

**ACP - EEC  
JOINT ASSEMBLY**

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# Working Documents

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MOTION FOR A RESOLUTION

tabled by Mrs HEINRICH

on the right to refuse military service  
in South Africa

AP/124

The ACP-EEC Joint Assembly  
meeting in Mbabane (Swaziland) from 27 to 31 January 1986

- A. having regard to its resolution of 26 September 1985
- B. whereas South African military and police forces (SADF and SAP) play a leading role in maintaining and supporting the inhumane system of apartheid:
  - (a) through repression in South Africa, e.g. the suppression of the legitimate struggle of the oppressed population, the occupation of at least 23 townships since 1984, direct responsibility for the death of inhabitants of townships and their implementation of the provisions of the state of emergency,
  - (b) through their continuing illegal occupation of Namibia, and
  - (c) through repeated threats of and effective acts of military aggression against neighbouring states,
- C. whereas military service has been compulsory for white South Africans since 1961,
- D. whereas the number of persons liable for military service who refuse to be drafted into the SADF has been growing substantially (according to the South African Minister of Defence, General Magnus Malan, the figure rose from 1,596 in the whole of 1984 to 7,585 in January 1985 alone),
- E. whereas at least 2,000 white South Africans are forced to leave the country each year in order to avoid acting against their better conscience by being drafted into the SADF,
- F. whereas Section 72 B(1) of the South African Defence Act merely provides for exemptions from military service on religious grounds,
- G. whereas those who refuse to carry out their military service have been sentenced to up to 6 years imprisonment,
- H. whereas the right to carry out alternative forms of service in place of military service is connected exclusively with religious convictions,
- I. whereas there is no provision for non-military community service in organizations other than those run by the state,
- J. having regard to UN resolutions Nos. 33/165 and 35/206 B,
- K. having regard to the report by A. Eide and C. Mubanga-Chipoya on conscientious objection, drawn up for the UN Committee on Human Rights and dated 27 June 1983,
- L. having regard to the European Parliament resolution of 7 February 1983,

- M. having regard to the General Declaration on Human Rights of 1948 (Paragraph 18), the International Agreement on Civil and Political Rights of 1966 (Paragraph 18), the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (Paragraph 9) and the African Charter of Human and International Rights (Paragraph 8),
1. Reiterates its demands of 26 September 1985 and particularly those set out in Paragraphs 3, 5, 6, 12(i), 16, 25, 26 and 27;
  2. Affirms its recognition of the right of all those concerned to serve in military or police units whose aim is to support and maintain the inhumane system of apartheid, to suppress the legitimate struggle of the oppressed population and to threaten and actually carry out acts of aggression against neighbouring states, including the illegal occupation of Namibia;
  3. Applauds the courage of those who refuse to carry out compulsory military service in South Africa and expresses its respect for them and its solidarity with them;
  4. Calls on the youth of South Africa to refuse service in South Africa's military strike forces;
  5. Calls on the international community of states and, in particular, on the governments of the Member States of the Joint Assembly to grant:
    - (i) asylum,
    - (ii) or - if requested - safe transit to another state,
    - (iii) all rights and material assistance due to refugeesto all persons who are forced to leave their country for reasons of conscience to avoid strengthening the inhumane system of apartheid and maintaining that system by serving in military and police units;
  6. Calls on the South African Government to re-abolish compulsory military service;
  7. Calls on the South African Government, whilst compulsory military service is still in force:
    - (i) to change the definition of 'objector on religious grounds' in Section 72 B(1) of the Defence Act to 'objector on grounds of conscience', i.e. a person who for reasons of conscience or deep personal conviction based on religious, ethical, moral, humanitarian or similar grounds cannot carry out military service, either in whole or in part, as this would cause personal conflict,
    - (ii) to make provisions for all those objecting on grounds of conscience to perform an alternative non-military service,
    - (iii) to make it possible for this alternative service to be carried out in organizations not run by the state and independent of government control,

- (iv) to ensure that the length of alternative service is not greater than the term of military service,
  - (v) to grant those liable for military service to refuse certain aspects e.g. the occupation of townships by the army or acts of aggression against neighbouring countries, including Namibia,
  - (vi) not to hinder persons and organizations which provide information on these matters to those concerned or to take any reprisals against them;
8. Instructs its Presidents to forward this resolution to the Commission, the ACP-EEC Council of Ministers, the governments of all countries which have signed the Lomé Convention and to the South African Government.

