In addition to the individual statements of conscientious objectors there have also been some joint statements of conscience. In August 1987, 23 men made a public stand, refusing to serve in the SADF. They begin their statement of conscience with the following words:

"We are a group of South Africans compelled by law to serve in the South African Defence Force. We believe our country is best served if we refuse to fight in the SADF. The laws of this country make this a serious step to take. Yet, we feel there comes a time when moral choices, no matter how difficult, cannot be avoided." (See Annexure H)

A year later, 143 men made a similar public statement. They conclude their joint statement of conscience by calling "on the government to allow the option of alternative service in non-government bodies for a period of equal duration to current military service, for all those who object to serving in the SADF on moral, religious or political grounds. We are patriotic South Africans who wish to serve our country and make a constructive and peaceful contribution to its future in the interests of all its people." (See Annexure I)

4. The Current Legal Position with regard to Conscientious Objection

The 1983 Defence Amendment Act amended the Defence Act (No. 44 of 1957), making provision for the recognition of bona fide religious objectors whose credentials are tested by a Board for Religious Objection. An applicant to the board must establish:

1. that his convictions are religious in nature, and
2. that there is an element of universality to his objection.

The board may either refuse an application, or they may grant it, in which case the applicant will be classified in one of three categories (s. 72D)

- i) as a non-combatant
- ii) as someone who is obliged to perform prescribed maintenance tasks of a non-combatant nature in the SADF, in non-military uniform
- iii) as a community server who performs non-military service in a government, provincial or municipal department.

A person classified in terms of (i) above, does the same length of service as his combatant counterpart, whilst those classified in terms of (ii) or (iii) are obliged to serve one and a half times the length of military service due by them. This means in effect, for a community server who has done no military service, a period of community service of approximately 6 years.

The Act does not make any provisions for a conscientious objector whose objection is selective rather than universal or whose motivation is ethical, philosophical, moral or political.

A conscientious objector who refuses to do service and who does not qualify as an objector in terms of the said Act, is liable to a prison sentence one and a half times the length of military service still due by him, with a minimum sentence of 18 months being prescribed by the Act. This has meant for David Bruce and Charles Bester, prison sentences of 6 years duration, with, it appears, no current possibility for a remission of sentence. To our knowledge, this is the harshest sentence imposed by any country in the world, for conscientious objection.

5. Content of the Right to Conscientious Objection and Suggested wording for Additional Article

Freedom of conscience involves the right to decide and act on the conviction that a particular action would be morally wrong. This conviction may be of secular or religious inspiration, and be supported by a variety of sources, religious or otherwise.

There are two major categories of convictions in respect of conscientious objection. The first is associated with the view that it is wrong under all circumstances to kill (the pacifist option). The second takes the view that the use of force is justified in some circumstances but not in others, and that therefore it is necessary to object in those other cases (partial or selective objection).

Whatever the category of conviction, or the reasoning by which such a conviction is reached, the important factor is the strength of personal conviction that to serve in the military would be wrong.

This is the position adopted by most countries which recognise conscientious objection, and we submit that this is the position that should be adopted in the proposed South African Bill of Rights. Accordingly, the following clauses are suggested in the alternative for inclusion in the proposed bill.

5.1. Article 4 (amended)

The right to spiritual and physical integrity which shall also mean the right of every person to have conscientious objections to military service: Provided that such persons should do a form of alternative civilian service that is in the public interest and not of a punitive nature.

5.2. Article X (as an addition)

The right of conscientious objectors shall be recognised, provided that conscientious objectors shall be required to perform community service for a period identical with that of compulsory military service.

5.3. Article X (as an addition)

The right of a person to conscientiously object to military service shall be recognised, provided that such a person may be required to render an alternative civilian service, details of which are to be regulated by law.

6. Conclusion

In our work in the Conscientious Objector Support Group, we are constantly exposed to the enormous dilemma faced by many conscripts. Supporting them through their own crises of conscience, and seeing the pain and trauma experienced not only by them, but also by their families, impels us to urge the commission to seriously consider incorporating the right to conscientious objection into their final proposal.

No country that imposes a 6 year jail sentence on young men who have sincere objections to military service, can claim to uphold the right to freedom of conscience.



Economic and Social
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COMMISSION ON HUMAN RIGHTS
Forty-fifth session
Agenda item 15

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS
OBJECTION TO MILITARY SERVICE

Austria**, Canada, Costa Rica**, France, Germany, Federal Republic of,
Hungary**, Netherlands**, Spain and Sweden: draft resolution

Portugal and United Kingdom

Conscientious objection to military service

The Commission on Human Rights.

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

* Re-issued for technical reasons.

