

To: THE REGISTRAR OF REPORTING ORGANIZATIONS AND PERSONS

From: CHEADLE THOMPSON AND HAYSOM

Re: DISCLOSURE OF FOREIGN FUNDING ACT: END CONSCRIPTION
CAMPAIGN

REPRESENTATIONS

1. These representations are submitted in order to persuade the Registrar of Reporting Organizations and Persons (the Registrar) not to exercise his powers in terms of section 3 of the Disclosure of Foreign Funding Act 26 of 1989 (the Act) and thereby declare the End Conscription Campaign (the ECC) a reporting organization.
2. It must be stated at the outset that the ECC has experienced grave difficulty in ascertaining the grounds upon which the Registrar is considering declaring the ECC a reporting organization. These difficulties have been conveyed to him in letters dated 4 September 1989 and 3 November 1989.
3. The ECC accordingly reserves its rights in the event of the Registrar exercising his discretion adverse to it. It

does not concede that the issues which it has been able to discern as being relevant in the view of the Registrar are indeed relevant considerations in law and that the Registrar has properly complied with the rules of natural justice.

THE NATURE AND ACTIVITIES OF THE ECC

4. The ECC which was formed in 1983 is a lawful national organization which campaigned for a change in the law affecting conscription and addressed the problem of conscription. A large number of young white South African males find themselves unwillingly conscripted into the South African Defence Force (SADF). The ECC is committed to constructively articulating the demands of these conscripts and it campaigns on their behalf.

5. The ECC does not exist to undermine the SADF. It is opposed to the system of conscription into the SADF. It opposes the defence policies of the government and has articulated its opposition to the use of the SADF in Angola, Namibia, other neighbouring countries and the townships in South Africa.

6. It has regional structures in Johannesburg, Pretoria, Durban, Pietermaritzburg, Port Elizabeth, Grahamstown, Stellenbosch, East London and Cape Town. In addition, separate branches exist at the University of Cape Town, the University of the Witwatersrand and the University of Natal (on both the Durban and Pietermaritzburg campuses). It has over 1 000 members.
7. It has enjoyed a broad range of support from a number of different quarters. For example, individuals such as Archbishop Dennis Hurley, Mrs Sheena Duncan, Sir Richard Luyt, Professor David Welsh and Dr Beyers Naude endorsed the ECC declaration, which is a policy statement of the organization.
8. In addition opposition to compulsory military conscription has also been expressed by the now defunct Progressive Federal Party and its youth wing, the Young Progressives who were involved in the work of the ECC. The Democratic Party has adopted a substantially similar position on conscription.
9. The ECC's demands have been articulated on numerous public occasions, in many publications and have been formally

presented to the Geldenhuys Committee which investigated conscription into the SADF. It also hopes to make representations to the Van Loggerenburg Committee which is presently considering the manpower requirements of the SADF.

10. The ECC stands for an end to conscription. This is the guiding principle of the organization and it is based on the fundamental belief that individuals should have the freedom to choose whether or not to serve in the SADF. It therefore campaigned for a change in the law to provide for proper alternatives to military service.
11. This is particularly relevant in the South African situation where the SADF has played and does play a controversial role in Southern Africa. This has given rise to many organizations and individuals joining the ECC in its call for an end to conscription.
12. Recently the chairperson of the Board for Religious Objectors, Mr Justice Edeling, was reported to have criticized the present alternatives to military service. Attached hereto and marked 'A' is a copy of a press report in The Weekly Mail of 3 to 9 November 1989 which dealt with Mr Justice Edeling's remarks.

STRUCTURE OF THE ECC

13. As indicated above the ECC has a number of regions and branches. Most of the organization's activities are conducted by these regions and branches.
14. The national structure of the ECC co-ordinates activities, and to this end, it employed three national organizers. It is also responsible for finance and allocates monies to the regions and branches.
15. The regions and branches are required to report quarterly on their activities and their utilization of monies. This procedure is designed to provide the national body with an overview of the activities of the organization in the various regions and branches. Monies are allocated on the basis of need and are only used in pursuance of the aims of the organization.