**The assembly ACP - EEC - in its session 27.-31.1.1986 in Swaziland -**

- A. taking into account its resolution of 26.9.1985
- B. being well aware that South African Defence and Police Forces (SADF, SAP) play an eminent role in maintaining and supporting the inhuman apartheid system
  - a) via its repressive function within South Africa (domestic role), among other things the repression of the legitimate struggle of the oppressed people, the occupation of at least 23 townships since 1984, the direct responsibility for the death of township inhabitants, the implementation of the state of emergency, as well
  - b) by the ongoing illegal occupation of Namibia and
  - c) the repeated, threatened and executed aggressive military acts against neighbouring states
- C. fact: Since 1961 compulsory conscription for white South Africans
- D. fact: Number of conscripts who fail to report for military service is strongly increasing (Source: South African Defence Minister General Magnus Malan: 1.596 in total '84 against 7.589 only in Jan.85)
- E. fact: every year at least 2.000 white South Africans forced to leave their country, their only possibility not to act against their consciousness by being conscripted for SADF
- F. fact: South African Defence Act, Paragraph 72 B/1 only admits conscientious objections for religious reasons
- G. fact: CO's have to face prison up to 6 years
- H. fact: Civil service only admitted for CO's with religious reasons
- I. Fact: non-military civil service in non-statal organisations or institutions is not possible
- J. taking into account the UN resolutions 33/165 and 35/206 B
- K. taking into account the report of A.Eide/C.Mubanga-Chipoya about CO for the UN-Committee on human rights (27.6.1983)
- L. taking into account EP resolution of 2.2.1983 (on CO, Macciocchi)
- M. taking into account
  - human rights declaration 1948 (par.18)
  - international accord on civil and political rights 1966 (par.18)
  - European convention on human rights and basic liberties 1950 (par.9)
  - African charta of human and international/peoples rights (par.8)
- 1. underlines, reinforces its claims of its declaration of 26.9.1985, especially numbers 3,5,6,12i,16,25,26, and 27
- 2. recognizes explicitly the right of all persons concerned to object any service in military and police unities, which grant the maintenance of the inhuman apartheid system, represses the legitimate struggle of the oppressed people and are both threatening and executing aggressive acts against neighbouring states, including illegally occupied Namibia

3. welcomes the courage of all people objecting compulsory conscription, affirms its full respect and solidarity with them
4. appeals to the youth of South Africa to refrain from enlisting in the South African armed forces
5. calls upon the community and especially on the governments of member states of the ACP-EEC assembly, to grant
  - i) asylum or
  - ii) safe transit to another stated - if preferred by the person concerned -
  - iii) and all the rights and benefits accorded to refugees under existing legal instrumentsto persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces
6. calls upon the South African Government to abolish the compulsory conscription system
7. calls upon the S.A. government, as long as compulsory conscription is still in vigor (in existence)
  - i) to replace the definition in par.72 B(1) Defence Act ('religious objection') by 'conscientious objection', i.e., accepting the objection of any person for whom - for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian or similar motives - it is in conflict to perform all or part of their military service
  - ii) to grant for all COs the possibility of a non-military civil service
  - iii) enclosed the possibility to deliver such a service also in non-statal organisations, independent from any statl control
  - iv) civil service should not be longer than military service
  - v) conscripts should have the right to object also parts of their service, for instance the occupation of townships by the army or the military aggression towards neighbouring states, including Namibia
  - vi) not to hinder (restrain) and/or repress all persons, groups, organisations who inform publicly everybody concerned by these matters (not to restrain/repress in any was)
8. Asks its Co-Presidents to forward this resolution to the Commission, the ACP-EEC Council of Ministers, the governments of all the signatories of the Lomé Convention and to the South African government.

