

NAUDÉ LEGISLATION ON CONSCIENTIOUS OBJECTION

RESPONSES TO NAUDÉ COMMISSION

By an interdenominational group in Cape Town

An ad hoc group including members from different churches in Cape Town, met in December 1982 to discuss the proposals of the Naudé Commission.

1. We welcome the fact that a Commission has been set up to examine objection to military service. We are appalled, however, to note that conscientious objectors have been split into religious and non-religious categories, thereby splitting apart religion and politics in an unbiblical way unacceptable to our churches and demoting to an inferior category those who object from the just war position, from an ethical/political position, or from a world and life view which rejects violence. Our view is in accordance with a resolution of the recent synod of the Church of the Province of South Africa which recognised:

"the right of all people christian and non-christian to object conscientiously to service in national defence for moral, ethical or religious reasons"

- Agendum 58 par 2 1982.

This view is also propounded in the statement of Vatican II on Freedom of Conscience.

2. We object to the severely long periods of alternative service proposed. Moreover, the treatment proposed for "non-religious" objectors (apparently a maximum prison sentence of 8 years) resembles punishment for a very severe criminal offence. We call for fair and reasonable forms of national service for all categories of objectors.

3. We are disturbed that the Naudé commission takes a blatantly political stance expressed in religious terms. While rejecting non-participation in the SADF on political grounds, they assume that participation is non-political.

4. We are concerned that the United

Board of Free Churches has supported the proposals of the Naudé Commission, as though it could speak on behalf of the churches. By doing so the United Board has misrepresented the expressed views of its churches.

5. The Commission's proposals fail to stipulate that the proceedings of the proposed Board must be open to the public to protect the rights of the objector.

"We call for fair and reasonable forms of national service for all categories of conscientious objectors."

We offer the following comments on points in the letter from ds Naudé to the Moderator of the Presbyterian Church of Southern Africa:

On point 1(a)

It is good that the individual's view is taken account of, but both religious and non-religious views should have equal rights. Moreover, in the Roman Catholic Church, tradition as well as Scripture governs the individual's faith and ethics and this requires recognition. People of other faiths, e.g. Buddhists, should also have equal rights.

On point 1(c)

The proposed composition of the Board raises the following problems:

- (i) Who will select its members and how will this selection take place?
- (ii) The board as proposed will include at least two SADF members, one a chaplain. If its objective is to determine the individual's bona fides, can the SADF members play an unbiased role?

(iii) Because some SADF chaplains have expressed extreme right-wing views, the CO should have the right to object to the appointment to the Board of any chaplain with extreme views. The chairperson of the board can then decide whether the objection is valid; the deliberations will of course be open to public scrutiny.

(iv) If the board does include any members of the SADF then the objector should likewise be represented by the same number of members on the board who may be jurists, theologians or university academics.

The objector should have the right to call others, e.g. teachers, a headmaster, his local minister, members of his family and friends to support his evidence.

On point 1(e)

As it is not always possible to prove one's bona fides, the objector cannot be required to do more than show evidence of his. (When conscription was applicable in the United States, convictions held for a lengthy period constituted such evidence).

On point 1(f)

This clause clearly implies by omission that a conscientiously held but non-religious political or just war position makes an objector ineligible for any alternative service option. This is discriminatory and unacceptable. The non-conscriptivist position is not dealt with. This omission needs to be rectified. Alternative service should employ the objector usefully in accordance with the abilities and training he has acquired or his intended vocation.

On point 1(g)

Concerning the length of alternative service, we object to its being so very long. No period of additional service required should be longer than 12 months.

Cape Town
December 1982.

NAUDÉ LEGISLATION ON CONSCIENTIOUS OBJECTION

- The State President could limit the political activity of a conscientious objector, but not remove his vote.

New details which have emerged about the Naudé committee's recommendations indicate religious objectors to national service would fall into three categories. These are:

- Those whose religious convictions were not in conflict with rendering service in a "non-combatant capacity." These, the committee recommends, should serve for the same time as non-objectors and should wear SADF uniform.

- Those whose religious convictions were not in conflict with performing "prescribed maintenance tasks in military forces in non-military dress." Their national service should be half again as long as ordinary national service.

- Those whose religious convictions were in conflict with doing any service in the armed forces. These should do "substitute service" for eight years.

Imprisonment

Conscientious objectors who refused to abide by these classifications should be subject to "military discipline for the first category, imprisonment for the same period in the second category and eight years in detention barracks for the third category," the committee recommends.

People who refuse to do national service on grounds other than religious (the only grounds recognised by the SADF) should serve a continuous period of eight years in prison — double the length of national service, which is two years plus 720 days.

The committee proposes that applications by conscientious objectors should be dismissed if the board decides the applicant "supports or furthers the cause of an enemy of the Republic."

Also, no application could be made on grounds already rejected by the board for any other applicant.