** In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind that the International Covenant on Civil and Political Rights recognizes that everyone has the right to freedom of thought, conscience and religion,

Bearing in mind also General Assembly resolutions 34/151 of 17 December 1979, which designated 1985 as International Youth Year: Participation, Development, Peace, 2037 (XX) of 7 December 1965, which states that young people shall be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

Recalling its resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on the grounds of conscience,

Noting the important role of youth in the promotion of international peace and co-operation as well as of human rights and fundamental freedoms,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Expressing its conviction that consistent and sincere efforts on the part of all States aimed at the definitive removal of the threat of war, the preservation of international peace, the realization of the right to self-determination and the development of international co-operation in accordance with the Charter of the United Nations would ultimately result in the creation of conditions under which military service would become unnecessary,

Taking into consideration its resolution 1984/33 of 12 March 1984 and Economic and Social Council resolution 1984/27 of 24 May 1984, by which it was decided to give the widest possible distribution to the report prepared by Mr. Eide and Mr. Mubanga-Chipoya (E/CN.4/Sub.2/1983/30), with a view to receiving comments from Governments, relevant United Nations bodies and specialized agencies, other intergovernmental organizations and non-governmental organizations

Recalling its resolution 1987/46 of 10 March 1987 in which it appealed to States to recognize that conscientious objection to military service be considered a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and that States refrain from subjecting to imprisonment persons exercising this right,

Recalling the comprehensive report submitted by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service containing conclusions and recommendations as well as the replies of Governments and international organizations to the Secretary-General's request for comments and observations (E/CN.4/1985/25 and Add. 1-4).

Recalling the Sub-Commission's report on the question of conscientious objection to military service (E/CN.4/Sub.2/1983/30), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service,

Taking into consideration that, although in some States no provision is made in their domestic legislation concerning the recognition of conscientious objection to military service, in practice they provide for non-combatant service within the military framework and sometimes for civilian alternative service,

Having considered the report of the Secretary-General (E/CN.4/1989/30),

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ~~ethical, moral~~ or similar motives,

1. Recognizes the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights;

2. Appeals to States to enact legislation and to take measures aimed at exemption from military service, on the basis of a genuinely held conscientious objection to armed service;

3. Recommends to States with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting such persons to imprisonment;

4. Emphasizes that such forms of alternative service be in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature;

5. Recommends to Member States, if they have not already done so, that they establish within the framework of their national legal system independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

6. Requests the Secretary-General to transmit the text of this resolution to all States Members of the United Nations;

7. Also requests the Secretary-General to report to the Commission at its forty-seventh session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;

8. Decides to consider this matter further at its forty-seventh session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

- - - - -

- We will reduce pensioners' telephone rentals from R18 to R5 per month.
- We will introduce index-linked investments to protect pensioners' savings against the ravages of inflation.
- We will ensure that pensioners are not subjected to unjust harassment or eviction.
- We will ensure that senior citizens have decent, affordable accommodation.
- To ensure that people are provided for in the future, everyone who earns must contribute to a pension scheme which remains with them as they change jobs.
- However, the key to the protection of pensioners, as well as everyone who receives a fixed income, is the reduction and control of inflation.

Providing efficient defence

South Africa needs a strong Defence Force but cannot afford to waste money and manpower on an inefficient and controversial system of conscription.

We will:

1. establish a well-paid, well-trained, well-disciplined and non-racial Permanent Force.
2. build a strong, non-racial voluntary Citizen Force.

We will achieve this by:

- immediately reducing National Service to one year and reducing Citizen Force camps to four, with the view to phasing out compulsory military conscription altogether.
- During this phasing out period, alternative National Service will be available to conscripts on application.

Our Defence Force will be leaner and more efficient. With double the number of police and decreased political friction, the Defence Force will be relieved of its many duties within our borders. Improved international relations will also mean no arms embargo and ready access to modern technology.

The benefits to our society and economy will be immense and immediate.

Keeping everyone safe

It's everyone's right to be safe. Although there will always be criminals, apartheid has worsened the situation. It is essential that our soaring crime rates are reversed.



Om te verseker dat daar in die toekoms na mense omgesien word, sal elkeen wat verdien, moet bydra tot 'n pensioenskema wat voortgesit sal word wanneer hulle van werk verander.

Die sleutel tot die beskerming van pensioentrekkers, asook almal wat 'n vaste inkomste ontvang, is egter die verlaging en beheer van inflasie.

Doeltreffende verdediging

Suid-Afrika het 'n sterk Weermag nodig, maar kan nie bekostig om geld en mannekrag op 'n onnodige en kontroversiële dienspligstelsel te verkwis nie.

Ons sal:

1. 'n goed besoldigde, goed opgeleide, goed gedissiplineerde en nie-rassige Staande Mag op die been bring.
2. 'n sterk, nie-rassige vrywillige Burgermag opbou.

Ons sal dit bereik deur:

- onmiddellik Nasionale Diensplig tot een jaar te verminder en Burgermagkampe tot vier, met die oog op die totale uitfasering van verpligte militêre opleiding.
- Gedurende hierdie uitfaseringstydperk, alternatiewe diensplig op aanvraag vir gewetensbeswaardes beskikbaar te stel.

Ons Weermag sal kleiner en meer doeltreffend wees. Met dubbel die getal polisie en verminderde politieke wrywing, sal die Weermag onthef word van sy vele pligte binne ons grense. Verbeterde internasionale betrekkinge sal ook die verbod op wapens beëindig en geredelike toegang tot moderne tegnologie meebring.

Die voordele vir ons gemeenskap en ekonomie sal enorm en onmiddellik wees.

