

Prescription Advice Service.

A33.3.3

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CONSCRIPTION COUNSELLING WORKSHOP

WELCOME TO THE CAS 1988 WORKSHOP

Greetings to each of you from all of us at the Conscription Advice Service. While you find yourself waiting for everything to get started perhaps you could respond to the following questions and note down your answers.

What is your central motivation for attending this course?

Some of the queries I would like to see answered, include the following

And if things have still not got going.....!!!

Some conscription conundrums

1 Conrad does not fancy doing his camps. He receives notice that a registered letter awaits him at the post office. He presumes (correctly) that it is a call-up to a camp. He does not collect it and misses the camp. Is he guilty of an offence?

YES / NO / MAYBE / NO IDEA

2 Phillip is a buddhist who does not believe in a deity. He is a pacifist but has a history of anti-government activity. Would he be accepted as a religious objector by the Board for Religious Objection?

YES / NO / MAYBE / NO IDEA

3 Willem refuses to do national service. He is arrested and found guilty of failing to report. He would be imprisoned for:

- (a) a mandatory (compulsory) six years
- (b) a maximum of six years
- (c) a mandatory six years, part of which may be suspended
- (d) a maximum of 18 months
- (e) a mandatory 18 months
- (f) No Idea

4 Pete emigrated to Ireland to avoid military service. He acquired Irish citizenship. He returns to South Africa. Would he be liable for military service in the SADF?

YES / NO / MAYBE / NO IDEA

5 His father, Joe, receives a questionnaire asking for details so he may be called up for Commando service. He has no intention of joining "Dad's Army" and throws the questionnaire in the dustbin. Is he guilty of an offence?

YES / NO / MAYBE / NO IDEA

6 John is a US citizen. He has been resident in South Africa for five years. He receives a national service call-up. Is he in fact liable for military service?

YES / NO / MAYBE / NO IDEA

WORKSHEET ON MILITARY SERVICE

Read through this list and tick the statement which most accurately describes your attitude:-

When called upon to do so,

- 1 I would willingly render military service in the SADF.
- 2 I would reluctantly render military service in the SADF.
- 3 I would render service in the SADF but only as a non-combatant.
- 4 I would probably not render service in the SADF.
- 5 I would definitely not render service in the SADF.
- 6 I would not render service in any military force

Explain in not more than 30 words the basis for your position.

I believe

.....

.....

.....

.....

List the events/people/ideas that have most influenced your attitude to military service and explain in each sentence.

1.....

2.....

3.....

4.....

5.....

Explain in more detail the moral, political and/or religious grounds for your position on military service.

.....

.....

.....

.....

.....

COUNSELLING

BASIC PRINCIPLES

The three most important principles of counselling are empathy, non-directiveness, and acceptance.

1. Empathy

Definition: Empathy means trying to understand the person and their experiences, and showing that you understand. This is distinguished from sympathy, which means thinking that you understand the person, and trying to comfort them.

Aim: Empathy assists counsellees to talk openly and freely about their concerns. The experience of being "understood" is also often a great relief to counsellees, and where there are no easy solutions, may be all that can be offered them.

Ways of developing empathy:

- Encourage counsellees to talk about their concerns and feelings.
- Listen, especially in the first part of the interview.
- Be aware of the counsellees' feelings, eg as shown in body language, tone of voice, what is left unsaid.
- Reflect back to counsellees how you understand their experiences and feelings.
- Make appropriate eye contact ie convey interest and warmth without looking intrusive or over-eager.
- Use physical space appropriately, eg arrange chairs to convey a non-authoritarian but not overly intimate relationship.

2. Non-directive approach

Definition: Non-directiveness means allowing counsellees to tell their stories in their own way, and enabling them to make their own decisions.

Aim: A non-directive approach provides the experience of "being listened to" for counsellees. The opportunity for counsellees to make their own decisions also allows them to feel less overwhelmed by their problems.

How to be non-directive:

- Give counsellees time at the beginning of the session to tell their story without too many interruptions, except to encourage.
- Avoid giving advice.
- Avoid making decisions for counsellees

3. Non-judgemental, accepting attitude

Definition: A non-judgemental attitude means accepting counsellees' experiences and feelings as true for them, even if you disagree or disapprove.

Aim: Acceptance assists counsellees to admit to feelings and experiences about which they may feel embarrassed or ashamed. It also contributes to the development of empathy.

How to show acceptance:

- Avoid expressing your opinion or judgement of counsellees experiences or plans.
- Convey understanding for any non-admirable or negative feelings counsellees may show or express.

Other important guidelines for counselling:

- Assure counsellees that their identity and what they tell you will remain confidential, in order to establish trust.
- Avoid giving reassurance, especially false reassurance, as in, "I'm sure that everything will work out fine."
- Avoid creating false expectations, as in, "We'll be able to sort everything out here."
- Avoid talking about your own experiences. This could suggest to counsellees that you think that they should feel and do as you did, which could inhibit discussion of their true experiences.

PROCESS OF COUNSELLING

1 Introduction

Aim: To put the person at their ease, and to explain what will be happening.

This phase lasts about 5 minutes. It includes introducing yourself and the organisation, and letting them know what they can expect from you, in terms of the length of the session, what you will be doing, and what you can offer them. Confidentiality should be discussed to establish trust.

2 Finding out about the person and the problem

Aim: To listen, and to understand, and to check if you understand correctly.

This phase should last a third to half of the session. Ask open-ended questions in order to find out about the background to the problem, including the person's feelings, values, attitudes and principles. For instance, you could start off by saying: "I need to know more about you so that I can understand the problem better". Other questions which can be asked to find out more about the person, are:

How are you feeling about coming for advice?
Why have you come now for advice? What have you been doing since your first call-up? How have you dealt with your call-ups so far? Have you made any decisions yet and how do you feel about them? What are your problems with being conscripted?

