

0115

AN OPEN APPEAL

Concerning the granting of political asylum and refugee status to South African Conscientious Objectors

Every year a number of South African conscripts leave the country of their birth because they are not prepared to participate in the South African Defence Force (SADF) and its apartheid wars. Obviously we would like these people to stay inside South Africa and contribute towards the struggle for a new society. However the reality of the situation is that for many - who are not universal religious pacifists, and are not prepared to serve a term in jail and who can no longer continue avoiding the SADF - the choice is between exile and service in the SADF. This letter, being an attempt to address the needs of those individuals opting for exile, is an open appeal re the status of South African war resisters.

This appeal is addressed to the government of the following countries:

- | | |
|-----------------------------|------------------------------|
| Australia | The Netherlands |
| Austria | New Zealand |
| Belgium | Norway |
| Botswana | Portugal |
| Canada | Spain |
| Denmark | Swaziland |
| Federal Republic of Germany | Sweden |
| France | Switzerland |
| Greece | The United Kingdom |
| Italy | The United States of America |
| Lesotho | Zimbabwe |

1. We address this appeal to you in light of:
 - 1.1 Your commitment to such fundamental rights as freedom of conscience, speech, association of movement and religion.
 - 1.2 Your opposition to apartheid and racism of any kind.
 - 1.3 Your endorsement of the Geneva Convention and the Declaration of Human Rights.
 - 1.4 The U.N. security council resolution 33/165 of 1978 re the status of SA conscientious objectors (see Appendix 2).

2. We draw your attention to the following facts:
 - 2.1 The South African Defence Force (SADF) and those serving in it are engaged in regular contraventions of international law;
 - a) by illegal occupying Namibia
 - b) by raids into neighbouring countries
 - 2.2 The SADF is used as a political weapon against community leaders, and against communities and organisations by entering and occupying Black residential areas within South Africa and by assisting the South African Police in detaining large numbers of people as part of the South African Government strategy to maintain its domination of the majority of South African citizens.
 - 2.3 All male citizens classified "white" by the South African Government are subject to compulsory military service. After an initial period of 2 years each conscript is required to serve two years divided over a 12 year period. Although the total period of conscription is thus 4 years, military demands extend over a 14 year period at least, after which the conscript is still liable for service until he is 55 years old.
 - 2.4 During this period of compulsory military service white males within the ages of 18 and 55 can be called upon to invade neighbouring sovereign states, to suppress the fundamental human freedoms of their black fellow citizens and in many instances to kill them.
 - 2.5 A disturbing number of men commit suicide each year while in the SADF. In 1986 the Minister of Defence reported the figure of 429 attempted suicides with 24 resulting in deaths. Suicide must be recognised as a possible desperate method of refusing to fulfil the duties imposed on conscripts.
3. Within this situation we have to report the existence of extensive opposition to conscription supported by most of

the major Churches and the progressive organisations in South Africa and promoted by the End Conscription Campaign and the Conscientious Objectors Support Group who bravely sustain their effort despite the fact that their leaders and members are often among those most frequently and seriously harrassed by security forces.

4. We highlight the choices facing objectors

- 4.1 Universal religious pacifists can apply for alternative service. This category applies to only a small group of individuals.
- 4.2 Six years in jail.
- 4.3 Leave South Africa and illegally evade the call-up.
- 4.4 Leave South Africa and go into exile.

All the alternatives are difficult ones involving extreme sacrifice on the part of the objector. Further details concerning these options are given in appendix 1. In the following section we deal particularly with the option of exile. Our call in South Africa is for people to stay and contribute to the struggle for a new society. Despite this call the reality of the situation is that very often an objector, for one reason or another, is ultimately faced with a choice between exile and service in the SADF. When this situation does arise the particular objector should receive every assistance to follow their conscience.

5. With regard to exile

- 5.1 A limited number of South African conscripts hold dual nationality being also citizens of another country. This enables them to leave South Africa and take up residence and employment elsewhere.
- 5.2 The large majority have South African citizenship only and face the prospect of living as aliens in a foreign country with all the hardships and inconveniences that implies.