Veiligheid vir almal

Dis elkeen se reg om veilig te wees. Hoewel daar altyd misdadigers sal wees, het apartheid die misdaadsituasie vererger. Dit is noodsaaklik dat ons stygende misdaadsyfer moet daal.

- Ons sal ons polisiemag verdubbel om meer doeltreffende voorkoming van misdaad te verseker.
 - Al ons polisie moet beter betaal word, goed opgelei en goed gedissiplineerd wees.
 - Die hele gemeenskap moet behulpsaam wees met die bekamping van misdaad. Ons sal sake- en buurtwagskemas, asook ander geskikte stappe, aanmoedig.
- Ons sal spesiale aandag gee aan die beskerming van senior burgers.



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**STATEMENT
OF
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As members of the business community we wish to affirm our support for Saul Batzofin and those men who choose to stay in South Africa and contribute to the economy, but who, by reason of moral, religious or political convictions, are not prepared to serve in the SADF. We believe that these people should enjoy the same ongoing employment benefits currently granted by companies to employees who serve in the SADF. Furthermore, in order to utilise their skills for the economic benefit of our society, we urge the government to provide an acceptable non-military form of community service.

- | | | |
|-------------|--------------|-----------------|
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Annexure C

GROUNDS FOR CONSCIENTIOUS OBJECTION

A summary of the evidence to be presented by me at my court-martial, to be held at Voortrekkerhoogte on February 25th 1980, as to why I refused to submit myself to service in the South African Defence Force.

1. In seeking to follow the example and teachings of Jesus Christ, I have, after much prayer, reading and discussion over a period of 5 years, come to the conclusion that military service of any sort, anywhere in the world, is incompatible with my Christian convictions.
2. My refusal to do military service arises out of a more deep rooted refusal to consciously participate in any form of violence, be it physical, psychological or structural: I believe that the way of violence and destruction is antithetical to the Christ-like way of love and healing.
3. This act should be seen in the broader context of my cultivation of a non-violent lifestyle in which I seek in everything I do to promote healing and reconciliation on a personal and a societal level.
4. I believe that there are positive alternatives to violence as a method of defence and conflict resolution in interpersonal and international relations. I believe that one can bring about change by appealing to the goodness in ~~man~~ people. Evil cannot be overcome by evil - it merely compounds it: The Bible instructs us to overcome evil by good.
5. I am committed to South Africa and wish to be part of the process bringing true peace to our land - a peace undergirded by justice and righteousness.
6. I am willing to do any constructive form of non-military National Service under civilian direction which would utilise the skills I have to offer (especially in psychological services and teaching) in the service of the people of this country.
7. I refuse to do any form of basic training or service with a military uniform because that uniform would identify me with the military machine and so with the goals of that machine.
8. I appreciate the fact that the military is prepared to accommodate me as a non-combatant, but I will not avail myself of this because I believe that non-combatants are just as responsible for the ultimate effect of war as are combatants.
9. I not only object to actual war: I also object to the training process in preparation for war. I believe that in many respects this training is a dehumanising process, and leads to the dehumanisation of the opponents too.
10. I believe that central to my being a peacemaker is the pursuit of justice. I view the SADF as being a major pillar of a fundamentally unjust political, social and economic system: by co-operating with the military I would be representing and perpetuating those injustices and I am unwilling to do so.
11. I believe that I have been obedient to God in this matter, and trust his leading in whatever lies ahead.

RICHARD STEELE
23.2.80

REASONS FOR CONSCIENTIOUS OBJECTION

A. INTRODUCTION

I am a Christian, a baptised and confirmed member of the Roman Catholic Church. I take my faith seriously, and after much careful thought, prayer and study over several years, I came to a decision to refuse to undergo military service. I thus declare myself a universal pacifist conscientious objector to military service.

I believe that my decision is in accordance with the spirit of the life and teachings of Jesus Christ. Following Christ, which I am to do, involves being a 'peacemaker' — "Blessed are the peacemakers; they shall be called sons of God" (Mat 5: 9). Participating in war, training for war or performing violent acts is, I believe, antithetical to the call to be a peacemaker.

B. VIOLENCE AND KILLING

1. The Old Testament

God created the world in a state of 'shalom' (Gen 2)—peace and harmony between God and people and between people and people. People's first act of disobedience alienated them from God and broke this shalom. An instance of this alienation was Cain's killing of Abel (Gen 4: 1-16). God's anger at this violent act is proof to me of the seriousness of killing.

The covenant which God made with Moses at Sinai forbids killing: "You must not kill" (Ex 20: 13). It also forbids other violent acts (Ex 21: 12-27).

2. Jesus Christ

Jesus, when He instituted the new covenant by His life, death and resurrection, reiterated the command not to kill and made it more radical:

You have learnt how it was said to our ancestors: "You must not kill", and if anyone does kill he must answer for it before the court. But I say this to you: anyone who is

angry with his brother will answer for it before the court; if a man calls his brother 'Fool' he will answer for it before the Sanhedrin; and if a man calls him 'Renegade' he will answer for it in hell fire (Mat 5: 21, 22).

