

END CONSCRIPTION CAMPAIGN

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ECC PRESS RELEASE

7 JANUARY 1992

ECC REJECTS GOVERNMENT RESPONSE TO CALL-UP CRISIS

The End Conscription Campaign has noted with some amusement the feeble response from the Minister of Defence and his spokesman to our open letter on the system of conscription. In particular, Mr Meyer's performance on SATV last night (6 January) was pathetic, and appeared to be a deliberate attempt to draw attention away from the real issues.

In his television interview, Mr Meyer referred to "rumours" that conscripts need not report for service, and implied that he was not sure of their source. Of course, Mr Meyer is perfectly well aware of the ECC's arguments, but appears afraid even to mention our name in public.

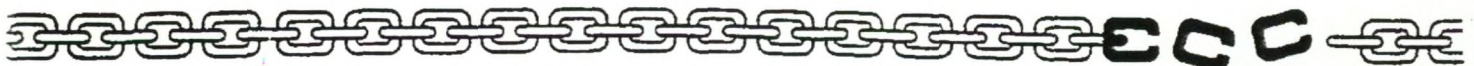
We propose that the following questions be put to the Minister or his spokesman to prevent them from continuing to evade the real issues:

1. If, as they claim, the clause in the Defence Act which authorises a whites- only call-up is not invalid, why have there been no prosecutions of conscientious objectors since July 1991, while thousands of conscripts have been refusing to serve?
2. Again, assuming that the relevant clause is not invalid, the effect of the clause is to authorise the SADF to call up white males. This does not mean that the SADF has to call up white males, which is a purely discretionary act on their part. Having admitted that the racist basis for the call-up is an anomaly, why does the government choose to continue with such a call-up?
3. Why does the Minister not address the real issue, the legal invalidity of the call-up?
4. How can the government justify spending close to R10 billion annually on the SADF, and calling up tens of thousands of unwilling young men to do military service, when the police are chronically short of funds and are turning away thousands of volunteers?
5. Why have the Minister and his spokesmen declined all invitations by the media to meet the ECC in face-to-face debate? Is it because they know that they have no answer to the ECC's arguments?

It is worth noting that Minister Meyer's attempts to intimidate young men into responding to the call-up have lacked any outright threat of prosecution. This is because Minister Meyer knows that such prosecutions will not take place. The ECC recommends that the current call-up be stopped immediately before it degenerates into a total farce. For the interim, the SADF can make use of the large number of volunteers which it claims are presently doing service. Attention should then be given, as a matter of top priority, to the diversion of a large proportion of the current huge military budget to the SA Police, and to the re-organisation of the existing SADF command structure, which at present is not answerable to the broad public, and, as recent history has shown, does not have the interests of the country as a whole at heart.

Chris de Villiers

Issued by Chris de Villiers
For: the End Conscription Campaign



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End Conscription Campaign

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ECC PRESS RELEASE

9 JANUARY 1992

ECC DISMISSES SADF CLAIMS OF HIGH PERCENTAGE CALL-UP TURNOUT

Predictably, the SADF has begun to claim ludicrously high intake percentages at various SADF call-up reporting points around the country. Generally, figures of over 90% are touted.

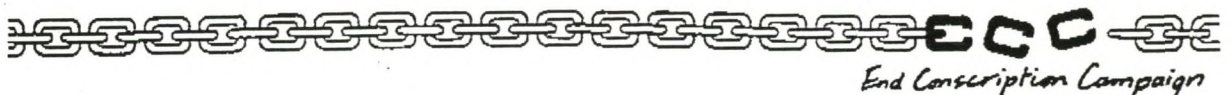
In the light of the Defence Ministry's panic-stricken response to our comment that the SADF would be lucky if 50% of those called up reported for service, such propaganda is to be expected. Those who are inclined to believe the SADF's figures should bear in mind that the SADF has refused since 1985 to release figures of those failing or refusing to report for military service. The turnout for "National Service", and for military camps in particular, has dwindled seriously since then, and is a major embarrassment to the government. The sudden production of miraculously high percentage call-up figures is obviously suspicious. It should be noted that the SADF has shown that it will spare no effort to discredit and undermine the ECC. The illegal smear campaign by the SADF against the ECC, which was exposed in 1988, resulted in an interdict restraining the SADF from unlawfully harassing and interfering with the ECC, which still stands. The CCB, which had ECC members on its hit list, has supposedly been disbanded. It therefore remains for the SADF and the government to play propaganda games with us.