Reflect your understanding of the situation back to the counsellor to check if you understand accurately.

3 Problem solving

Aim: To identify and prioritise problems, and to brainstorm solutions. (See below)

PROBLEM - SOLVING

Problem solving involves two important aspects:

- Facilitating the counsellor deciding for themselves what to do about the problem.
- Providing specialised information to assist the counsellor in making their decision.

It is important that counsellors make their own decisions, because they will bear the consequences of the decisions, and because it helps them to feel more effective and in control of their problems.

Steps in problem solving:

1 Explain to the counsellor that you will work together, but that they will make the final decisions.

2 Elicit the problems and their implications from the counsellor. Find out what measures have already been tried. List the problems, if this is useful, choose the most urgent one together.

3 Brainstorm all possible solutions; you add alternatives only if necessary. Choose the best solution together, by listing the pros and cons of each.

4 Discuss possible ways of carrying out the chosen solution. Choose the best plan of action, by listing the pros and cons of each.

5 If appropriate, meet again at a later stage to evaluate the outcome.

ADDITIONAL GUIDELINES FOR COUNSELLING

Those people who seek your help will all be very different, coming from different contexts, requiring different aid. As a consequence there is no one good way to counsel all people. This is why it would not be useful to give you a definite step-by-step plan. What is more useful is to offer some guidelines - things that are usually good to do and things that are usually not good to do.

LISTENING:

Probably the most important thing to do is to be a good listener. This requires effort and concentration. It is a skill that develops with practice. Be very attentive to what the person says.

A central part of counselling someone in distress or confusion is to develop as good a sense as possible of what they are EXPERIENCING. You need to come to understand as best you can exactly what their situation is and what they feel and think about it in order to help them effectively. In this way the person will feel understood and no longer alone in the situation.

Being a good listener means NOT INTERRUPTING.

Listen carefully and wait until the person has finished talking before you say anything.

Listen with POSITIVE regard, warmth and respect

It is important not to be judgemental and impose your own values onto the person. Be tactful in offering advice - don't force the person into making the decision that you think is right. Rather you should facilitate the person to arrive at a decision on their own. Be careful not to be critical or prejudiced in any way.

Listen ACTIVELY.

We call this reflective listening - you listen to what is being said, reflect upon it and restate it to the person. In this way they will know that you are listening. For example, you may sum-up what they have said, like: "so you have been finding the living situation in the army very claustrophobic?"

Active listening may involve clarifying the situation for the person. For example, they may present a whole lot of complicated feelings and you may be able to clarify what is actually going on for them.

CENTRE your thoughts on the person.

Try and imagine yourself in their situation - i.e. listen with EMPATHY. This is often difficult to do as we are so used to reflecting on our own experiences or feelings when we hear others. Especially avoid relating your own experiences or feelings about what the person is speaking about. The focus is on their problem not yours.

Encourage the person to EXPRESS THEIR FEELINGS.

Even if they are there for information only, they are experiencing many different emotions about this issue which need expression.

PROBLEM SOLVING:

Your counselling will usually involve a process of seeking a solution to the problem. Before trying to find these it is often important to first allow the person to express the feelings that lie around the problem (see above). In coming to a solution, the first stage involves DEFINING THE PROBLEM. It is important to clarify what exactly is the problem and to separate different levels and issues of the problem. By defining the problem we therefore mean sorting it out in some logical manageable way.

The following guidelines may help in the definition process - separate out the following from each other:

- the different problem areas
- the person's response, their feelings and their behaviour in relation to these problem areas
- the way in which other people and areas of life are affected by the problem

Once the problem has been sorted out in this logical way it is often easy to see solutions. It is also important to remember in solving problems that you cannot make decisions for the person, nor can you simply provide solutions. The person you are counselling needs to find the solutions themselves and your role is to facilitate this process.

SUMMARISE

decisions and main things covered in the session when it ends. Also try and evaluate how useful it was and how it felt for the person. This will help you for the future and give the person something concrete to go away with.

BODY LANGUAGE

Don't only listen to the problem, observe the person as well. Watching how the person moves, speaks, sits etc can give you much insight as to what is going on. Be aware of your own body language too - the way you sit, eye contact, your tone of voice - all of these contribute to how you make the person feel. You can express your attentiveness and concern for the person with your facial expression, by maintaining eye contact and using a gentle caring tone of voice. (But be careful to be yourself - don't try too hard to be the perfect counsellor - be GENUINE).

PHYSICAL COMFORT:

Make sure you have a quiet comfortable place to counsel in. There should not be constant interruptions or too much external noise. The person you are counselling needs to feel safe in order to open up to you. It is usually best if only one person does the counselling as too many people all trying to help at the same time may create confusion and

often a person feels more at ease talking to only one person. It is important that the person being counselled is comfortable - that they have a comfortable chair etc. Also make sure you have set aside enough TIME to allow the person to become relaxed and speak about the problem. It is often useful to discuss how long you will spend with the person so that you both know how long it will last.

While it is not in the nature of non directive counselling for the counsellor to make decisions for the person seeking advice, attention is drawn to the following:

SECTION 121 (c) OF THE DEFENCE ACT

"Any person who: -----

(c) uses any language or does any act or thing with intent to recommend to, encourage, aid, incite, instigate, suggest to or otherwise cause any other person or any category of persons or persons in general to refuse or fail to render any service to which such other person or a person of such category or persons in general is or are liable or may become liable in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding six years or to both such fine and such imprisonment."

THE EMERGENCY REGULATIONS of 10th June 1988

.....where the definition of a "subversive statement" includes "a statement..... by which the system of compulsory military service is discredited or undermined."