The new standard which Jesus sets is higher than the old—we are not even to be angry with or contemptuous of fellow persons.

Jesus went further than just forbidding killing; His whole mission and teaching was in fact life-affirming. He demonstrated to people a loving way of conducting human relationships that would enable them to live peaceably with each other. In all of His actions, Jesus promoted life and wholeness and he sought to remove hostility: He healed the sick, such as the sick man at the pool of Bethzatha (Jn 5: 1-9); He multiplied loaves and fishes to feed the hungry (Jn 6: 1-15); He did not condemn an adulterous woman, but rather encouraged her to sin no more (Jn 8: 3-11); He associated with the outcasts of society—lepers (Lk 17: 11-19); tax collectors (Lk 19: 1-10) and prostitutes (Lk 7: 36-50)—thereby recognising their humanity and that they were as redeemable as others; He cast out demons from people (Mt 17: 14-18); He associated with a Samaritan woman when Jews did not associate with Samaritans (Jn 4: 5-10); He showed his rejection of violence when He admonished Peter for cutting off the high priest's servant's ear, and He healed the man's ear (Lk 22: 47-51); He raised Lazarus from the dead (Jn 11: 43,44). Jesus made possible the reconciliation of all people to God and to God's will. Through His supreme sacrifice on the cross He destroyed the power of death and won salvation and eternal life for all people. He reigns now as the Risen Lord, giving life to all who enter the covenant He has established.

3. The Teaching of the Catholic Church

As a Catholic, I am compelled to adhere to the dictates of my Church, which, as I interpret them, support my stand:

1. The Council proposes to condemn the savagery of war, and earnestly to exhort Christians to co-operate with all in securing a peace based on justice and charity and in

promoting the means necessary to attain it, under the help of Christ, author of peace.

(Vatican II, Gaudium et Spes, par. 77)

2. Let us...take stock of our responsibilities and find ways of resolving our controversies in a manner worthy of human beings. Providence urgently demands of us that we free ourselves from the age-old slavery of war. If we refuse to make this effort, there is no knowing where we will be led on the fatal path we have taken.

(Vatican II, Gaudium et Spes, par. 81)

3. It is your clear duty to spare no effort in order to work for the moment when all war will be completely outlawed by international agreement.

(Vatican II, Gaudium et Spes, par. 82)

4. Nothing is lost by peace, everything may be lost by war.

(Pope Pius XII, Radio Message, 24 August 1939)

5. Is there anyone who does not ardently yearn to see dangers of war banished, to see peace preserved and daily more firmly established?

(Pope John XXIII, Pacem in Terris, par. 115)

6. Never again must one land make war against another. No more War! Not ever again. Peace! Peace must guide the destinies of peoples and of human beings.

(Pope Paul VI)

7. Violence is a lie, for it goes against the truth of our faith, the truth of our humanity...do not believe in violence. It is not the Christian way. It is not the way of the Catholic Church. Believe in peace and forgiveness and love; for they are of Christ.

Give yourselves to the service of life, not to the work of death...true courage lies in working for peace.

(Pope John Paul II, Drogheda, Ireland)

Throughout these pronouncements, the Catholic Church makes clear its abhorrence of war and violence. I wish to align myself with the spirit of these pronouncements.

C. NON-VIOLENT WAYS OF DEALING WITH CONFLICT, BASED ON JESUS' TEACHING

I believe that war and preparation for war deny Jesus' teaching on dealing with conflict. Jesus teaches that we must not retaliate: "You have learnt how it was said: Eye for eye and tooth for tooth. But I say this to you: Offer the wicked man no resistance. On the contrary, if anyone hits you on the right cheek, offer him the other as well" (Mat 5: 38-39).

He says further: "You have learnt how it was said: You must love your neighbour and hate your enemy. But I say this to you: love your enemies and pray for those who persecute you; in this way you will be sons of your Father in heaven" (Mat 5: 43-45). Christians are told: "Never repay evil with evil but let everyone see that you are interested only in the highest ideals. Do all you can to live at peace with everyone. Never try to get revenge... Resist evil and conquer it with good" (Rom 12: 17-19,21); and they are warned: "Those who live by the sword will die by the sword" (Mat 26: 52).

In the spirit of Jesus' teaching, I believe that conflict must be resolved without resort to violence, but rather in a manner that is worthy of human beings. Primarily, dialogue and negotiation must be employed, and conflict situations must be entrusted to Divine Providence (Lk 12: 22-31; Mat 26: 53). In the event of an enemy invasion, non-violent means, such as marches, vigils, demonstrations, sit-ins, strikes, boycotts, non-payment of taxes, non-cooperation (a government cannot rule without the consent of the people), civil disobedience and physical interpositioning, can be used to make a moral appeal to the heart and conscience of the enemy, in the hope of winning him over to a position of truth. The whole defence system of a country could be organised to employ such non-violent means, rather than arms.

A fraction of what is normally spent on equipping and maintaining an army would have to be spent on organising and training for, and doing research into, such a non-violent defence system. Greater financial resources could then be allocated to such needs as housing, education, health and agriculture. Non-violent means of defence lend a moral dignity to those who use them, and, since they incorporate the recognition that there is something in people which is higher than the brute nature in them, these means are worthy of human beings.

