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Conscientious Objector Support Group

P.O. Box 591
Kengray
2100
18 March 1992

The Secretariat
CODESA
P.O. Box 307
Isando 1600

Dear Sirs

WORKING GROUP 3: Transitional Arrangements

We believe that significant changes can be made during the transitional period in relation to the demilitarization of South African society.

The following submission is therefore made to Working Group 3 of CODESA:

1. A copy of our submission to Working Group 2 is enclosed. This will explain what COSG is and what we stand for.
2. Even before any interim government is set up, we request CODESA to use its power to bring about the following immediate changes:
 - (i) Conscription should be suspended immediately;
 - (ii) All prosecutions of conscientious objectors should cease;
 - (iii) There should be immediate full disclosure of all expenditure on security especially secret funding of special projects and special forces.
3. As soon as an interim government is established it should establish full, direct control over security matters, including the defence establishment and, in particular, ensure that:
 - (i) There is no expansion whatsoever of the defence force;
 - (ii) Any increase in security personnel should occur within the police force, alone;
 - (iii) Neither the defence force nor conscripts are used to carry out police duties;
 - (iv) The demilitarization of the police force commences immediately;
 - (v) The manufacture and distribution of arms within the country is brought under strict control;
 - (vi) The export of arms ceases immediately.

We thank you for the opportunity to place these concerns before you and trust that they will receive your close attention.

Yours faithfully



Paul Goller
on behalf of COSG

Conscientious Objector Support Group

March 1 1992

The CODESA Secretariat
P.O. Box 307
Isando 1600

SUBMISSIONS TO CODESA WORKING GROUP 2.

The Conscientious Objector Support Group (COSG) submits the following for the attention of members of Working Group 2 dealing with the formation of a new constitution and Bill of Rights.

1. We support the adoption of a Bill of Rights as distinct from the constitution itself.

2. We realise that at this stage your Working Group is dealing with the process rather than the content of the new constitution and Bill of Rights. We nevertheless feel that it is important at this early stage for all negotiation partners to be made aware of the need for the right to Conscientious Objection to military service to be written into the Bill of Rights as a basic human right.

3. Even if all of the groups represented at CODESA are against any system of military conscription in the future, we none the less foresee that a democratically elected government might at some stage feel it necessary to introduce such a system by legislation; hence our emphasis on the need to protect the rights of Conscientious Objectors from the outset.

4. Furthermore, even in a non-conscripted army there is a possibility of selective objection to a particular war. The most recent example of this is the Gulf War of 1991 when approximately 3000 U.S. soldiers applied for Conscientious Objector status for refusing on grounds of conscience to take part in the war against Iraq. In our own history, the Union Defence Force of the Second World War was an army of volunteers with a small Permanent Force core, and provision was made for those who refused to fight outside the borders of the Union of South Africa but were willing to remain part of the Army and to protect the country from invasion.

5. Most countries of the Western world have the right to Conscientious Objection written into their constitutions, and many of the newly emerging states of the former Eastern bloc are doing the same. A typical European example is Article 4 of the German constitution ... "No person should be forced to perform military service against the dictates of their conscience."

The following documents are attached:

- * Pamphlet: "What is COSG?"
- * COSG's Policy Statement on conscription and Conscientious Objection, adopted in September 1990.
- * 1989 Resolution of the Human Rights Commission, U.N. Economic and Social Council.

Your attention is also drawn to the Universal Declaration of Human Rights, article 18 dealing with the right to freedom of conscience and article 3 the right to life.

Further documentation is available and can be obtained from COSG
P.O. Box 591 Kengray 2100.
Contact person: Nan Cross, phone (011) 614-7458.

Nan Cross

COSG Policy Statement

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

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.



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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/CI.4/Sub.2/1983/30), with a view to
receiving comments from Governments, relevant United Nations bodies and

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. Elde and Mr. Hubanga-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~~ 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

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".

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Do you want to get involved?

If you are an objector or interested in supporting C.O.s, your help will be appreciated by all C.O.s. Register your concern by joining COSG.

If you could benefit from our services, or know anyone who could, please write to COSG at one of the following addresses or phone one of the people listed below:

Cape Town

P O Box 13032
Mowbray
7705

Ivan Toms – 021-6892866 (h)

Durban

P O Box 2861
Durban
4001

Michael Graaf – 031-210845 (h)
Richard Steele – 031-3015663 (w)
and Anita Kromberg

Johannesburg

P O Box 591
Kengray
2100

Nan Cross – 011-6147458 (h)
– 011-3392010 (w)

Conscientious
Objector
Support
Group

What is COSG?

What is COSG?

The Conscientious Objector Support Group (COSG) was established in 1979 to support conscientious objectors (C.O.s) who had been imprisoned for refusing to serve in the SADF. We are a national organisation committed to non-racialism, non-sexism and democracy.

Our aims are:

1. To defend the right of the individual to refuse, on grounds of conscience, to render military service;
2. To give support to C.O.s and to publicise their stands;
3. To support the families and friends of C.O.s;
4. To oppose militarisation and conscription in the interests of building a just peace in our country;
5. To work for improvements in legislation regarding conscientious objection;
6. To liaise and co-operate with like-minded organisations, both locally and internationally, to promote these objectives.

Whom do we help?

We support C.O.s who refuse to be conscripted for religious, ethical, moral or political reasons as well as their families and friends. We help C.O.s:

- facing trial and in jail;
- doing community service or serving as non-combatants in the SADF;
- evading conscription inside South Africa;
- who went into exile and have returned.

What do we do?

COSG offers a forum in which issues related to objection can be discussed. (Through this we provide support to C.O.s and those close to them.) We can provide specific services in the areas of support, campaigns and trials.

These include:

- People experienced in support and campaign groups;
- Skills and resources to run campaigns, e.g., media production and press liaison;
- A manual for support and campaign groups;
- Access to sympathetic lawyers.