THE PRESENT POSITION

16. On 22 August 1988 the Minister of Law and Order, acting in terms of regulation 7 of the security emergency regulations then in force imposed a restriction on the ECC from 'carrying on or performing any activities or acts whatsoever'. This restriction was published in Government Notice number 1732 of 22 August 1988. On 9 June 1989 the

same restriction was re-imposed in terms of the security emergency regulations promulgated on that day.

17. A restriction order in terms of regulation 7 of the security emergency regulations is, however, subject to regulation 7(4) of the same regulations. This regulation provides that a restriction order may not prohibit the organization in question from:

- 'a) preserving its assets;
- b) keeping up to date its books and records and performing administrative functions in connection therewith;
- c) complying with an obligation imposed on it by or under any law or by a court of law;
- d) taking legal advice or judicial steps; ...'

As a result of this restriction the ECC has, for all intents and purposes, been dormant since August 1988.

18. During the financial year ended 31 December 1988 the ECC received and expended in the region of R200 000,00. The highest items of expenditure were allocations to the regions and salaries for officials. At the end of that financial year the organization had assets, in the form of cash, amounting to R4 415,64. It received no income from then to the present. After payment of auditor's fees and legal fees, the cash assets of the ECC are, at present R936,08.

CORRESPONDENCE BETWEEN THE REGISTRAR AND THE ECC

19. On 29 August 1989, the ECC received a letter from the Registrar which gave notice of his intention to consider declaring it a reporting organization in terms of section 3 of the Act.
20. This letter commenced by saying that 'according to information you are receiving funds from abroad for various projects/purposes' and that 'it is in the interest of the donor and the persons or institutions who are supposed to benefit from these donations, as well as in your own and the national interest that such funds are not misappropriated or utilized for purposes other than that stipulated by the donor'.
21. It also said that consideration would be given to declaring the ECC a reporting organization in order to 'inter alia prevent misappropriation, unauthorized spending or other irregularities'. It finally invited representations from the ECC which would be considered by the Registrar before he made a decision.
22. On 4 September 1989 the ECC's attorneys despatched a letter to the Registrar requesting the grounds and the

reasons for the threatened action against the organization and full particulars concerning the basis for suggesting that the ECC may be guilty of 'misappropriation, unauthorized spending or other irregularities'. The letter also asked for particulars concerning the information that the organization was receiving funds from abroad and to be informed about the factors which the Registrar considered to be 'relevant and/or important to his decision making'.

23. In a reply dated 5 October 1989, the Registrar said that he had information that the ECC had, 'over the last three years received funds from sources in other countries and will probably continue to receive such funds in future. These funds were in some instances paid directly to your client and in other instances were paid to your client by local organizations who initially received the funds from abroad. At this point in time I am not prepared to state the source of my information or to furnish further details of these transactions'.

24. He also said that the criteria which he would apply when making his decision were:

- 'a) The right and need for the South African Parliament to be informed about the receipt of money from outside South Africa, the purpose for which the money is received and the manner in which the money is utilized.

- b) Implications which declaration as a reporting organization will have for a particular organization.
- c) The amounts received and which will probably be received in the future.'

Finally he stated that his reference to 'misappropriation, unauthorized spending and other irregularities should not be read to mean that your client is suspected of being guilty of such conduct or that this will be taken into account when the matter is considered'.

25. A reply to this letter was despatched to the Registrar on 3 November 1989. It referred to the confusion between the grounds stated by the Registrar in his two letters and stated that his previous letter did not provide 'any meaningful information to which we can respond'. It requested sufficient information concerning the allegations against the ECC and a clear statement of the considerations which the Registrar believed to be relevant to the exercise of his powers.
26. A response to this letter was received on 10 November 1989. It said that the reference to misappropriation, unauthorized spending and other irregularities was 'intended to convey some of the advantages to be derived from declaration as a reporting organization'. Paragraph 3 of this letter indicates that the criteria which the

Registrar will take into account are 'the right and need of Parliament to know', the implications for the organization itself and the amounts received and which will probably be received in the future. Paragraph 7 restates this but then proceeds to say: 'The only relevant factor to be taken into account is that your client is in receipt of substantial amounts of money from abroad'.

THE ISSUES TO BE ADDRESSED.