D. HOW ALL OF THIS AFFECTS MY RESPONSE TO MY CALL-UP INSTRUCTIONS

1. Obedience to my call-up instructions is incompatible with the nature of my relationship with God—violence is sinful. To obey my call-up instructions and go to the army would, for me, constitute a betrayal of my covenant relationship with God which I have entered through my baptism. I feel a responsibility to honour this relationship since it was bought with the price of Christ's shed blood. I cannot go against it in good conscience. By the transforming power of the Holy Spirit, this relationship changes me into a new being, called to be perfect: "You must be perfect just as your heavenly Father is perfect" (Mat 5: 48). I must follow Christ's example and avoid sin—"You have stripped off your old behaviour with your old self, and you have put on a new self which will progress towards true knowledge the more it is renewed in the image of its creator" (Col 3: 9). It is clear to me through Christ's teaching and example that violence and killing are sinful. I therefore cannot in good conscience participate in war (the most overt form of violence) or training for war, or be part of an institution whose purpose is to wage war. War is antithetical to Christ's way of healing and loving.

2. Dehumanisation of the enemy

Furthermore, army training would condition me into dehumanising the enemy into a thing to be hated. I could not in good conscience go along with such a process, since it denies the enemy's humanity and his bearing of the image and likeness of

God. I am commanded by Christ to love all people, including enemies.

3. The "service of life"

I wish, in the words of Pope John Paul II, to give myself to the "service of life," not to the "work of death". I wish, in my life, to promote peace and justice, which the world in general, and South Africa in particular, sorely need. I cannot see that participating in army training would aid me in my endeavour to be a peacemaker.

4. Non-military national service

I believe that I have a duty and a responsibility to contribute to the well-being and prosperity of my country. I am thus willing to do a non-military form of National Service. For this reason, too, I chose not to leave South Africa in order to avoid having to go to the army. I am a fully qualified high school teacher; I could use these qualifications and skills in an alternative, non-military form of national service.

E. PACIFISM AND WORLD CONDITIONS TODAY

1. Does Pacifism have any relevance?

I am aware that many regard pacifism as naïve, unrealistic and inappropriate for the complexity of today's world, which encompasses enormous stockpiling of arms (including nuclear armaments), polarisation between the East and the West, cold war antagonism, open warfare, active liberation and guerilla movements advocating armed conflict, discrimination, injustice, and oppression. Yet I feel that it is these very trends which validate the pacifist position: As *Gaudium et Spes* warns, unless governments find ways of solving conflict that do not include resort to warfare, mankind, and the earth along with him, is headed for destruction. War must be outlawed and the escalating slide towards this destruction averted.

2. Christians and Pacifism

Universal Christian pacifism, to which I hold, is an absolute

ethical principle, drawn from the teachings of Jesus Christ (especially the Sermon on the Mount). The early Christians had a tradition of non-participation in war—the theologian Tertullian, for example, counselled Christians not to go to war. Through the centuries the Church, taking cognisance of people's inclination towards self-defence, developed a 'just war' theory, which permitted Christians to wage war if certain conditions were met. Even the 'just war' theory becomes obsolete since its condition that innocents and non-combatants must not be harmed during warfare, with the use of modern weapons, is no longer met. National armies, uniforms, military music and parades, medals, badges, war toys, the belief that it is 'glorious' to die in 'active service' in the defence of one's country, the belief that going to the army 'makes a man of you'—all these have institutionalised and legitimised violence. Society has been conditioned into regarding war as normal and acceptable.

Christians have an appalling record when it comes to warfare. Horrendous situations have arisen where Catholics have fought against each other on opposite sides of a border, and where different Catholic bishops, aligned to different sides, have blessed the weapons of nations warring against each other. This hardly bears testimony to the love of Christ and to the unity of believers. I believe Christians must take seriously the teachings of their Lord, apply them, and return with an urgency to their roots as a peaceful people who say *no* to war. It is not Christian pacifism which has failed; it is Christians who have failed to apply the principles of pacifism.

F. CONCLUSION

I am aware that I am contravening a section of the Defence Act of South Africa, and I am aware of the legal consequences of such a contravention. Nevertheless, I believe that I have informed my conscience in this matter, and my conscience urges me to take this stand. To go against my conscience is sin. "Obedience to God comes before obedience to men" (Acts 5:29).

(Acknowledgements to Robin Gibson, "Some Thoughts on Theories of Pacifism", unpublished conference paper, 1981.)

DAVE BRUCE - MOTIVATION

1. My reasons for refusing to serve in the South African Defence Force are based on my understanding of the situation in South Africa and my own political and moral convictions which revolve around my opposition to racism.
2. South Africa is a deeply divided country which faces the possibility of an intensifying war. While some South Africans and especially those in positions of authority in this country would have us believe that it is a war being conducted by South Africans against an external threat I have little doubt in my own mind that it is essentially a civil war which is being conducted by those seeking to defend the privileged position of a minority of South Africans against the legitimate aspirations and demands of the majority of people in this country.
3. This system of privilege which is being defended in South Africa is based fundamentally on racism. While racism was only fully entrenched within the South African political system with the coming to power of the National Party in 1948 and their implementation of the policy of apartheid, the apartheid system itself represents only a modification of policies which were implemented by successive South African governments following the achievement of union in 1910.
4. In recent years the South African government has in important ways sought to modify the political system within this country. However it remains essentially racist in character and the government has through its actions indicated firstly that it intends to dictate by force the terms on which any settlement is reached and secondly that entrenched white privilege and domination

is in its terms the precondition for any settlement.