Regulation 5 reads: "No person shall - whether orally or in writing, make any subversive statement or cause such a statement to be made....." (Media emergency regulations, GG 11342)

And in regulation 13 the penalty for contravention of the regulation is: "a fine not exceeding R20 000 or imprisonment for a period not exceeding ten years or to that imprisonment without the option of a fine." (Security emergency regulations, GG 11340)

CONSCRIPTON ADVICE AND THE LAW

While it is not in the nature of non-directive counselling for the counsellor to make decisions for the person seeking advice, attention is drawn to the following:

Section 121(c) of the Defence Act

"Any person who uses any language or does any act or thing with intent to recommend, to encourage, aid, incite, instigate, suggest to or otherwise cause any other person to refuse or fail to render any such service to which such person is liable or may become liable in terms of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding Five Thousand Rand or to imprisonment for a period not exceeding Six Years or to both such fine and such imprisonment."

The Emergency Regulations of June 10th 1988

where the definition of a "subversive statement" includes "a statement by which the system of compulsory military service is discredited or undermined."

Regulation 5 reads: "No person shall - whether orally or in writing make any subversive statement or cause such a statement to be made" (Media emergency regulations, GG 11342)

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LEGAL RIGHTS AND THE SERVING CONSCRIPT

(1) Protection against ill treatment

Q. Do conscripts have any rights or protection in the SADF?

A. Yes. These are contained in various South African Defence Force Orders (SADFO's). They include:

Extra Drill may not last longer than an hour per day, must be given by an authorized instructor in accordance with the SADF drill procedures, and may not continue longer than 15 minutes without a break given. The break must last at least 30 seconds. SADFO 1/6/81 is the authority in this regard.

Group punishment when only one or more members of the group has erred is forbidden. SADFO 1/6/81 is the authority.

Threatening physical contact is forbidden. Consult SADFO 1/6/81.

Under no circumstances whatsoever may any member of the SADF use **indecent language**. SADFO 1/6/81 is the authority.

Initiation of any form is forbidden. Consult SADFO 1/6/81.

Physical training as a form of punishment is forbidden. SADFO 1/6/81 and all national servicemen should be made aware of the dangers of **heat fatigue**. SADFO 1/5/79.

The Chaplain is accessible to you at any time. Simply request your instructor that you wish to see the Chaplain. You are not required to state the reason. You are only required to say "personal reasons".

National Servicemen are compelled to attend one **Church Service** per Sunday during the period of basic training and before weekend leave is granted. They may either attend the joint services at the base or, if possible, services in their respective churches.

Transport must be provided for attendance at Church services or youth activities if these take place at too far a distance from the camp. No authority is required for such transport, within a radius of 32 km from the camp. Consult SADFO 1/21/78 for your authority.

A copy of **SADFO 1/6/81** is obtainable from most chaplains.

You are entitled to apply for **recognition as a religious objector**. The conditions under which you may apply should be available to you. One of the categories is that of non-combatant. It is common practise for the non-combatant to be told he may not enroll for courses which will lead to rank.

Nobody may be sentenced to **corporal punishment** for any offence under the Military Disciplinary Code (MDC).

(2) Complaints

Q. Does a conscript have any right to complain to any one if he has been wronged by another member of the SADF?

A. Yes, you can complain in writing to your commanding officer. Initially this would be your platoon commander. If the officer cannot settle the complaint himself, he must pass it on to a higher authority. This process continues until the complaint reaches a level where it can be resolved. It is advisable to retain a copy of the complaint. The officer who refers the complaint to a higher authority must inform you that he has done so.

Only if he is not informed or the problem is not resolved, may the conscript approach a higher authority. While he uses the recognised channels, parents or relatives can write to:

*The Defence Force Complaints Office
Private Bag X159
Pretoria
0001*

*or, telephone (021) 21-4611
if they believe he has been treated unfairly.*

(3) Military offences

Q. What offences could I commit as a conscript?

A. There are many different specifically military offences created by the Defence Act and the MDC. A few such offences of interest to the conscript are:

3.1 Failing to report when called-up is an offence and upon conviction, if prosecuted in terms of the Act, one may be sentenced to imprisonment (or detention) of up to 18 months or a maximum fine of R600 (The latter was imposed in *State v Boraine* and *State v Wilkinson*).

More usually an offender will be charged in terms of the MDC for failing to appear at a place of parade or duty or other appointed place, without good and sufficient cause. The maximum penalty is one year's imprisonment, although a suspended sentence or fine may also be imposed.

If it is proved that the conscript, when charged in terms of the Act, failed to report for service, he will be presumed to have refused to render service, unless the contrary is proved by the conscript. If convicted for refusing to serve you will be liable for imprisonment of 1.5 times your total (theoretical) remaining service liability or for 18 months, whichever is the longer.

3.2 Absence without leave (AWOL) and Desertion:

A conscript who goes **AWOL** is liable upon conviction under the MDC to a maximum sentence of one year's imprisonment.

Desertion is a far more serious offence, carrying a maximum sentence of 10 years imprisonment. The definition of "desert" in the MDC includes failure to report for service within 7 days of the date a call-up commences.

3.3 Disobeying a lawful command given by a superior can either be coupled with "wilful defiance" or not. If "wilful defiance" is found to be present the offence is seen as serious and carries a maximum sentence of 5 years imprisonment upon conviction. The maximum sentence is otherwise one year.

Importantly the command must be "lawful". If a conscript carries out an unlawful command he may incur personal liability for his criminal actions.

3.4 Mutiny can only be committed by two or more SADF members and is basically the refusal to obey orders. The maximum sentence upon conviction is five years.