- 5.3 Even for those with citizenship of another country exile means forsaking the land of their birth, family, friends and upbringing, indeed almost the entire range of psychological, emotional, social and economic relationship built up in the course of their lives. Exile is certainly not the easiest alternative to compulsory military service in the SADF. Yet, there is little doubt that for many exile is preferable to accepting the consequences of remaining in South Africa to face prosecution.
6. We therefore place before you our request that South African conscientious objectors be granted political asylum and refugee status and be provided with every opportunity to live according to the dictates of their conscience.
7. It must be stressed that the efforts of certain countries addressed above towards the ends outlined here have not in any way been overlooked. It may be that their preparedness to assist these refugees from the South African war will serve as an example to other countries to assist in the same manner.

SIGNATURE

NAME

POSITION

SIGNATURE	NAME	POSITION

The alternatives to military service are:

1. Conscientious Objection on Religious grounds.

An applicant for this alternative must satisfy the authorities that he is an universal pacifist for religious reasons. No other reason be it moral, political, philosophical or humanitarian, counts. Applications for this alternative are made to the Board for Religious Objection.

The succesful applicant is obliged to perform alternative service for one and a half times the length of any outstanding military service. Where no military service has been completed this means 6 years of alternative service. The Minister of Manpower employs the religious objector according to the needs for the states bureaucracy. The objector thus very often finds himself still serving the apartheid government though not directly in the military arm.

Between 1983, when the Board for Religious Objection was established, and June 1987 1248 people applied to the Board for Objector status. 1228 were accepted and 20 turned down.

2. Refusal to serve in the SADF.

Refusal to serve in the SADF for reasons other than being a universal religious pacifist entails imprisonment for up to one and a half times the length of any outstanding military service. Refusal by a new conscript may entail 6 years imprisonment.

It is widely recognised that the accomodation of objection on religious pacifist grounds in not to facilitate conscientious objection but in fact to deter conscripts from applying and to limit the extent of objection on these grounds. There is no accomodation of conscientious objectors in a broad sense, in any form of alternative community service, despite repeated requests and recommendations.

It is clear that the period for which an objector is committed to bureaucratic "community service" (in the case of a religious objector) or to prison (in the case of other objectors) is an indication that such persons are being punished for appealing to a conscience different from that of the government and the SADF.

RESOLUTION 33/165

Status of persons refusing service in military
or police forces used to enforce apartheid

The General Assembly,

Mindful that the Charter of the United Nations sets forth, as one of the purposes of the Organization, the achievement of international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling article 18 of the Universal Declaration of Human Rights, 1/ which states that everyone has the right to freedom of thought, conscience and religion,

Conscious that the Proclamation of Teheran, 2/ the Lagos Declaration for Action against Apartheid 3/ and other United Nations declarations, conventions and resolutions have condemned apartheid as a crime against the conscience and dignity of mankind,

Having regard to section II, paragraph 11, of the Lagos Declaration, which proclaims that the United Nations and the international community have a special responsibility towards those imprisoned, restricted or exiled for their struggle against apartheid,

Taking note of the report of the Special Committee against Apartheid, 4/

1. Recognizes the right of all persons to refuse service in military or police forces which are used to enforce apartheid;
2. Calls upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, 5/ to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces;
3. Urges Member States to consider favourably the granting to such persons of all the rights and benefits accorded to refugees under existing legal instruments;
4. Calls upon appropriate United Nations bodies, including the United Nations High Commissioner for Refugees, the specialized agencies and non-governmental organizations, to provide all necessary assistance to such persons.

1/ General Assembly resolution 217 A (III).

2/ Final Act of the International Conference on Human Rights (United Nations publication, Sales No. E/68.XIV.2), p. 3,

3/ A/CONF.91/9 (United Nations publication, Sales No. E.77.XIV.2 and corrigendum), sect. X.

4/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 22 (A/33/22 and Corr.1).

5/ General Assembly resolution 2312 (XXII), annex.

