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13/ 11/ 82.

Dear Friend,

Counselling possible Conscientious Objectors to Military Service

Although the number of conscientious objectors to military service in South Africa is small, it seems that numerous young men wrestle with the moral issues involved and frequently come to someone in their church for guidance and help.

A support group for conscientious objectors in Johannesburg has had a few of its members working on a manual for counsellors on this subject which is nearing completion.

Meanwhile, details of the proposals of the Naudé Committee of the SADF on the suggested handling of conscientious objection in future have been made public. These proposals are now being considered by the Government and, if accepted, will form the basis for legislation already mentioned by the Minister of Defence as due to come forward in the 1983 session of Parliament. These proposals in outline are appended.

If adopted, the Naudé proposals will substantially change the situation for certain objectors and it seems best to us to delay the manual until the new provisions can be incorporated into it.

The question arises of what happens in the meantime to young men with problems of conscience who are called up for the January 1983 intake or for camps before the new legislation is dealt with. In this connection the Presbyterian Church of Southern Africa wrote to the Minister of Defence in July this year and received the following reply:

"I regret to advise that neither I nor the Chief of the SA Defence Force is empowered to grant a moratorium to conscientious objectors of the July 1982 or January 1983 intakes of national servicemen pending the passing of the envisaged legislation by Parliament in 1983. Conscientious objectors are of course at liberty to apply to the Exemption Board for deferment of their national service."

I therefore suggest, if you are counselling any such person, that you tell them of this possibility of deferment and the nature of the possible new provisions. It would then be up to them to decide whether to apply for such deferment, either to July 1983 or later.

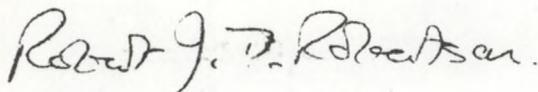
In making such application I suggest that the possible conscientious objector should, with your guidance if desired, proceed as follows:

- (a) Work out his own position on war and service in the SADF and write this down as clearly as possible in a provisional statement.
- (b) If it appears that the adoption of the Naudé proposals would meet his case then he should write to the Exemption Board stating a desire to take advantage of the possibility of deferment mentioned by the Minister and applying for such deferment. The letter to the PCSA may be quoted.
- (c) If his conscientious position is reasonably clear the statement could be included with this letter, remembering however that it may form part of the evidence if he should come before the proposed Board (see Naudé proposals) or appear before a Court Martial. A lawyer's advice might therefore be important.
- (d) A covering letter of support from his own minister or local church indicating his membership, sincerity, etc. could accompany the application for deferment.

He should carefully keep copy of all these documents, and I would be grateful to be advised of the outcome of any such application for deferment.

When the manual is eventually ready we will circularise you again.

Yours sincerely,



Robert J D Robertson  
Commission on Violence and Non-Violence  
S A Council of Churches.

## SUMMARY OF PROPOSALS OF THE NAUDE COMMITTEE OF THE SADF

(Unofficial and not for publication please)

Because conscientious objection is advanced by radical young men for political ends as well as by those with genuine religious scruples, the committee felt that the first need is to identify those who have genuine religious convictions. Conscience per se is not always a valid norm, since it can change according to circumstances in which the objector finds himself. On the other hand, the committee had sympathy for those with strong religious objections and urged that these be considered apart from those whose objections are mainly or entirely of a political nature.

The committee therefore prefers the term "religious objector" to that of "conscientious objector".

The committee identified four groups of objectors:

1. Conscientious non-combatants who refuse to carry arms or engage in weapon training, but who are willing to do other military service.  
(Their case is already met by Defence Force regulations that stipulate that no one is to be forced to carry arms or engage in weapon training if it is against his conscience to do so, though the committee found that this is not always put into practice by various commanding officers.)
2. Conscientious non-militarists, i.e., those who object to any form of military training; the majority of these are Jehovah's Witnesses.
3. Selective conscientious objectors who object to a particular war, often on political grounds, but who are nevertheless genuine.
4. Non-conscripts who object to any kind of enforced service whatever.

On the question of a just war and a just society, the committee submitted that there is no absolutely just society on this earth, but no absolutely unjust society either. Two consequences follow. First, that the overthrow of an existing regime by revolution and violence would not remedy the situation, but would lead to injustice being perpetuated, albeit to another sector of society. Secondly, the 'justice' of a war cannot be based on the justice or injustice present in society. The committee therefore submitted that the only war that might be regarded as in any way just would be defence aimed at the preservation of territorial integrity and the prevention of aggression.

When it came to make its recommendations, the committee began with the premise that the present policy is not equitable but discriminates between the Churches whose creed forbids engaging in a war and those who do not do so. Therefore every man must be treated on the basis of his own personal religious views.

It recommends that a special board be appointed by the Minister of Manpower to judge each man as objectively as possible. It should consist of a judge (or an ex-judge), three theologians (drawn from various Communion), one serving chaplain nominated by the Chaplain General, and one officer of the S.A. Defence Force. The actual procedures for application for a hearing by this board are still to be worked out by the legal experts.

The committee stipulates that the board must judge each case on the basis of the Scriptures of the religion the appellant belongs to (the Bible in the case of Christians, the Koran in that of Moslems, and so on); that each man must show that his view is not new but has been held for some time; and that he must produce evidence that he is a regular, practising member of his religious group.

As far as the objectors previously identified are concerned, the committee recommends as follows:

1. Non-combatants should be allowed to do military service which does not involve the carrying of arms or weapon training.
2. Non-militarists (who refuse to wear uniform but are willing to do work beneficial to the Defence Force) should be employed out of the military system and not in uniform; their length of service should be  $1\frac{1}{2}$  times the length of military service together with camps.
3. Non-militarists unwilling to have any part in the Defence Force should be required to engage in other forms of national service (e.g., as firemen, hospital workers, in forestry), and, corresponding to provisions operating in other countries, their national service should be twice the length of military service plus camps operating at the time of their hearing by the board.
4. Objectors on political grounds should not be placed in military detention, because theirs is not a military offence, but should be gaoled for a period twice the length of military service, and in their case there would be no remission on sentence for good behaviour. (In present circumstances this could mean 8 years but would probably entail a 4 year sentence for refusing initial training and subsequent shorter periods for refusing camps thereafter).

The committee recognizes that objectors with genuine religious convictions would also be politically motivated, but trusts that the board hearing the cases would be able to distinguish these men from those whose convictions have only a political, radical base.

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