3.5 Conduct prejudicial to military discipline is any act or omission which causes actual or potential prejudice to good order and military discipline. This covers a multitude of acts and omissions not specifically provided for in the Act or MDC, but which in the opinion of a military court would be contrary to military norms and standards - a very wide provision.

(4) Military trials

Q. If I commit an offence as a conscript, what kind of military trial will I be subjected to?

A. There are basically two kinds of military trials:

4.1 Summary trial, where the procedure is relatively informal. Practice is to hold these trials in camera with no right to legal representation - although the MDC does not expressly exclude this. A private can be sentenced to a maximum sentence of 40 days detention (or a R150 fine) by this "court". Such a sentence is effective immediately but must be reviewed by a higher review authority. Written representations may be made by the sentenced conscript to this authority within three days of sentencing.

4.2 Courts martial hear more serious offences and procedures are more formal (similar to a civilian court). The trial is generally held in open court and the accused has the right to legal representation. If legal counsel is not employed, a defending officer must be appointed for the accused.

The sentence which must be announced in open court, may not be carried out until confirmed by a confirming authority. Written representations can be made within 48 hours of sentencing. Once confirmed a similar review procedure as described for summary trials follows. Depending on the offence sentences range

from death by firing squad to a reprimand on conviction.

The accused conscript may object to a particular trial officer in a military trial on the grounds that the officer has knowledge of the facts, which will prejudice his decision.

No appeal lies from a military court to the Supreme Court, although it may be asked to review for example, a procedural irregularity that occurs during the military trial.

(5) Debts

Q. Does a national serviceman have to repay his debts during national service?

A. The conscript is placed in a favourable position regarding the payment of debts and repayment of study loans. **The Moratorium Act** of 1963 provides that any contractual debt incurred by him before commencing continuous service, but payable after he has started the service, will be suspended by the length of that service plus one additional month.

There are however, instances where the serviceman's obligation to pay is not suspended, one of which occurs where the serviceman's employer is paying the balance of his wages.

(6) Leave

Q. What leave is a national serviceman entitled to?

A. After three months of uninterrupted service, the NSM is entitled to seven days leave with pay. He is given a free rail warrant which can be used in part payment for a plane ticket. Travelling time is not counted as part of leave. During the second year, 14 days uninterrupted leave is allowed, again with travelling time.

A maximum of ten days compassionate leave can be applied for in the event of the death or serious illness of a close relative. During the two years, a total of 28 days special leave is available to sportsmen who represent their province or country. The unit commander is also

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allowed to grant up to 20 days leave in deserving cases.

(7) Non-combatancy and township duty

Q. What will happen if a conscript asks for non-combatant status or refuses to perform township duty?

A. Strictly speaking, you commit an offence, namely that of disobeying a lawful command if you refuse to bear arms or enter a township when so ordered.

However, over and above the conscripts accepted by the Board For Religious Objection (Category 1), the SADF has acknowledged that an informal system operates whereby requests for non-combatancy status or not to do township duty, may be granted. (qv State v Wilkinson) This is a concession not a right and the granting thereof depends upon your commanding officer.

THE RIGHTS OF THE CONSCRIPT IN UNIFORM

UNFAIR/UNLAWFUL TREATMENT
VICTIMISATION & BULLYING.

BASIC RIGHTS

- * Punishment of the whole group for errors by some individuals - forbidden
- * Initiation - forbidden
- * Threatening physical contact - forbidden
- * Physical training as punishment - forbidden
- * (Indecent language - forbidden)
- * Extra drill may not last longer than 1 hour per day and there must be a 30 second break every 15 minutes.

RELIEF MEASURES

If you are unlawfully treated or victimised you could take any or all of the following steps :-

- * Inform your parents of the situation and ask them to take up the matter
- * Raise the problem with a military chaplain and/or unit welfare officer
- * Complain formally to your platoon commander. If you get no relief, approach the next officer in the chain of command and so on, until the issue is resolved.
- * It is desirable to make such a complaint in writing. Keep a copy of the complaint.

If you complain about improper treatment you might encounter some hostility. Do not be intimidated. You have not committed any offence in complaining.

Your parent could take the following steps:-

- * Complain to the : Defence Force Complaints Office
Private Bag X159
Pretoria 0001
or telephone (021) 21-4611
- * If the situation is not satisfactorily resolved, they could phone the OC of your base, their local MP or even the Minister of Defence.

The more pressure they bring to bear, the more likely it is that the problem will be speedily resolved.

INFORMAL NON-COMBATANT STATUS / GETTING OUT OF TOWNSHIP DUTY

S A D F P O L I C Y

The serving conscript does not have the right not to carry a rifle (unless he has been recognised as a non-combatant by the Board for Religious Objection) or not to do township duty. If he is ordered to carry a rifle or to do township duty and refuses to do so, then he commits the offence of disobeying a lawful command.

In practice however the SADF does give the OC of a unit, the discretion to grant a conscript informal status as a non-combatant or to exempt him from township duty and allocate him other duties instead. Such "rights" are often, but not always granted. They are informal "rights" and may be taken away at any time. The conscript attempting to claim such "rights" may encounter considerable hostility and resistance.

D I S O B E Y I N G A L A W F U L C O M M A N D

If wilful "defiance" is found to be present the offence is seen as serious and carries a maximum sentence of 5 years imprisonment. The maximum sentence is otherwise one year. As a first offender you will be most unlikely to receive the maximum sentence. In the few cases where conscripts have been convicted of disobeying a lawful command for refusing to do township duty, they have been fined or warned.