27. It is assumed on the basis of the correspondence referred to above that it is unnecessary to address representations concerning 'misappropriation, unauthorized spending and other irregularities'.
28. These representations will, however, address the remaining four criteria which the Registrar appears to consider relevant to any exercise of power. The fact that these issues are addressed should not be construed as an admission that they are, indeed, relevant.
29. The right and need of Parliament to know
 - 29.1 The ECC has always spent its money for lawful purposes and in a lawful manner. There is no

reason even to suspect otherwise. Parliament accordingly has no right or need to know more about its financial affairs.

30. The implications for the organization

- 30.1 Once again, the ECC is unclear as to how to address this issue. It appears from the Registrar's letter of 10 November 1989 that an advantage to being declared a reporting organization is that 'misappropriation, unauthorized spending and other irregularities' can be curtailed 'in those instances where it does in fact exist'. As he had stated that the ECC is not suspected of such conduct, the advantages outlined by him do not apply to it.
- 30.2 On the contrary, the ECC sees no reason for the Registrar to take action against it for the purpose of its own protection and is quite willing and able to exert controls of its own to ensure that no such irregularities occur.
- 30.3 To this end its financial affairs are audited annually and, to date, the auditors have not found

any irregularities and have, in fact, said that they were satisfied that proper books and records had been kept over the period 1986 to 1988. A letter to this effect from Douglas and Co, dated 25 October 1989, is attached and marked 'B'.

30.4 The declaration would render the ECC open to gross and unwarranted invasion of its private and confidential affairs.

31. The amounts received and which will probably be received in future

31.1 The ECC has received various amounts of money from the South African Catholic Bishops Conference (SACBC) and the South African Council of Churches (SACC) to be used for its lawful campaigning for reform to the system of compulsory military conscription. The motivation for these bodies assisting the ECC is contained in letters from them dated 13 November 1989 and 14 November 1989 which are attached and marked 'C' and 'D'. It is clear from those letters that the SACBC and SACC are willing to be of assistance to the ECC and are satisfied that the ECC has utilized those monies correctly and honestly.

31.2 It has been stated above that the ECC was restricted in terms of regulation 7 of the security emergency regulations on 24 August 1988 and that this restriction still applies. It has not, since that restriction was imposed, performed the work for which it exists. It has also not received monies from any source since that restriction.

31.3 There are no indications that the restriction will be withdrawn and, consequently, no basis exists for alleging that the ECC will, in the future, receive any monies. Indeed, it will be premature and speculative to do so.

32. Receipt of money from abroad

32.1 Paragraph 7 of the Registrar's letter dated 10 November 1989 states: 'The only relevant fact to be taken into account is that your client is in receipt of substantial amounts of money from abroad'.

32.2 This issue has been dealt with above. The ECC has, in the past, received money from the SACBC and the SACC which originally emanated from sources outside the country. As stated above, however, it now has assets which only amount to R935,08 in cash.

CONCLUSION

33. It would be inappropriate to declare the ECC a reporting organization for the reasons stated above and the ECC accordingly submits that the Registrar should not use his powers in terms of section 3 of the Act to do so.

No link found between Asvat murder and 'football team'

Police investigators found no connection between the murder of a Soweto doctor and the 'Mandela football team'.

By CASSANDRA MOODLEY

FEARS of a possible connection between Dr Abu Baker Asvat's death, Winnie Mandela's "football team" and the killing of Stompie Moeketsi Seipei were addressed this week in the Rand Supreme Court.

Zakhele Mbatha and Thulani Nicholas Dlamini are appearing on seven charges including the murder of Asvat and last year's robbery of a store in Natal. They have pleaded not guilty.

Speculation about a connection with the "football team" began soon after Asvat, the Azanian People's Organisation health secretariat member, was gunned down in his Soweto surgery on January 27 this year.

Seipei's body was found in January this year — he went missing in December. Nine men allegedly belonging to the "football team" have been charged with Seipei's murder.

This week evidence was led in court that the Mandela "football team" coach, Jerry Richardson, was at the surgery on the day Asvat was killed.

Investigating officer Major H Heslinga told the court that Richardson's name had appeared on the list of patients on January 27.

He said: "The possibility of a connection between this murder and the Seipei murder and the Mandela Football Club was investigated. No connection was found."