5. At present the SADF plays a pivotal role in maintaining this racist system. This is evident from:
 - the role which it plays in the regional war in Southern Africa
 - its involvement in suppressing civil unrest internally
 - its key role in the Joint Management Centres and the National Security Management System

6. While the latter ^{two} examples point most directly to the fact that the SADF is in essence involved in a civil war i.e. that it is involved in suppressing internal resistance to the apartheid system, the first example is perhaps the most controversial as it is in relation to the regional war in Southern Africa that the SADF and the South African government base their claim that they are in fact defending South Africa against an external threat rather than conducting a civil war.

7. In looking at this question I think it is important to emphasise that the SADF has been involved in a variety of activities across a spectrum ^{which has included} ~~including~~ armed raids into neighbouring countries, destabilisation activities and all out war in the countries ^{surrounding} ~~neighbouring~~ South Africa - Lesotho, Swaziland(?), Mozambique, Zimbabwe, Botswana and Angola. Furthermore it has now for some time served as an army of occupation in Namibia, contrary to the will of the majority of Namibians.

8. While there is clearly Soviet involvement in this Southern African regional confrontation it appears clear to me that the primary rationale for the level of armed South African involvement in this country's neighbouring states is to inhibit any possibility of their providing forward ^{bases} ~~basis~~ for armed insurgency into the Republic of

South Africa and Namibia. For the South African government it is preferable to export the armed conflict which faces it and therefore to contribute to continued instability and human suffering in the countries surrounding South Africa rather than to allow the armed conflict to rear its face within South Africa's borders.

9. The question here is who exactly are these insurgents who are attempting to infiltrate into South Africa and Namibia? All the available evidence points very clearly to the fact that ^{they are} young South Africans and Namibians who have left their respective homes to seek military training as they have seen no other alternative path open to them to achieve what they see as their legitimate rights in the countries in which they were born.

10. In other words these people are not the brutal thugs that they are often portrayed to be but are in fact, in a similar way to many soldiers in the SADF, doing what they see as their duty to their own people - in the communities which they come from they are usually highly respected and are often regarded as ^{heroes} ~~heroes~~ by the local people.

11. What this means then is that by exporting war to the countries surrounding South Africa, the South African government is able to create the impression that the essential conflict which it is engaged in is against an external threat. In fact it is actually simply promoting instability in these countries to prevent the conflict from rearing its head within the borders of our own country. The ultimate effect is to embroil the whole Southern African subcontinent in a war which simply serves as a means of deflecting the conflicts within our own country. In the long run we are simply exporting war as a means of avoiding addressing the problems that face South Africa.

12. I would like to state that I am as strongly opposed as any other South African to the domination of this country by any foreign power. But

13. I feel very strongly that the root of the conflict is the problem of racism in this country. I am not saying that without racism there would not be major problems and conflicts which the countries of ^{Southern} South Africa would have to address. Neither am I saying that racism is exclusively the preserve of white South Africans; there are black racists and there is racism in countries all over the world. But the institutionalised racism which is part and parcel of the policy of apartheid not only sets white South Africans against the majority of people in their own country but in fact sets us against the people of the entire Southern African subcontinent.

14. As I see it, those who put forward solutions based on racial separateness and entrenched racial privilege only hold out the prospect of increasing polarisation and increasing bloodshed in this country. Any person who has experienced racism themselves should only understand too clearly that it is out of the question to expect any person to subject themselves willingly to a system which relegates them to the status of second class citizens and which denies them their own humanity. Being aware, as I am, of how European Jews and in fact the entire people of Eastern Europe suffered during the period of the Holocaust, I feel that I have no choice but to set myself against those who choose the path of increasing racial intolerance and racial hatred in the firmest way which is possible to me.

15. Finally, an additional factor, which contributes to my resolve not to fight in the SADF is my awareness of the extent to which the government and people in positions of power in this country have used their control over the supply of information, particularly through the education system and through the mass media, to systematically misinform South Africans about the history of this country and about the nature of the conflict which at present divides it. As someone who has been called on to carry arms and possibly to sacrifice my life for this country I feel very strongly that a government has a duty to the people whom it governs to ensure that they are fully informed about the circumstances which they find themselves in. To me it appears completely unreasonable to expect young people to give their lives in defence of something while expecting them to remain ignorant about what they are fighting for.

CHARLES BESTER : WHY I WON'T SERVE

My basic motivation for refusing to serve in the South African Defence Force is that I am a Christian, and as a Christian I must follow Christ. Christ's way is the way of love, and so in every situation I must try my best to follow a path of love. At the outset, I acknowledge that I am as fallible as anyone else and do not hold myself up as a better Christian than others, but I do believe that God sent His Son to die for us and so redeem us and set us free, so that, in our weakness and in His strength, we can be witnesses to Him.