T H E C O R R E C T P R O C E D U R E

When trying to get informal non-combatant status or to get out of township duty:-

1. Go to the OC direct. Do not follow the chain of command.
2. See him privately, not in the presence of other troops.
3. Insist on seeing him as soon as you report for the camp, or, if you are a NSM, as soon as you discover you might be doing township duty.
4. Give him a statement spelling out the grounds for your request. You might not be given the opportunity of explaining yourself clearly and logically.
5. Supporting affidavits from a parent, minister of religion or any other suitable person testifying to your sincerity, give added weight to your request.
6. Be diplomatic and non-confrontational, but be firm in your convictions.
7. Be fully aware of the legal implications of your action.
8. If you have strong principles on the matter, stick to them. Do not be intimidated by threats.

LIABILITY FOR MILITARY SERVICE

1. CADETS

Q. Do I Have To Do Cadets At School ?

A. School pupils and their parents do have a choice about learning to fight. Cadet training is not compulsory. Section 57 of the Defence Act 1957 states:

"Every person domiciled in the Republic, may if he is a scholar or student at a school or other educational institution be required between his 12th and 17th year, both included, to undergo training as a cadet in accordance with the regulations, unless: (a) his parent or guardian has objected thereto in writing"

2. REGISTRATION

Q. Who Is Required To Register And When ?

A. By law every white male South African citizen must apply to the SADF registering officer for registration for military service. This must be done

(a) during the period from the first day of January to the last day of February of the year in which the person will attain the age of sixteen years; or

(b) where the person was outside South Africa and Namibia during the entire period or for any other reason failed to apply for registration during that period, within thirty days after his return to South Africa or Namibia or after the disappearance of the reason, unless the person is then over the age of fifty-five years.

With regard to the Amendment of the Defence Act No.103 of 1982, all white South African males under the age of 55 years who have not previously been registered shall now be liable for service. Certain categories of persons who

are not South African citizens may also be required to undergo military service.

Q. What If I Am Not In The Country When I Become 16 Years Of Age ?

A. You are then required to register within thirty days of your return to South Africa unless you are then over fifty-five years of age.

Q. What If I Do Not Register ?

A. The registering officer must issue a registration certificate to every registrant. Any person between the ages of sixteen and fifty-five years, who without lawful excuse, refuses or fails on demand by a Permanent Force Officer, or a Policeman, to produce the registration certificate, is guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months.

Note that if a person refuses to register, the SADF is entitled to register him without his consent.

3. LENGTH OF SERVICE AND CAMP CYCLES

Q. How Long Is The Compulsory Service ?

A. The Defence Act requires active service in the Citizen Force over a period of fourteen years, commencing with an initial period of full-time service of 24 months. On completion of this period, you are liable to render subsequent periods of service during six cycles of two years each, of which none shall exceed 90 days and which shall not exceed 120 days per cycle in total. This amounts to 720 days of camps over a 12 year period. Should the above mentioned service not be rendered prior to the expiration of ten years, you shall remain a member of the Citizen Force, until such time as you have rendered such service, even if this period should exceed the required fourteen years. (This is being interpreted inconsistently at present)

Thereafter, you are transferred to the Active Citizen Force Reserve for five years, where you will be called up as the security situation requires. After that you can be transferred to the Commandos and be compelled to serve a maximum of 12 days per year until the age of fifty-five, when you will be transferred to a controlled national reserve until the age of 65.

Persons who are currently members of one or other of the Reserves may also be allocated to the Commandos, the country's new regional force, where their military commitment would not exceed 12 days a year up to the age of 55. Men who have never done military service will be required to do 30 days training in their first year of allotment to the Commandos, followed by a maximum of 12 days a year until the age of 55.

4. EXEMPTION

Q. Who Can Be Exempted From National Service ?

A. Certain categories of persons, such as members of the House of Assembly are automatically exempted from compulsory National Service.

In addition, persons who have been pronounced as medically unfit are granted exemption by the Act. Such exemption is rarely granted.

Certain persons may be granted exemption by virtue of their profession, eg. certain farmers and businessmen, but such exemption is also not readily granted. More recently, ballet dancers and jockeys have received exemption conditional on their continued pursuance of these occupations for ten years.

5. DEFERMENT

Q. Who Can Apply For Deferment ?

A. Any person who has received notification of a call-up, or any interested person acting on his behalf - family member, guardian or legal advisor, inter alia - may apply for deferment or exemption.

Q. On What Grounds Can One Apply For Deferment ?

Section 70 bis (1) of the Defence Act provides that an exemption board may grant deferment or exemption on the following grounds:

- (a) To prevent the interruption of educational studies;
- (b) On the grounds of a person's domestic or business / professional obligations;
- (c) On the grounds of physical defects, ill-health or mental incapacity;
- (d) On the ground that the person is detained in an institution;
- (e) On any other ground.

An application on these grounds can only be granted if the board is satisfied: that undue hardship would otherwise be caused; or that it would be in the public interest.

Thus, when applying for deferment or exemption, it is important to specify clearly the ground(s) on which you are applying, and to show that the call-up would cause you undue hardship or be contrary to the public interest.

Q. How Can One Apply For Deferment Of A Call-up ?

- (a) If you are liable for initial national service, apply directly to the Exemption Board in Pretoria (Registering Officer, Private Bag X281, Pretoria 0001). If you are a camper, make the application to the OC of the unit.
- (b) The Act obliges you to apply for deferment on affidavit. This means: (i) You must set out your grounds in a statement sworn before a Commissioner of Oaths (police officers, lawyers, most ministers of religion, etc.) (ii) The statement should be a comprehensive one where you set out your grounds in full and precise detail. Remember that you yourself cannot appear before the Exemption Board. Thus all the facts, grounds and submissions you wish to make must be contained in that document. Note that your unit is given an opportunity by the Board to respond to what you have argued.
- (c) It is desirable to submit statements from, for example, a lecturer, employer or minister of religion, in support of your applica-

tions. Such statements should ideally also be on affidavit. If this is not possible, you could attach a letter to your affidavit, but then your own affidavit must specifically refer to it and you should preferably initial it.