Mbatha denied "having any dealings with a person called Jerry Richardson" and said he had "never heard of the Mandela Football Club".

'Alternative' army system 'unjustifiable', says judge

By GAVIN EVANS

THE Supreme Court judge who chairs the Board for Religious Objection this week sharply criticised government policy on the treatment of conscientious objectors.

Addressing a workshop on Alternative National Service held in Cape Town on Monday Mr Justice Willem Edeling described the "inordinately long" period of alternative service as being "inherently unjustifiable". He also questioned the six year maximum prison sentence for non-religious and asked whether the definition of religious objectors should not be broadened to include other categories of objector.

The workshop, organised by the University of Cape Town Centre for Intergroup Studies, drew together senior representatives of the South African Defence Force, the security police, the National and Democratic Parties, and the End Conscription Campaign and other anti-war groups. Also present among the 50 delegates were several prominent Dutch Reformed and other churchmen, academics and representatives of employer bodies.

The aim of the workshop, according to centre director Professor HW van der Merwe, was to exchange ideas regarding the current system of national service in South Africa and to consider issues relating to its extension.

India's the foe our generals fear

THE workshop was told that the SADF regards India as the most likely country to launch an attack on South Africa.

Unisa military authority Professor Deon Fourie told delegates that "current SADF thinking is oriented towards preparing for an attack from India".

Among the reasons he cited were the growth of the Indian army, its intervention in Sri Lanka, its more assertive geo-political strategy and the reduced threat from the Soviet Union.

Helmoc-Romer Heltman, South Africa's

A study group was set up to consider representations to government and the workshop proceedings, recorded by Hansard, will be forwarded to the SADF's Van Loggerenberg Committee on SADF Manpower.

Speaking on the Board for Religious Objectors, Judge Edeling described the six-year alternative service requirement for religious objectors who had completed no military service as "too much to ask in virtually any circumstances".

"Whilst I am very much aware of the fact that a judge should not only avoid the political arena but all areas of public controversy, I nevertheless feel that it is my duty to make use of this opportunity to publicly express my concern about the inordinately long period of compulsory alternative service."

He said the system "smacks of pun-

ishment rather than service", and said this was detrimental to the best interests of the individual and was "potentially counter-productive" to the interests of the state.

The length of religious alternative service is a continuous period one and a half times the statutory total period of military service. Military service is calculated as being four years despite the fact it has been reduced in practice to a maximum total of two years and 10 months.

In discussion the judge also questioned the six-year maximum period of imprisonment of objectors not falling within the Board's definition of "bona fide religious pacifism".

Edeling said since its introduction in 1984 the Board had received 1 890 applications for religious objector or non-combatant status, of which 1 722 had been successful.

correspondent for *Jane's Defence Weekly*, said that the world at present was "more dangerous than before" as a result of the reduced tensions between the superpowers.

"Smaller hullies are starting to flex their muscles and are more likely to do so in the future," he told the workshop.

Heltman, who is also an SADF captain, said the defence force saw India as a "potential threat somewhere down the line". It was seen as "something to look at and take into account" and a "possible long-term threat", Heltman said.

Thousand seek refuge in SA as Ciskei strife boils

THE removal of more than 5 000 people from Peelton, Ciskei, has forced about 1 000 displaced residents to seek refuge in a church hall in King William's Town.

In the past few weeks about 100 community leaders have been detained, the "homeland" government of Lennox Sebe has declared a State of Emergency, vigilante attacks have increased and Peelton residents have been forcibly evicted.

The present refugee crisis comes after a year of continual violence against the community, which was incorporated into the "homeland" in August last year.

The community has opposed Ciskei rule, remaining adamant that they are South Africans.

During the removals which took place about two weeks ago, the community was split up and "distributed" to various tribal authorities in Ciskei. There they were offered assistance and housing sites.

This strategy appears to be aimed at containing resistance to Ciskei rule.

However, Peelton's residents have opted to stay together and are determined to continue opposing their incorporation. Many, including those whose homes were demolished, are living in a church hall in King William's Town.

Organisations in the Border region are planning next week to launch a consumer boycott of Ciskei-owned stores and the casino in Bisho.