It is speculated in the media that the current economic climate and the scarcity of employment for school leavers have resulted in a higher than expected call-up turnout. This is quite possible. In fact, the ECC's advice to most of those reluctant to report for service has been to apply for deferment. The Ministry of Defence claims that a more lenient policy is being followed by the Exemption Board. Thus, we believe that the bulk of draft resisters are effectively accommodated in this way.

In any event, the real issue is not the exact percentage of conscripts who report for military service, but the fact that the call-up is legally invalid and unenforceable, and that no legitimate action can be taken against those who refuse or fail to report.

Chris de Villiers

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For: The End Conscription Campaign



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ECC PRESS RELEASE

21 JANUARY 1992

STATEMENT BY DEPUTY MINISTER, WYNAND BREYTENBACH - CONSCIENTIOUS OBJECTORS WILL NOT BE PROSECUTED

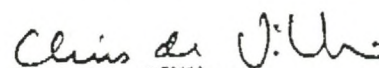
The End Conscription Campaign welcomes the statement by Deputy Minister of Defence Wynand Breytenbach that conscientious objectors will not be prosecuted for refusing to do military service. Although the statement merely confirms what the ECC has been saying, it is nevertheless significant in a number of ways.

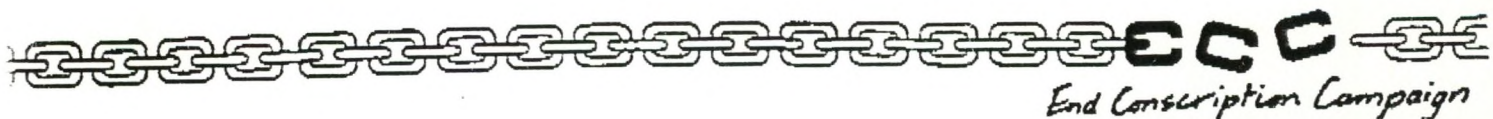
The statement should be seen in the context of the government's traditional reluctance to be seen to back down on contentious issues. It therefore follows that such a statement has not been made lightly, and possibly presages further concessions by the government on this issue.

The implication of a public admission by the Ministry of Defence that those who refuse to do military service will not be prosecuted is that any further call-ups are effectively unenforceable. This suggests to us that the government may be planning to do away with the conscription system, possibly by the next call-up in July. This is a perfectly feasible possibility, bearing in mind the SADF's claim that it already has more black personnel than white conscripts at any one time. We believe that the legitimate defence needs of the country can be dealt with more than adequately by a defence force of somewhat reduced size, making use of volunteer personnel only. As we have said previously, we also believe that a substantial portion of current military spending should be diverted to the SAP, which is in dire need of upgrading.

It may also be that the government plans to retain the whites-only call-up, but to introduce some form of non-military service for objectors. We believe that this would be a pointless exercise at this stage, and urge the government to go the whole hog in dropping conscription now.

The Deputy Minister's announcement focuses attention on the military at a time when Parliament is about to re-open and Codesa is resuming its deliberations. We believe that this is an ideal opportunity for the government's negotiating partners to insist on some form of joint interim control over the security forces. Agreement by the government on this point would open the way for organisations such as the ANC to wind down their own armed forces, and could prove to be an extremely important step towards peace in South Africa.


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For: The End Conscription Campaign



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ECC PRESS RELEASE

31 JANUARY 1992

GOVERNMENT'S "ALTERNATIVE" TO CONSCRIPTION

The ECC has taken note of a statement by Minister of Defence Roelf Meyer that the government intends to introduce community service for conscientious objectors. Supposedly, the decision follows the recommendations of the Gleeson Committee report on conscientious objection (which, together with the more significant van Loggerenberg Committee report on SADF manpower policy, has yet to be made public). In our submission to the Gleeson committee on 20 June 1991, we stated the following: "..... we think that the present Committee of Investigation into Conscientious Objection is little more than a damage control exercise being conducted by the government and the SADF, in an attempt to regain ground which has been taken by the conscientious objector movement, and the anti-conscription movement generally."