- (d) You should apply for deferment as soon as possible after receiving a call-up. The fact that you have sent in an application does not exempt you from reporting. But the sooner you send it in, the greater are your chances of getting a reply before you have to report.
- (e) Send your application by registered post and keep a copy of it together with details of the date on which it was sent. You can even call your unit to ensure they have received it.
- (f) If you are refused deferment before the camp begins, you can send in another application. It is submitted in exactly the same manner as your initial application. There is no legal limitation on the number of applications you can submit. In addition, you could try again when you report for service. Often the unit may have over-subscribed the camp and at that stage they may willingly support your application.

6. MILITARY SERVICE REQUIRED

Q. What Service May I Be Required To Do In The SADF ?

A. The Defence Act provides that a member of the Citizen Force, or Reserve, who is undergoing military service, may at any time be employed

- (a) on service in defence of the Republic;
- (b) on service for the prevention of suppression of terrorism;
- (c) on service in the prevention or suppression of internal disorder in the Republic;
- (d) on service in the preservation of life, health or property or the maintenance of essential services; and
- (e) on such police duties as may be prescribed.

(South West Africa / Namibia is included in the definition of "Republic".)

In time of war the State President may call out the whole or any portion of the Citizen Force, the Reserve or any Commando "for mobilization for service in the defence of the Republic", and if this is done Parliament must be informed of the reasons therefor.

In addition, the State President may at any time call out the whole or any portion of the Citizen Force, or the Reserve or of any Commando for "service for the prevention or suppression of terrorism or in the prevention or suppression of internal disorder in the Republic or in the preservation of life, health or property or the maintenance of essential services."

The Act also provides that: "A member of the South African Defence Force may in time of war be required to perform service against an enemy at any place outside the Republic"

Q. "Dad's Army" - who is Required To Enlist ?

A. All white males between the ages of 18 and 54 who are citizens of the RSA may be called-up for commando service (dads' army). This is irrespective of previous national service. Permanent residents of other nationalities may also be called-up if the Minister gazettes specific nationalities which are to be included in the call up.

Under current provisions your service commitments will total up to a maximum of 30 days in the first year, and thereafter 12 days annually up to the age of 55.

Commandos are usually deployed locally and current practice is that many commandos are used to police black townships.

Q. What if One Does Not Fill In The Questionnaire They Send Out ?

A. If you fail to return questionnaire forms you will be liable to a fine not exceeding R200 or a period of imprisonment not exceeding 6 months.

7. FOREIGN CITIZENS

7.1 Permanent residents

Q. I am a foreign citizen living in South Africa on a permanent residence permit. Am I liable for national service ?

A. In brief, male foreign citizens between the ages of 15 years 6 months and 25 automatically become South African citizens by naturalization when they have been permanently resident in South Africa for 5 years. (Section 11A of the Citizenship Act)

In terms of the Defence Act (44 of 1957) these new male citizens will be liable for National Service. They are also obliged to register for National Service within 30 days of becoming citizens.

In more detail, three groups are affected; .

1) Persons to whom permanent resident permits were issued before 19th April 1978.

In terms of Section 11A of the South African Citizenship Act 1949 (Act 44 of 1949), amended by the South African Citizenship Act (Act 44 of 1984), as published in the Government Gazette of 11th April 1984, those persons who on 11th October 1984:

- a) are in the age group 15 years 6 months to 25 years
- b) received their permanent residence before 19th April 1978
- c) have been ordinarily resident in the Republic of South Africa for a period of at least five years,

automatically become South African citizens by naturalization on that date.

2) Persons to whom permanent residence permits were issued between the period 19th April 1978 to 10th April 1982.

Persons in this category fall within the provisions of Section 11A of Act 44 of 1949 as it existed immediately prior to the amendment

which came into force on 11th April 1984. They automatically became South African citizens before or on 10th April 1984 if on that date they were not older than 23 years and had been ordinarily resident in the Republic of South Africa for at least two years.

3) Persons to whom permanent residence permits have been issued since 11th April 1982.

Persons in this category will automatically become South African citizens by naturalization if they are not younger than 15 years 6 months and are not older than 25 years on the day they have been ordinarily resident in South Africa for five years.

Further questions on automatic citizenship by naturalization:

Q. What choice faces foreign citizens who qualify for citizenship automatically in terms of section 11A of the Citizenship Act, but who do not wish to become citizens (and so become liable for military service) ?

A. They must declare timeously in the prescribed manner (if the person is a minor his responsible parent must make the statement on his behalf) that they do not wish to become South African citizens, whereupon they will forfeit their right to permanent residence in South Africa. These persons will then be subject to the restrictions and provisions of the Aliens Act, (Act 1 of 1937) and be regarded as temporary residents who must apply for work, study and temporary residence permits. Every application for renewal of such permits will be considered on merit and no guarantee can be given that such permits will be renewed.

Q. What is the case of persons previously exempted from National Service before the amendment of the Citizenship Act, on the grounds of a statement when registering for National Service that they did not intend becoming South African citizens ?

A. The exemption will fall away when they become citizens in terms of the amended Act. They will have to register for National Service within 30 days of becoming South African citizens.

Q. Are new citizens who have completed National Service in another country, liable for National Service or Citizen Force or Commando Camps ?

A. Upon presenting documentary proof, such a person may receive credit for National Service

in another country, but remains liable for military service until the age of 55.

Q. Will a person who qualifies for South African citizenship lose his original citizenship ?

A. Such a person will have a dual citizenship if his country of origin allows it. Most countries do allow dual citizenship.

Q. How is the five year period of permanent residence calculated where a person interrupts his residence in South Africa ?