And the Mass Democratic Movement in the region has planned a march on the South African embassy in Ciskei on Saturday.

The residents are calling for the Nkqonkweni village to be returned to South Africa, the release of detained leaders, the restoration of demolished houses, compensation for damages experienced during the evictions and the return of livestock allegedly taken by officials.

— Elnews.

Huge protest over 'racist rates'

THE largest march yet seen in Pietermaritzburg this week drew a wide range of protesters — from pensioners to millionaires.

increase, and "coloured" people an increase of 59,1 percent.

The march differed from previous protests in the city. It was bigger and

JAZZART

10th ANNUAL SUMMER

25 October 1989

To whom it may concern

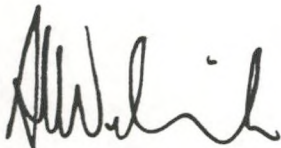
END CONSCRIPTION CAMPAIGN

We have audited the financial statements of the End Conscription Campaign for the three years ended 31 December 1986, 1987 and 1988.

In the financial periods concerned, we did not examine the records of expenditure in the regions. Nor did we express an opinion on the completeness of cash receipts from donations and sales of media as, in common with similar organisations, it would have been impracticable for the End Conscription Campaign to institute the necessary accounting controls over such transactions. This qualification is frequently found in the audit reports of organisations, churches and clubs.

In arriving at our opinions as set out in the audit reports, we were satisfied that the End Conscription Campaign had kept proper books and records for the financial periods concerned.

Yours faithfully
DOUGLAS & CO



A R Velcich

**SOUTHERN AFRICAN CATHOLIC
BISHOPS' CONFERENCE**



**KHARYA HOUSE
140 VISAGIE STREET
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**SUIDER - AFRIKAANSE
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13 November 1989

Mr P Kleynhans
Registrar of Reporting
Organisations and Persons
Private Bag X800
PRETORIA

TO WHOM IT MAY CONCERN

RE: END CONSCRIPTION CAMPAIGN

In 1977 the Southern African Catholic Bishops' Conference passed its first resolution acknowledging the right of every individual to refuse in conscience to render military service (see annexure 1). Since then the Bishops' Conference has actively supported the objector movement.

In 1985 after the launch of the End Conscription Campaign the Bishops' Conference added its voice to the call to end conscription and its backing to the new organisation (annexure 2). Conscription violates the right of the individual to follow his conscience regarding military service. The work of the End Conscription Campaign to change this system is admired and valued by the Bishops' Conference. It is for this reason that the Conference extended financial assistance to the organisation until its restriction in 1988 and continues to give its moral backing.

We are satisfied by the ECC's account of expenditure, its compliance with reporting demands, and its annual audited statements. We are shocked that you find it necessary to even consider ECC as a reporting organisation.

Yours faithfully

Bro. Jude
Br Jude Pieterse
S.A. CATHOLIC BISHOPS' CONFERENCE.

- (3) to the application of the principle of communalising church funds not only within dioceses but also on a national level between poor and richer dioceses.

E. Concerning a Pastoral Consultation:

21. To take into account the singular situation and resultant tensions of the Church in South Africa, where 80% of the laity are Black and 80% of the clergy White, and to investigate as a matter of extreme urgency the feasibility of a Pastoral Consultation in which lay people, religious and priests, in large majority Black, may participate with the bishops, in arriving at policy on Church life and Apostolate but not on doctrinal and canonical matters.

3. ON CONSCIENTIOUS OBJECTION

In the armed struggle that is developing on our borders and could easily spread internally a grievous situation arises for all who are concerned about the use of violence. On the one side the conviction grows in a significant sector of the oppressed majority that only violence will bring liberation. On the other, the minority in power sees itself threatened by indiscriminate violence supported by international Communism.

In these agonising circumstances we can only promise with God's help to give leadership in an ongoing Christian examination of this tragic situation. We intend to publish reflections from time to time as incentives to Christian prayer, thought and commitment and we hope to be able to do this with the representatives of other Christian churches and organisations. In the meantime we have resolved to say something about conscientious objection.

According to the teaching of the second Vatican Council, "it seems just that laws should make humane provision for the case of conscientious objectors who refuse to carry arms, provided they accept some other form of community service" (Constitution: "The Church in the modern world" No. 79).