Fundamental to my Christian beliefs is that firstly I must love God with all my heart, soul and mind and secondly to love my neighbour as myself - this is what Christ commands. These two commandments are interlinked, for St John says :

"For anyone who does not love his brother whom he has seen, cannot love God whom he has not seen."

I believe that the command to love one's neighbour entails loving our immediate family and friends, but I also believe that it has a broader context, which embraces the human family, and therefore has social and political implications. Throughout the Bible runs the theme of God's desire for justice, freedom and peace on earth, as well as his concern for the poor and oppressed.

In South Africa we have lived and are living under a political system which belies the fundamental tenets of Christianity, in that it has failed to meet the challenge of loving one's neighbour. The ideology of apartheid has been responsible for untold human suffering and humiliation in the pursuit of racial purity and the maintenance of power by a minority group. I would want to praise the government for its reform programme, but the principal bastions of apartheid remain in place, namely the Group Areas Act, the Population Registration Act, and separate education systems for the different groups. Furthermore it has abandoned the Rule of Law, it forcibly removes people from their homes, it detains people without trial, it bans organisations in opposition to it, it has

suppressed the flow of information under the recently renewed State of Emergency and it denies people full citizenship and the right to a say in the government in the country of their birth.

The word "apartheid" means separation, and its application is a denial of Christ's exhortation to love one's neighbour as oneself, and to do unto others as you would have them do unto you. It has undermined any basis of love and understanding between the races. Because we have been so effectively separated, fear, suspicion and distrust of one another's motives are endemic. The white population is amazed and confused at the intensity of the anger and frustration manifested amongst black people against the system of apartheid, which has run roughshod over their human dignity.

I have been called to serve in the SADF, ostensibly to fight in the defence of the State. In our multi-racial country, it seems illogical that only white male citizens are called upon to do this compulsory service in the defence of all. As I see it, the role that the SADF is playing in South Africa underpins the policies of division of the present Nationalist government. Evil is manifesting itself in a political system, and the government of the day is using the army and people of my age to uphold and defend that system.

I want to break down the barriers which divide us and I reject violence as a means to do so. If I were to serve in an institution such as the SADF which I see as perpetuating these divisions and defending an unjust system, it would be contrary to all I believe in. I see it as incredible arrogance that eighteen year old boys, most of whom have never previously been to a township, let alone been involved in its life, are ordered to enter, armed, on the back of a military vehicle to impose "law and order" on a community they neither know, nor identify with.

In addition, the refusal of the government in the past to negotiate or consult with acknowledged black leaders has resulted in South Africans leaving the country to be trained to fight for their political and human rights. In effect we have exported a civil war into our neighbouring

countries. I acknowledge that assistance is being given to these exiles by alien Communist forces, who have no right in Africa, but the inequalities of our political and social system, and the tardiness of the government in redressing these, have cultivated a fertile soil for the seeds of revolution. I reject violent revolution, but equally I will not fight fellow South Africans, who have been subjected to the structural violence of apartheid.

I contend that in Christ's teachings, we can find the answers in our search for a just and free society. To say that politics and religion do not mix is unacceptable to me on two counts :

Firstly, if I call myself a Christian, my beliefs must have a bearing on all facets of my life, including my political persuasions.

Secondly, it denies the spiritual aspects of the problem. St Paul says "For our struggle is not against flesh and blood, but against principalities, against powers and the spiritual forces in the heavenly realms."

I believe that, in as much as discrimination and injustice harm the oppressed, so, in the same measure, is the oppressor spiritually and mentally damaged. There is abundant proof of this in the astonishing escalation of murder, family killings, child abuse, alcoholism, drug addiction and unwarranted aggression amongst white South Africans in recent years - all manifestations of a society in stress. In addition, the danger to the young white conscripts does not only lie in physical maiming or death during National Service, but in spiritual scarring due to their experiences.

The claim that the army is defending Christian standards has raised serious doubts in the minds of many disadvantaged people as to what Christians mean when they proclaim "Good News". The link between the SADF and Christianity has caused many young people to see Christianity as irrelevant in the context of South Africa - nothing could be further from the truth.

The only way which I see that we, as white South Africans, can liberate ourselves from our spiritual oppression is humbly to seek reconciliation. Central to this is repentance before both God and man for the wrongs we have done. Only then can we begin to build a society on the firm foundations of justice, freedom and love.

I am fully aware that I am breaking the law of the land, and have no guilt in doing so. After studying Christ's commandments and seeking God's calling in prayer, I personally cannot be obedient to this law and to God's calling. I shall submit to the authority of the State and stand trial. I believe that in order for me to follow a path that will best demonstrate my love for God, my country and my fellow South Africans, I must pursue the way of reconciliation and non-violence. I will therefore refuse to serve in the SADF, and take the consequences.