As long ago as June 1988, the ECC submitted detailed proposals to the SADF on community service for conscientious objectors. The government's response to these proposals was to prosecute conscientious objectors David Bruce and Charles Bester, who were sentenced to six years in jail, and to ban the ECC under the emergency regulations. Our submissions were ignored. In other words, the government simply persisted, and continues to persist, with a system which it has now admitted is racist and unfair. We have nothing but contempt for the government's shenanigans on this issue.

The government's contention that whites-only conscription can only be changed once the constitution has been changed is nonsense. The government has unilaterally scrapped numerous apartheid measures including the Group Areas Act and the Population Registration Act. Education is being deracialised. The government felt free to introduce VAT without proper consultation with extra-parliamentary organisations. It is therefore patently ridiculous to state that the Defence Act "cannot" be amended to do away with whites-only conscription now.

Finally, Mr Meyer's claim that the National Service intake for January was 121% of the expected turnout is laughable. The only way that such a figure could possibly arise would be from a "budget" for those expected to respond to call-ups which was substantially less than the actual number called up. For example, if the SADF expected 50% of those called up to report for service, and 60.5% actually arrived, that would be 121% of the "planned" intake. Mr Meyer's nonsensical statistics merely confirm the scale of the stay-away problem.

The government has, since 1985, refused to answer questions in Parliament concerning the number of people who refuse to do military service. My Meyer's sudden enthusiasm for fantasy figures clearly arises out of a desire to discredit the ECC. We challenge Mr Meyer to release the following figures, from 1985 to date:

- The total number of individuals called up each year, for each intake.
- The number of applications received for deferment for each intake.
- The number of deferments actually granted.
- The number of those who could not be traced by the SADF.
- The actual numbers of those who refused or failed to report in each case.
- The number of prosecutions resulting from refusal or failure to report and the number of convictions resulting from such prosecutions.

Failing the provision of at least the above figures, intelligent people will dismiss Mr Meyer's and the SADF's claims of a greater than 100% turnout as blatant propaganda. Similarly, Mr Meyer's attempts to create the impression that those who do not report will be prosecuted, without actually contradicting his Deputy Minister's confirmation that prosecutions have been halted, are merely embarrassing to observe.

Issued by CHRIS DE VILLIERS
For: The End Conscription Campaign

Chris de Villiers



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PRESS STATEMENT

2 FEBRUARY 1992

ANNOUNCEMENT BY MINISTRY OF DEFENCE THAT WHITES-ONLY CALL-UP IS TO BE PHASED OUT.

The End Conscription Campaign welcomes today's announcement by the Minister of Defence, Gene Louw, that the whites-only call-up system will be phased out during the course of this year.

We hope that today's announcement implies that all prosecutions in terms of the call-up laws will immediately be suspended.

This announcement is a vindication of what we have said in recent months that the call-up laws were no longer seriously being implemented and that conscripts could in general disregard them.

Today's announcement constitutes an acknowledgement by the government that the present whites-only call-up system is no longer viable or morally justifiable. It would appear that it can be taken as an indication that the government is in the process of moving towards an entirely voluntary system of recruitment for the military. We are confident that such a voluntary system will be the most effective in meeting South Africa's military personnel needs.



Issued by: David Bruce
For: the End Conscription Campaign



End Conscription Campaign

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ECC PRESS RELEASE

20 FEBRUARY 1992

REGISTRATION FOR NATIONAL SERVICE

The SADF is at present circulating registration forms at schools, in an attempt to force young white males to register for military service. Accompanying the registration forms is a definition of a "white person" taken from the now-repealed Population Registration Act.