In order to understand the issue of conscientious objection, a careful distinction should be made between universal conscientious objection (the pacifist) and selective conscientious objection (e.g. on the grounds that a particular war is unjust); between combatant military service (carrying arms) and non-combatant military service (e.g. in the medical corps) and between military service (combatant or non-combatant) and national service (which could include services to the community, like social welfare, education, housing).

In South Africa the Defence Force Act [section 67 (3)] —

- (a) makes no provision for any conscientious objector (universal or selective) to do non-military national service;
- (b) provides for universal conscientious objectors (those who belong to pacifist denominations) to do non-combatant military service;
- (c) makes no provisions for selective conscientious objectors even to do non-combatant military service.

Such provisions are made in some way or another by almost every other non-communist country in the world which has conscription.

It should also be noted that objectors are sometimes accommodated, despite the lack of legal provisions for it, by being given non-combatant tasks but never by being given non-military national service.

Consequently in South Africa the selective objector and the universal objector refusing to do non-combatant military service are liable to a fine and/or imprisonment [Section 126, 127 (c)].

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 judgement 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 in the world.

PRESS RELEASE - PERSVERKLARING

GENERAL SECRETARIATE
S.A. CATHOLIC BISHOPS' CONFERENCE

ALGEMENE SEKRETARIAAT
van die S.A. KATOLIEKE BISKOPSRAAD

from/van

for release/vir publikasie

Press Officer

IMMEDIATE

The Southern African Catholic Bishop's Conference (SACBC) has called for an end to military conscription and an amendment to the Defence Act to make this possible.

This call has come about as a result of concern at the grave situation in Southern Africa and at the growing numbers of young men facing a crisis of conscience over their conscription into the South African Defence Force (SADF).

The SACBC said in a statement released today (June 23): "Our concern as Bishops of Southern Africa is for a speedy and just solution to the problems experienced by the people in Southern Africa, a solution in which all sectors of the population are called to play their part.

We are concerned at the growing numbers of young men faced with a crisis of conscience caused by their conscription.

The choices for men facing this crisis are:

- * Serving in an army with whose mode of operation they cannot agree.
- * Doing six years' alternate service if they are recognised religious pacifists.
- * Serving a six year jail sentence if they object to the war on the grounds that they believe it to be unjust.
- * Leaving the country and living in exile.

We recognise that an end to conscription would leave membership of the SADF open to those who are in sympathy with it and would grant individuals freedom of conscience in determining their response to the situation way lies open to them."

Explicaining the background to their call, the Bishops said many national servicemen experienced turmoil when they became aware of the role they were expected to play in black townships and elsewhere in Southern Africa.

"As far back as 1977 in our statement 'On Conscientious Objection' we defended the right to every individual to follow his or her own conscience; the right therefore to conscientious objection both on the grounds of individual pacifism and on the grounds that a person may seriously believe the war to be unjust.

No.	END CONSCRIPTION CAMPAIGN	Date: Datum: 23/06/85	Ref. S.C
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The same year, we urged the Government to make provision for alternative forms of non-military national service, as is found in other parts of the world.

In 1983, in a letter to the Minister of Defence about the proposed Defence Amendment Act, we pointed out that the proposed amendments --- making it possible for Christian pacifists to refuse military training -- did not go far enough.

Provision should also be made for so-called moral or ethical objectors. At that time we stated that if such an amendment was not included in the Defence Amendment Act, we would find it necessary to reject the Act as unjust," the statement adds.

In the light of the fact that the suggested amendment was not included, the SACBC has now repeated its call for an amendment.

NOTE:

The SACBC has invited Cardinal Paulo (profile included in enclosed leaflet) of Brazil to South Africa, where he will address the first ever peace festival aimed at ending conscription.

The Cardinal will arrive in Johannesburg on Wednesday June 26 and, together with SACBC president Archbishop Denis Hurley, will speak at a public meeting on "Society in Conflict" at the Johannesburg Cathedral at 10am on Sunday June 30.