(Passed unanimously by acclaim)

18 August 1987

An open appeal

To the governments and representatives of the people of the following nations, collectively and severally -

Australia, Austria, Belgium, Botswana, Canada, Denmark, the Federal Republic of Germany, France, Italy, Kenya, Lesotho, the Netherlands, New Zealand, Norway, Portugal, Spain, Swaziland, Sweden, Switzerland, the United Kingdom, and the United States of America:

NOTING

1. your defence and upholding of the fundamental human rights of
 - freedom of speech
 - freedom of association
 - freedom of movement
 - freedom of thought
 - freedom of religion
 - freedom of community and freedom of conscience, amongst others, and
2. your consistent opposition to apartheid and racism of any kind including the institutions and instruments that support these crimes against the majority of the South African population;

AND being further aware of the emphasis given by you to these considerations

- by your direct affirmation thereof to the international community;
- by the endorsement of the policies, objectives and resolutions of the United Nations' Organization;
- as signatories of the Geneva Convention and the Declaration of Human Rights;
- by repeated objections to the demands, illegalities and excesses of the South African government;

we, the undersigned, both as individuals and as the representatives of various groups and constituencies in South Africa, hereby draw the following realities of the current conflict to your attention:

1. The South African Defence Force (SADF) and those serving therein are engaged in regular contraventions of international law
 - a) by illegally occupying Namibia; and

b) by raids into neighbouring countries, including Angola, Mocambique, Lesotho and Botswana.

2. The SADF is used as a political weapon against community leaders, organisations and communities themselves by entering and occupying, in particular, black residential areas within South Africa, and by assisting the South African Police in detaining large numbers of people as part of the South African government's strategy to maintain its domination of the majority of South African citizens.

3. All male citizens classified as 'white' by the SA government are subject to a process of compulsory military conscription. After an initial period of 2 (two) years service, each conscript is required to serve a further 2 (two) years divided over a 12 (twelve) year period. Although the total period of conscription is thus 4 (four) years, military demands extend over a 14 (fourteen) year period at least, after which one is still liable for 'service' until one is 55 (fifty-five) years old.

4. During this period of compulsory military conscription, white males between the ages of 18 and 55 are thus called upon to invade neighbouring sovereign states, to invade the fundamental human rights of their fellow black citizens, and in many instances to kill them.

5. The alternatives to military service are as follows:

A legal
B. Illegal, don't require ac...
of new optus
1972

a) Objection on religious grounds. - Religious pacifism is narrowly construed. It is consequently an option for only a small minority of conscientious objectors. The successful applicant must serve a period 1,5 (one-and-a-half) times the length of any outstanding military service. e.g. Where no military service has been completed, this means completing 6 (six) years alternative service. The Minister of Manpower employs the religious objector according to the needs of the State Bureaucracy. The objector thus very often finds himself still serving the apartheid government, though not directly employed in the military arm thereof.

note: It is widely recognised that the accommodation of objection on religious grounds is not to facilitate conscientious objection, but in fact to deter conscripts from applying and to limit the extent of objection on these grounds.

ofc optus
b) Refusal to serve in the SADF. Refusal to serve in the SADF for any other reason than religious belief, i.e. refusal on moral, ethical, political, philosophical, humanitarian or other grounds, entails imprisonment for up to 1,5 (one-and-a-half) times the length of any outstanding military service. e.g. Refusal by a new conscript may entail 6 (six) years imprisonment. There is

no accommodation of conscientious objectors in the broad sense, in any form of alternative community service, despite repeated requests and recommendations.

note: It is essential to stress ~~that the above mentioned alternatives (5a and 5b) are treated by the SA government as non-criminal offences~~ that the period for which an objector is committed to bureaucratic 'community service' (in the case of a 'religious' objector), or to prison (in the case of 'other' objectors), is a clear indication that such persons are being punished for admitting a form of conscience different to that of the Nationalist government and the SADF.

*100% female
Figures of 84 A*

c) Suicide. A disturbing number of young men commit suicide each year while in the SADF. In 1986, the Minister of Defence reported the figure of ? attempted and ? successful suicide cases. These tragedies clearly cannot all be explained as the 'ultimate form of objection'. But in certain instances this has been the cause. Suicide must be recognised as a possible, desperate method of refusing to serve an unacceptable minority regime.