A. If he leaves South Africa temporarily (e.g. for study or vacation) and he retains his permanent residence permit, the five years residence period is calculated from the date on which he has been ordinarily resident with a permanent residence permit. The periods of absence are included.

7.2 Ex South Africans

Q. If I leave South Africa, acquire citizenship of another country and later return to South Africa, am I liable for National Service ?

In short - it appears that you would not be liable.

In the light of the Appellate Division decision in *Keeley vs Minister of Defence* 1981 (3) SA904 (A), the legal effect of acquiring citizenship of another country which results in the loss of one's South African citizenship, one's military obligation appears to be as follows:

- a) A South African citizen who loses his South African citizenship before reaching the age of 16 years, when he is obliged to register with the Defence Force in terms of section 63 of the Act, is not liable for military service.
- b) A South African citizen who has registered in terms of section 63 and who loses his South African citizenship before commencing actual military training, is a member of the Citizen Force because of the provisions of section 16(1)(c) of the Act, and must therefore be discharged from the Citizen Force upon proof of the termination of his South African citizenship.

- c) A South African citizen who has commenced or completed military training but who has not completed the full cycle of camps required by section 21(1) of the Act must also be discharged from the Citizen Force upon production of proof that his South African citizenship has terminated.

It is submitted that these rules apply to all South African citizens, whether they be citizens by birth, voluntary naturalization or the naturalization created by section 11A of the South African citizenship Act.

NB.(1) There is some doubt about the effect of the *Keeley* case. This is because the Appellate Division gave no reasons for its judgment, and the reasons of the Transvaal Provincial Division, which held that *Keeley* was indeed liable for military service despite his loss of citizenship, may not have been destroyed for the purposes of precedent.

NB.(2) The process of acquiring foreign citizenship is a long and difficult one and there is no guarantee that, given the circumstances, you will be granted permanent residence.

MILITARY SERVICE LIABILITY WORKSHEET

Marius Venter finished his two years initial service in December 1978. He informed the army that he was not available for a camp in 1979 since he would be at university. He did not get called-up that year. In 1980 he did a three month border camp. In 1981 he did a one day parade and was called up for a thirty day camp which he had deferred. In 1982 he worked and travelled overseas. He returned in 1983 but did not inform the SADF thereof. Nor did he inform them of his new address. He received no call-ups during 1983 and 1984. In 1985 the SADF traced him and called him up for a three month camp which he did. He did further two month camps in 1986 and 1987. He has been called up for a two month camp in June 1988. He has calculated that he is in his fifth cycle. His call-up was not authorised by the OC of Western Province Command. He argues that he is therefore not liable for the camp. Is he correct?

Yes No

Explain _____

John Smith is a British citizen. He was permanently resident in South Africa for six years from May 1970. In June 1976, just after his fifteenth birthday, he returned to Britain to finish his schooling. His permanent residence lapsed. In July 1981, he returned to South Africa on a temporary residence permit. In August 1982 he again becomes a permanent resident. He receives a call-up for August 1988. Is he liable for military service?

Yes No

Explain _____

Fred Strauss was born in 1948. He began his medical studies in 1967 directly after finishing school. He got his medical degree in 1974 and did internship in 1975. He was called up for initial military service in July 1976 but went to America to do post-graduate research instead. He studied and worked in the USA for twelve years and returned to South Africa in January 1988. He is 40 years old, is married and has three children. He was shocked to discover that he has been called up for initial national service in August 1988. Is he liable for such service?

Yes No

Explain _____

=====

THE OPTION.....

List three adjectives that first come to mind when you think of this option.

- 1.....
- 2.....
- 3.....

Write down two positive aspects of this option ?

- 1.....
- 2.....

Write down two negative or difficult aspects of this option ?

- 1.....
- 2.....

In point form, list five of the most important things a person considering this option should know.

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

RELIGIOUS OBJECTION

The Defence Amendment Act of 1983 gives people who are unwilling on religious grounds to be combatants in the SADF a choice of three legal alternatives.

(1) Non-Combatant Service In the SADF

This may be granted if you are accepted as a person who has religious beliefs that will not allow you to carry or use a weapon in any army:

"a religious objector with whose religious convictions it is in conflict to render service in a combatant capacity in any armed force" Sect. 72D(1)(a)(i)

(2) Non-Uniformed Non-Combatant Service

This may be granted if you are accepted as a person who has religious beliefs that will not allow you to carry or use a weapon, wear military uniform or do anything that will help any army to fight:

"a religious objector with whose religious convictions it is in conflict to render service in a combatant capacity in any armed force, to perform any maintenance tasks of a combatant nature therein and to be clothed in a military uniform" Sect. 72D(a)(ii)

(3) Non-Military Community Service

This may be granted if you are accepted as a person who has religious beliefs that will not allow you to do service of any kind in any army:

"a religious objector with whose religious convictions it is in conflict to render any military service or to undergo any military training or to perform any task in or in connection with any armed force" Sect. 72D(1)(a)(iii)

Application for such alternatives is made to the Board for Religious Objection, which is appointed by the Minister of Manpower. It consists of a judge or retired judge in the chair, three theologians of different denominations, one military chaplain and one SADF representative. The Board may co-opt a theologian of the applicant's own denomination if none of the ap

pointed theologians or the chaplain are of that denomination.

If you apply to the Board you have to prove two things:

- that your convictions are religious in nature;
- that there is an element of universality in your objection, i.e. that you are able to say "at this time I cannot serve in any armed force."

This excludes political objections to the SADF and the non-religious pacifist position. In order to prove these points, you need only show that it is more probable than not that your convictions are as stated.

You may re-apply to the Board at a later stage if there has been a change in your convictions or in the facts upon which you based your application.