'D'

THE SOUTH AFRICAN COUNCIL OF CHURCHES

14 November 1989

Cheadle Thompson and Haysom
P O Box 30894
BRAAMFONTEIN
2017

Dear Sir

re: END CONSCRIPTION CAMPAIGN

This letter serves to confirm that the South African Council of Churches granted monies to the End Conscription Campaign in 1986, 1987 and 1988. This was done to assist the End Conscription Campaign in the valuable work which it performed in campaigning against the immoral system of compulsory military conscription in South Africa. Assistance to the End Conscription Campaign is in accordance with a letter received by the SACC National Conference in 1986 and sent to the State President. A copy is attached.

The SACC is satisfied that the End Conscription Campaign has used these monies responsibly and for the purpose of campaigning against conscription. It is satisfied with the financial controls over monies and, if approached again by the End Conscription Campaign, would have no hesitation in continuing with this assistance.

Yours faithfully

PP SOUTH AFRICAN COUNCIL OF CHURCHES

ltrnov/p.41

18. PROCEDURES IN APPOINTING YOUTH PERSONELL

Addressed to: SACC Executive

1. That the names of applicants for any position in the Youth Division should be submitted to the Youth Executive which will indicate to the Staffing Committee which candidates are acceptable to them.
2. The staffing Committee shall only consider applicants acceptable to the Youth Executive.
3. The SACC Executive and Youth Executive should agree on the procedure to be followed if more of these applicants are acceptable to the Staffing Committee.

ADOPTED

19. YOUTH PROBLEMS AND REPRESENTATION

Addressed to: SACC Executive

1. That the SACC Executive meet the Youth Executive to discuss and resolve some of the misunderstandings and problems the Youth are encountering with the SACC. At this meeting the Divisional Director be invited to be present.
2. That the Agenda for this meeting include the proposal that the youth be allowed to have two representatives to the National Conference elected by the Divisional Youth Committee.

ADOPTED

20. COMPULSORY MILITARY CONSCRIPTION

Addressed to this Conference: The Presidium; The Executive; individual members.

N.B.: EMBARGOED UNTIL RELEASE BY THE GENERAL SECRETARY. Received and referred to the General Secretary for editing and forwarding to the State President. The text of the letter be included in the Annual Conference Report.

Letter to the State President — See Appendix 4.

21. RACE CLASSIFICATION

Addressed to Member Churches, J. & R. Division; the Public

This Conference of the SACC

- believing the classification of persons according to racial characteristics for the purpose of their social and political status and rights, to be racialistic and therefore sinful (as set fourth in the 1982 Ottawa Declaration of the WARC on Apartheid), and
- confessing the passive acceptance by the churches of this classification in the past and our complicity in the present racial fragmentation and consequent injustices and strife in the country.

LETTER TO THE STATE PRESIDENT

22 August 1986

His Excellency
Mr P.W. Botha
State President of the
Republic of South Africa
Private Bag X83
PRETORIA
0001

Sir,

During the days since the declaration of the State of Emergency on 12th June 1986 it seems that large numbers of people who have worked for an end to military conscription in South Africa have been detained. The SACC have supported the End Conscription Campaign since its inception, we wish to state once more that compulsory conscription to military services is a violation of the individual conscience.

In the Christian faith conscience is seen as an essential part of a person's religion. It is the faculty of mind and spirit which enables one to perceive the difference between right and wrong. All the uses of the word conscience (suneidesis) in the New Testament indicate the role conscience is seen as playing in the life of religious people and in their obedience to God.

Even where people are taken to be outside the true religion of Israel, the Bible still recognises that their conscience, as a God-given faculty, guides them as to what is right and wrong (e.g. Romans 2: 14-15). So even those who profess to be atheistic have this God-installed perception and are under its compulsion. It is not something they merely invented, and even though people (including Christians) can smother their conscience, this does not mean that conscience is under their control to change it to will.

If we believe that God speaks also to those who do not acknowledge his existence, then we must respect the human conscience as we respect the voice of God.

In the matter of military conscription in South Africa it is therefore the duty of those whose consciences lead them to believe that compulsory military service is wrong to work to persuade the government to end the system.

We have no intention of "inciting the public or any person or category of persons to . . . discredit or undermine the system of compulsory military service" but we ourselves have a duty in conscience to restate our views in this regard to you and to the public.