ONS WEIER OM IN DIE SAW TE DIEN

Ons is 'n groep Suid-Afrikaners wat deur die wet verplig word om in die SAW te dien. Ons glo dat ons ons land se belange beter sal bevorder deur te weier om in die SAW te veg. Die wette van hierdie land maak hierdie besluit 'n ernstige een. Ons voel egter dat morele keuses, hoe moeilik ook al, nie vermy kan word nie.

Ons glo dat ons land in 'n burgeroorlog gewikkel is. As blankes word ons gedwing om aan een kant van hierdie konflik te veg.

Ons glo dat hierdie konflik veroorsaak word deur die stelsel wat as Apartheid bekend staan. Hierdie stelsel belemmer verhoudinge tussen ons land se mense en met ons buurlande. Dit veroorsaak armoede en ongelykheid, haat en geweld.

Ons glo dat die noodtoestand 'n oorlogsverklaring teen die mense van Suid-Afrika is. Die SAW word teen die jeug van die townships en lede van die vryheidsbeweging gebruik. Hierdie mense is nie ons vyande nie. Hulle is ons mede-Suid-Afrikaners en ons weier om teen hulle te veg.

Ons glo dat geen Suid-Afrikaners 'n nie-rassige demokratiese samelewing, waar almal gelyke regte het, hoef te vrees nie. Dit sal stabiliteit, vrede en voorspoed bring. Solank die stelsel van Apartheid voortbestaan, sal die burgeroorlog wat besig is om ons land en sy mense te vernietig, siegs vererger.

Ons glo dat die SAW nie 'n skild is waaragter vreedsame verandering kan plaasvind nie, maar dat dit eerder 'n instrument vir die beskerming van minderheidsvoorregte is. Die SAW oortree keer op keer internasionale reg. Dit beset Namibië tans onwettig. Dit skend die soewereiniteit van ons buurstate en pleeg dade van aggressie teen die burgers van hierdie lande.

Die SAW verteer die rykdom van hierdie land, rykdom wat nodig is vir gesondheid, behuising en opvoeding.

Dit is teen ons morele beginsels om aan so 'n instansie deel te neem.

Ons glo dat daar 'n toekoms is waar alle Suid-Afrikaners in vrede kan saamleef. Ons onderneem om te bou aan daardie toekoms en om deel daarvan te wees. Om in die SAW te dien druis in teen hierdie voorneme.

ONS WEIER OM IN DIE SUID-AFRIKANE WEERMAG TE DIEN

WE REFUSE TO SERVE IN THE SADF

We are a group of South Africans compelled by law to serve in the South African Defence Force. We believe our country is best served if we refuse to fight in the SADF. The laws of this country make this a serious step to take. Yet, we feel there comes a time when moral choices, no matter how difficult, cannot be avoided.

We believe our country is experiencing civil war. We, as whites are conscripted to serve on one side of the conflict. Yet this war is not of our making, nor is it of our choice.

We believe that the root cause of the war is Apartheid. It is indefensible. It poisons relations between our people and with our neighbouring countries. It creates poverty and inequality. Its bitter fruits are hatred and violence.

We believe that the State of Emergency is a declaration of war against the people of South Africa. The SADF is deployed against township youth and members of the liberation movement. These people are not our enemies. They are fellow South Africans and we will not take up arms against them.

We believe that South Africans have nothing to fear from a non-racial democratic society where all have equal rights. It will bring stability, peace and progress. Until Apartheid is abolished, the civil war that is tearing our country apart can only intensify.

We believe that the SADF is not a shield behind which peaceful change can occur, but an instrument for defending the privileges of a minority. The SADF continually contravenes international law. It illegally occupies Namibia. It violates the sovereignty of neighbouring states and commits acts of aggression against the citizens of these countries.

The SADF consumes the country's resources, resources that are so desperately needed for health, housing and education.

It is against our moral principles to participate in such an institution.

We believe there is a future where all South Africans can live in peace and harmony with each other. We pledge ourselves to build and be part of that future. To serve in the SADF would contradict such a pledge.

WE REFUSE TO SERVE IN THE SOUTH AFRICAN DEFENCE FORCE

JOINT STATEMENT OF CONSCIENCE

We the undersigned are not prepared to serve in the South African Defence Force. We have made this choice individually for the reasons outlined in our personal statements.

As loyal South Africans we wish to contribute to the building of a peaceful, non-racial and just society. We believe the SADF helps to uphold the system of apartheid. We are particularly concerned about its presence in Angola, occupation of Namibia, ongoing destabilisation of Frontline States and its role in South Africa's black townships. We do not see serving in the SADF as a way of contributing to peace in our country.

We make this decision in the realisation that there are hundreds of other South Africans who have decided not to serve in the SADF. Our country is being drained of the skills and resources of many of these people because it does not provide for adequate alternatives to military service.

Current legislation concerning conscientious objection is punitive and inadequate. It forces us to choose between the following options:

- * a jail sentence of up to six years
- * indefinite exile
- * up to six years "community service" if granted religious objector status
- * evasion of military call-up

We call on the government to allow the option of alternative service in non-government bodies for a period of equal duration to current military service, for all those who object to serving in the SADF on moral, religious or political grounds.

We are patriotic South Africans who wish to serve our country and make a constructive and peaceful contribution to its future in the interests of all its people.

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