THE CONSEQUENCES OF EACH CATEGORY

(1) Non-Combatant Service

You will have to perform normal military service in a non-combatant role (e.g. cook, driver, medical orderly, clerk, etc). This may include military service in an operational area. The length of service is the same as that for combatant military service. Because you have chosen to be different from others in the SADF, you must be prepared to face some antagonism (although you may not face any).

(2) Non-Uniformed Non-Military Service

You will have to perform "prescribed maintenance tasks of a non-combatant nature in the SADF" in non-military uniform. The length of each call-up period is extended by a half (i.e. three years initial service, followed by a maximum of 1080 days of camps). Very few people apply for this classification.

(3) Non-military Community Service

Non-military service may be performed in any government, provincial or municipal department.

The Minister of Manpower determines the **nature of non-military service** to be performed according to the objector's qualifications and potential. The work should not be degrading and if possible near to his home. Housing and transport will be provided. The salary will be that of a national serviceman. The **period of non-military service** required is a continuous period of one and a half times the total length of military service still owed by the objector (i.e. for someone objecting to their initial service, it would be six years; for someone refusing camps only, it would be three years if they have not done any camps yet.)

The Minister of Defence may decide to **reduce the length** of non-military service in any particular case. While doing non-military service, an objector is not allowed to participate in any political activities, other than voting, and may not publish anything of a political nature.

The Board may refuse any application or classify you in a category other than the one you applied for. If you are refused or are unhappy with the category in which the Board has placed you, you then have to decide either to do the service you have been called up for, or face imprisonment or emigrate. If you decide you cannot apply to the Board, you also have to make the same choices.

IMPRISONMENT

The day that you fail to appear for your call-up, you commit an offence and face the possibility of a prison sentence. You should contact a lawyer before you do this. If you do not have a lawyer or cannot afford one, the military will appoint an SADF lawyer to defend you.

If you are charged with failing to report, you will be liable on conviction to a fine or imprisonment (or detention) of up to 18 months, which is not regarded as service completed. First offenders will normally receive a fine or suspended sentence.

If you are charged with refusing to report, you will be liable on conviction to imprisonment for a period one and a half times your outstanding service (i.e. six years if you have not done any initial service) or 18 months, whichever is the longer. If when charged with refusing to report, the State proves that you failed to report, the onus is on you to prove that you did not refuse to report. This is a civilian prison sentence. Once it is completed,

the SADF may not call you up again.

HOW TO APPLY TO THE BOARD FOR RELIGIOUS OBJECTION

An application to the Board must include the following:

- **what category** of religious objection you are applying for;
- the **"facts and grounds"** upon which the application is based. The inclusion of political statements is likely to prejudice your case. It is useful to include a curriculum vitae.
- the **"books of revelation** and the articles of faith" of the applicant;
- **affidavits of witnesses** in support of your application, preferably including a minister from your denomination. Witnesses can be subpoenaed by the Board.

The Board's address is:

*The Board for Religious Objection,
Private Bag X20521
9300 Bloemfontein*

Tel. 051-47 6096/7

Your application must be within 30 days of receiving a call-up. (If the SADF has not informed you of this, or you have some other reason why you are unable to apply in time, you may apply later although the Board may refuse to hear a late application.) If you are already doing military service when you decide to apply to the Board, you must apply through your Commanding Officer, and request to be sent home on unrecorded leave pending your hearing.

Once you have received an acknowledgement from the Board that they have received your application, you need not report for national or community service until the Board has decided on your application and you have been advised of their decision.

No one may apply on someone else's behalf. The Board may approve an application without hearing the case. It must hear the objector before it can dismiss an application or classify the applicant into a category other than that for which he applied.

THE BOARD FOR RELIGIOUS OBJECTION

3 CATEGORIES

(i) non-combatant service

normal service period

(ii) non-uniformed; non-combatant service

one-and-a-half * the service owed non-continuous
three years + three years

(iii) non-military; community service

one-and-a-half * the service owed one continuous
period six years (max)

2 CRITERIA

Applicants must be;

(i) Religious

(ii) Universal (i.e. objects to any
armed force)

1 TEST

Sincerity / Credibility

THE BOARD FOR RELIGIOUS OBJECTION

24

TWO CRITERIA MUST BE SATISFIED

RELIGIOUS CRITERION

Required

- belief in a deity (except if Buddhist)
- sincere and credible explanation of religious beliefs

Not required

- orthodox religious beliefs
 - membership of a specific denomination
 - regular religious practice
 - detailed theological knowledge
-

UNIVERSAL CRITERION

Required

- clear statement that your objection applies to any armed force

Not required

- rejection of all use of force
- condemnation of all use of armed force by others
- an apolitical world view

But be careful, the Board is suspicious of political "types". Political points in an application statement are regarded as indicative of an underlying political rather than religious motivation

COMMON QUESTIONS

- Is this your church's view or is it your own view ?
 - On average, how many times do you go to church in a month ?
 - Were you influenced by others in the development of your views ?
 - Are you not just opposed to the particular war of the SADF ?
 - Do you mind paying taxes that go towards Defence spending ?
 - Is the State not entitled to resist attempts to overthrow it with force and violence ?
 - Would you use force to prevent a maniac from killing your mother ?
 - If everyone held your view, wouldn't the Communists take over the country ?
 - What method would you use to resist evil ?
 - How do you explain the verse where Jesus tells his disciples to buy a sword, even if they have to sell their coats to do so ?
 - Is your motivation political ?
 - Do you believe the SADF fighting a just war ?
 - Explain the process whereby you came to your present views.
 - Do you believe the government must be obeyed by citizens ?
 - Why do you take your place in society organised by force and then refuse to fight its wars ?
-

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