*d) Exile. ~~There is only one option remaining for white South African males who respect the fundamental rights referred to above, and who wish neither to support the enforcement of apartheid policies and its consequences (e.g. the prevailing national state of emergency), nor to be drawn, through compulsory conscription into the SADF, into an escalating apartheid war: self-imposed exile.~~

i) A limited number of South African conscripts hold dual nationality/citizenship i.e. they are also nationals/citizens of another country. This enables them to leave South Africa and take up residence and employment elsewhere.

ii) The vast majority of South African conscripts are South African nationals/citizens only. They therefore do not enjoy the facility available to their fellow conscripts i.e. the citizenship of another country. The vast majority of this (the largest) category of conscientious objectors, are therefore unable to avail themselves of the option of self-imposed exile.

It is widely acknowledged that the option of exile is certainly not the easiest alternative to (compulsory) military conscription into the SADF. Even for those with the citizenship of other countries, exile means forsaking the land of one's birth, family, friends and upbringing, indeed almost the entire range of psychological, emotional, social and economic

relationships built up over an individual's life. There is little doubt however, that for many, exile is preferable to both the serving of the apartheid state, and the few remaining alternatives thereto. There is also little question that exile for conscientious objectors is the most constructive action that can be undertaken towards a peaceful, negotiated settlement of the South Africa conflict.

In the light of the above, we, the undersigned, submit that conscientious objectors should be provided with every opportunity to live according to the dictates of their consciences, and what in fact may well be termed the collective conscience of the above-mentioned countries.

It must be stressed that the efforts and contributions of certain countries addressed above, towards the ends outlined here, have not in any way been overlooked. It may be that their preparedness to assist these refugees from the South African war may serve as an example and as exhortation to other countries to assist in the same manner, whether by support for this cause in the United Nations' General Assembly, or by support through organs of more regional government e.g. the European Economic Community.

We hereby humbly request therefore

~~1. Recognition of the End Conscription Campaign (ECC) as a lawful organisation within South Africa, despite the continual harassment, intimidation and detention of its office-bearers and members, whose efforts, inder alia, are aimed at representing the interests of the many conscientious objectors desiring a peaceful, non-racial, just and democratic South Africa.~~

1. The granting, both by a public policy declaration and following automatically upon application, of political asylum and refugee status to South African conscientious objectors (war resisters), to enable their peaceful existence and wherever possible their employment/education, until such time as the threat of compulsory military conscription into the SADF no longer hangs over their heads; and

2. The public denunciation of

3.1 the policy of conscription of South Africans into the SADF by the SA government;

3.2 the use of military and paramilitary force to prevent the development of peaceful political processes amongst the majority of SA citizens through free speech and free association; and

3.3 the use of South African conscripts against their fellow South Africans in such military and paramilitary exercises.

3.4. *crusade of desert*
We remain respectfully yours in the struggle for human rights, and against apartheid domination, confident of your belief in the fundamental values for which we are fighting.

(SIGNED)

(NAME)

(POSITION)

Allan Boesak
Albertina Sisulu
Frederik Van Zyl Slabbert
Alex Boraine
Winnie Mandela
Frank Chikane
Beyers Naude
Desmond Tutu
Sir Richard Luyt
Tony Bloom
Murphy Morobe
Archie Gumede
Dullah Omar
Mary Burton
Sheena Duncan
Anton Lubowski
Daniel Tjongerero
Nico Bessinger
Hendrik Witbooi
Nadine Gordimer
Andre P. Brink
Tony Heard
Joseph Marks
Helen Suzman
Helen Joseph
Bruce Fordyce
John Coetzee
Christopher Hope
Frank Robb
Arthur Chaskalson
Frances Ames

Church leaders
- Albert
- PP&L
- COSATU

Steve Kwaning

Anton Lubowski
Daniel Tjongerero
Nico Bessinger

Bruce Fordyce

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Nico Smit

More hierarchy of the church

*Archbishop Tutu
Peter Strog etc.*

Jim on Feb

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END CONSCRIPTION CAMPAIGN (ECC)

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