People who wanted to get exemption from the 12-day commando camps by paying the State (which men are liable to up to the age of 55 after national service), would have to pay amounts calculated on taxable incomes for the preceding year. Failure to either pay or do the 12-day duty should carry punishment of 90 days' imprisonment, the committee recommended.

If an application were deemed unacceptable, the applicant or his parents would have to pay the full costs of the hearing by the board, unless the parents had previously said they did not support the application.

Theologians

The board should comprise a judge or retired judge appointed by the Minister of Manpower in consultation with the

Minister of Justice, three theologians and two members of the SADF, including a chaplain, the committee recommended.

A quorum would be three members and the chaplain.

The committee's recommendations have been put before representatives of the various churches in South Africa.

— Pretoria News 25.1.1983 —

STOP PRESS

Mr Willem Steenkamp, an officer in the SADF and the military correspondent of the Cape Times, wrote the following comments about the proposed law — which, it must be noted could send non-religious pacifists to prison for eight years:

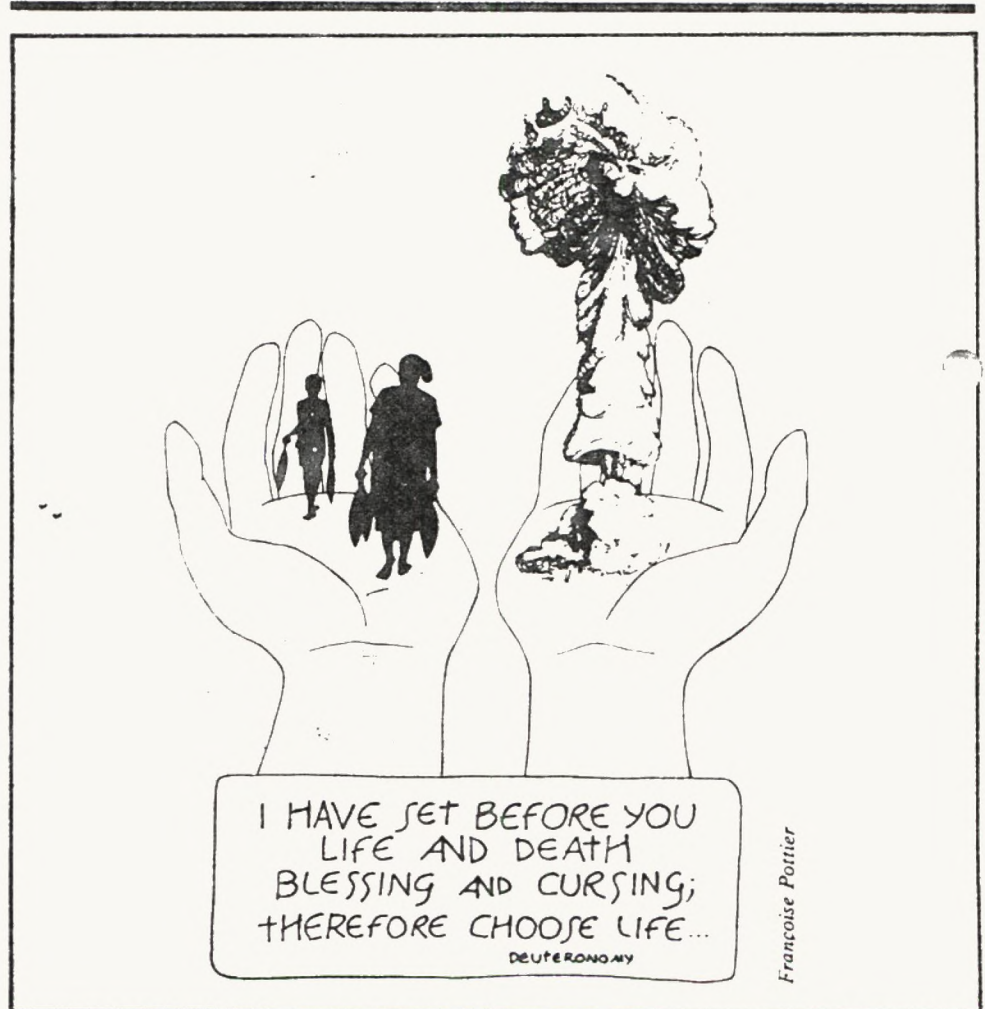
Phew! Well, I hate to comment on something that I haven't seen, but if that's the recommendation I don't think it's got a snowball's hope — surely even rabid

thumpers of the patriotic tub cannot help but see it as persecution.

Quite apart from the moral aspects of it, I don't know that such a draconian measure would serve much purpose. Even if it scares a would-be universal objector into doing his military service he would be far less useless because his heart really would not be in it at all.

It would also leave a pretty nasty taste in everyone's mouth and certainly do the SADF's image no good at all.

— Cape Times 9.2.83 —



Collection Number: AG1977

END CONSCRIPTION CAMPAIGN (ECC)

PUBLISHER:

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a collection held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.