Brussels, 13.1.1986

Die Paritätische Versammlung ACP - EEC

- in ihrer Sitzung vom 27. - 31. Januar 1986 in Swasiland -

- A. unter Hinweis auf ihre Resolution vom 26. September 1985
- B. im Bewußtsein, daß die südafrikanischen Militär- und Polizeieinheiten (SADF und SAP) eine herausragende Rolle bei der Aufrechterhaltung und Unterstützung des unmenschlichen Apartheid-systems einnehmen
  - a) sowohl, was ihre Repressionsfunktion im Inland betrifft, so u.a. die Niederschlagung des legitimen Kampfes der unterdrückten Bevölkerung, die Bestzung von mindestens 23 Townships seit 1984, die direkte Verantwortung für den Tod von Township Bewohnern, die Ausführung des Notstandes als auch
  - b) durch die anhaltende illegale Besetzung Namibias und
  - c) die wiederholten, angedrohten und durchgeführten militärischen Aggressionen gegen Nachbarstaaten
- C. in Kenntnis der Tatsache, daß seit 1961 für die weißen Südafrikaner obligatorische Wehrpflicht besteht
- D. in Kenntnis der Tatsache, daß die Anzahl der Wehrpflichtigen, die sich ihrer Einberufung zu den SADF nicht stellen, erheblich anwächst (laut Südafrikas Verteidigungsminister General Magnus Malan von 1.596 im ganzen Jahr 1984 auf 7.589 allein im Januar 1985)
- E. in Kenntnis der Tatsache, daß jedes Jahr mindestens 2000 weiße Südafrikaner das Land verlassen müssen, um nicht gegen ihr Gewissen zu handeln, indem sie für die SADF rekrutiert werden
- F. in Kenntnis der Tatsache, daß das südafrikanische Militärgesetz (Defence Act) in Abschnitt 72 B(1) lediglich die Kriegsdienstverweigerung aus ausschließlich religiösen Gründen vorsieht
- G. in Kenntnis der Tatsache, daß Kriegsdienstverweigerer mit Gefängnisstrafen bis zu 6 Jahren belegt werden
- H. unter Hinweis darauf, daß ein Ersatzdienst auf Kriegsdienstverweigerer mit ausschließlich religiösen Gründen beschränkt ist
- I. unter Hinweis auf die Tatsache, daß ein nicht-militärischer Gemeinschaftsdienst in nicht-staatlichen Organisationen oder Institutionen nicht vorgesehen ist
- J. in Kenntnis der UNO-Resolutionen 33/165 und 35/206 B
- K. unter Hinweis auf den Bericht von A.Eide und C.Mubanga-Chipoya über Verweigerung aus Gewissensgründen für die Menschenrechtskommission der Vereinten Nationen vom 27.6.1983
- L. in Kenntnis der Entschliebung des Europaparlaments vom 7.2.1983
- M. unter Hinweis auf die allgemeine Menschenrechtsdeklaration von 1948 (Paragraph 18), das internationale Abkommen über zivile und politische Rechte von 1966 (Paragraph 18), die Europäische Konvention der Menschenrechte und grundlegenden Freiheiten von 1950 (Paragraph 9) und der Afrikanischen Charta der Menschen- und Völkerrechte (Paragraph 8)
1. bekräftigt ihre Forderungen vom 26.9.1985, insbesondere die Ziffern 3,5,6,12 i,16,25,26, und 27

2. anerkennt darüberhinaus ausdrücklich das Recht für alle betroffenen Personen, den Dienst in Militär- oder Polizeieinheiten zu verweigern, die zur Unterstützung und Aufrechterhaltung des unmenschlichen Apartheidsystems dienen, den legitimen Kampf des unterdrückten Volkes niederschlagen und aggressive Handlungen gegenüber Nachbarstaaten, eingeschlossen das illegal besetzte Namibia, androhen und durchführen
3. begrüßt den Mut derjenigen, die sich der obligatorischen südafrikanischen Wehrpflicht entziehen, und drückt ihnen ihren Respekt und ihre Solidarität aus
4. appelliert an die Jugend Südafrikas, sich der Beteiligung an den südafrikanischen Militärstreitkräften zu enthalten
5. fordert die internationale Staatengemeinschaft und insbesondere die Regierungen der Mitgliedsstaaten der paritätischen Versammlung auf, allen Personen, die aus Gewissengründen ihr Land verlassen müssen, um nicht das unmenschliche Apartheidsystem durch den Dienst in Militär- und Polizeieinheiten aufrechtzuerhalten und zu verstärken,
  - i) Asyl zu gewähren
  - ii) oder - nach Wunsch - die sichere Durchreise in einen anderen Staat zu ermöglichen
  - iii) alle Rechte und materielle Unterstützung, die Flüchtlingen zukommt, zu gewähren
6. fordert die südafrikanische Regierung auf, die obligatorische Wehrpflicht wieder abzuschaffen
7. fordert die südafrikanische Regierung auf, solange die obligatorische Wehrpflicht noch besteht,
  - i) im Abschnitt 72 B (1) des Militärgesetzes (Defence Act) die Definition "Verweigerer aus religiösen Gründen" in "Verweigerer aus Gewissensgründen" umzuwandeln, d.h., eine Person, für die es aus Gewissengründen oder aus tiefer Ueberzeugung aus religiösen, ethischen, moralischen, humanitären oder vergleichbaren Motiven einen Konflikt darstellt, den Militärdienst ganz oder teilweise abzuleisten.
  - ii) Für alle Verweigerer aus Gewissengründen die Ableistung eines nicht-militärischen Ersatzdienstes zu ermöglichen,
  - iii) wobei ein solcher Dienst auch in nicht-staatlichen Organisationen, unabhängig von Regierungskontrolle, ableistbar sein soll und
  - iv) die Dauer eines solchen Dienstes nicht länger als der Militärdienst sein soll
  - v) für Wehrpflichtige das Recht bestehen soll, auch Teile des Dienstes wie z.B. die Besetzungen der Townships durch die Armee oder die militärischen Aggressionen gegen die Nachbarstaaten, inklusive Namibia, zu verweigern
  - vi) Personen und Organisationen, die die betroffene Öffentlichkeit zu diesem Sachverhalt informieren, in keiner Weise zu behindern oder mit Repressalien zu belegen
8. beauftragt ihre Kopräsidenten, diese Entschliessung der Kommission, dem ACP-EEC Ministerrat, den Regierungen aller Unterzeichnerstaaten des Abkommens von Lomé und der südafrikanischen Regierung zu übermitteln.



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