We are opposed to compulsory military conscription in South Africa and will continue to work for its repeal.

The State of Emergency regulations promulgated on 12th June 1986 are in all respects a fundamental denial of the Christian gospel. We would remind you, Sir, of your own words on 31st January 1986 when you affirmed your

government's faith in sovereignty of law as the basis for the protection of fundamental rights. You said that peace, freedom and democracy could not exist without law and that any future system had to conform to the requirements of civilised legal order and to ensure access to the Courts.

We call upon you, Sir, to act in accordance with your statement. A refusal to act thus will justifiably be interpreted as a denial on your part of the sovereignty of the rule of law.

We call upon you to lift the State of Emergency, to release all whom your government is holding in detention without access to the Courts and to repeal all legislation which allows such detention in this country.

Yours sincerely,
C.F.B. NAUDE
General Secretary

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MEMORANDUM

TO : Interfund
Attention: Jon Cambell

19 April 1989

FROM: Clive Plasket
Cheadle Thompson & Haysom

RE: DISCLOSURE OF FOREIGN FUNDING ACT

1. The purpose of this memorandum is to update my previous memorandum to you. As you know, the Disclosure of Foreign Funding Bill was amended to some extent prior to its promulgation. It has now been assented to and has become law. I attach a copy of the Act.
2. This memorandum will detail the amendments. As I do not regard them to be substantial in any way, I will not comment on them. I believe that my criticisms of the first draft of the Bill are still valid.
3. Section 2 of the Act is amended in so far as it now allows the Minister to appoint as Registrar of Reporting Organisations and Persons, a person who is not an officer in the Public Service.

4. Two amendments are to be found in section 4:

4.1 first, the obligation to give notice to and furnish information to the Registrar concerning money received prior to the date of being declared reporting has been altered from a six month period to a three month period;

4.2 secondly, after being declared, an organisation must now also inform the Registrar of any altered purpose for the use of money if the original purpose is 'at any time altered by the supplier'.

5. Section 5 which deals with the use of money received by a reporting organisation provides that it may be used for an altered purpose as contemplated in section 4 above.

6. The provision, in section 6(1)(a) that empowers the Registrar to direct a reporting organisation to furnish information has been amended. The Registrar may direct that such information be furnished if he deems it reasonably necessary. The requirement of it being 'expedient' has been deleted.

7. The Registrar's powers of entry, search and seizure, contained in section 6 (4), have been limited. Previously he could enter premises without a warrant. Now he is first required to obtain a warrant from a magistrate which would authorise him to enter any specific premises.

8. His powers to seize documents appear to be more limited as well. Previously, the Bill said that he could 'seize any document on those premises which in his opinion has a bearing on the purpose of the investigation ...'! Now the words 'in his opinion' have been deleted. This would seem to indicate that the seizure must be done objectively necessary.

9. The harshness of the more serious offences have been mitigated to some extent. Previously contraventions of certain provisions of the Bill were punishable by a fine of up to R40 000, imprisonment for a period not exceeding 10 years or to both the fine and that imprisonment. Now the maximum period of imprisonment for such an offence is three years.

10. The so called freezing provision, which allowed the Registrar to direct a financial institution to freeze the foreign money of a reporting organisation when a prosecution was instituted has also been changed. Now the power to do this vests in the court. No indication is given in the Act as to the considerations which a court must take into account before exercising this power. The court also has the power to withdraw the order when the organisation is acquitted.
11. Section 9 (3) and (4) have been deleted and replaced with a new section 9 (3). It deals with the forfeiture of money after a conviction. It provides that the court may direct the organisation or its financial institution to return the money to the foreign source from which it came or if it is satisfied that the source cannot be located, 'to transfer the money, or any part thereof, to the Registrar, who shall dispose thereof in such manner as may be determined by the Minister with the concurrence of the Minister of Finance, having regard to the purpose for which the money was originally provided'.

11. I am sure you will agree with me that the Act remains as offensive now as it was in its first draft. The amendments referred to above do not alter the purpose or, in any substantial degree, the potency of the legislation.

Clive Plasket.

CLIVE PLASKET

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END CONSCRIPTION CAMPAIGN (ECC)

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