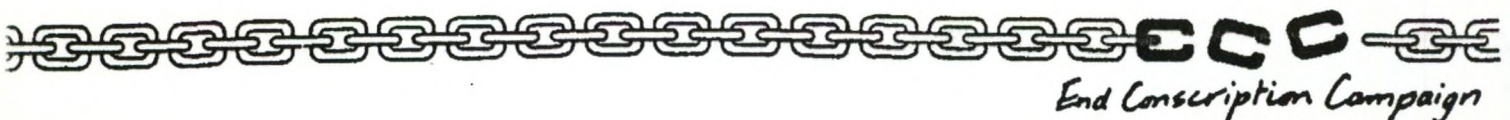
It appears that the Government is still attempting to use the ludicrous definition of a "white person" to enforce its racist system of conscription, while at the same time making political capital out of having repealed the Population Registration Act and other racist legislation.

Legally, it is not an offence to refuse or fail to register with the SADF for military service. This question was decided in a court case last year, where an individual was charged with failing to register for military service. The court found that the charge sheet did not disclose an offence. The state has appealed against this decision, and the matter is due to be heard in the Supreme Court, Witwatersrand Local Division, on 27 March 1992.

In the light of the above, the ECC advises those who are presented with registration forms and who have any objection to doing military service in the SADF, to refuse to complete them.

Chris de Villiers

Issued by Chris de Villiers
ECC Chairperson (Johannesburg)



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ECC PRESS RELEASE

4th March 1992

APPLICATION TO THE SUPREME COURT BY ECC AND RICHARD RULE

Since the repeal of the Population Registration Act last year, the ECC has been of the opinion that the whites-only call-up is legally invalid and unenforceable. An in-depth legal opinion confirmed our view, and various legal experts, most of whom hold no brief for the ECC, have confirmed that our view is quite likely correct.

Notwithstanding this, the SADF has continued to call up white males for military service, simply stating flatly that the call-up is still valid. However, giving the lie to their bland assertion is the fact that no conscientious objectors have been prosecuted for refusing to do military service since July 1991, when charges were dropped against objectors Rev. Alan Story and Wally Rontsch. Clearly, the government was not prepared to risk a court decision confirming the correctness of the ECC's opinion.

This year, Deputy Minister of Defence Wynand Breytenbach admitted publicly that it would be unfair to prosecute those who failed or refused to report for military service in the present circumstances, and admitted that such prosecutions were being held in abeyance. This statement was followed by a deliberately confusing outburst by Minister of Defence Roelf Meyer, calculated to convey the impression that he was contradicting Mr Breytenbach without actually doing so. In the meantime, it has been established that the SADF is prosecuting some individuals for failing to report for military service in military courts, thereby avoiding the publicity which such prosecutions would attract in the civil courts. Those selected for prosecution appear to be non-politically motivated individuals who are unlikely to defend themselves. We regard this development as a particularly despicable and devious attempt by the government and the SADF to create a climate of intimidation and fear in the minds of those supposedly liable for military service, while avoiding the risk of a court decision holding that the call-up is invalid. The inference which can be drawn from this is that the Government is aware that the call-up is probably invalid, but is nonetheless prepared to prosecute individuals in a "safe" forum, where the issue will not arise. This is immoral and hypocritical in the extreme. In the circumstances, we think that Mr Breytenbach's position is untenable, and call on him to resign.

In the light of the above scenario, and in the light of the ongoing refusal by the Minister of Defence to respond to our requests for a meeting (notwithstanding his most recent insinuations that the national body of the ECC had not requested such a meeting), we see no option but to approach the Supreme Court to obtain clarity on this issue. Together with Richard Rule, an individual who is faced with a call-up and who has been denied exemption, the ECC and its members have a burning interest in the outcome of this case. We are confident that our application will be successful, and that the government will be forced to abandon the whites-only call-up.



ECC
End Conscription Campaign

At present, there is absolutely no justification whatsoever for the continuation of the call-up. The number of conscripts called up at present is approximately equal to the number of personnel involved in the administration of the call-up, a ludicrous and inefficient situation. The SADF itself admits that it already has more black volunteers than conscripts serving at present. The numbers of those reporting for initial service and camps continue to dwindle, notwithstanding the Minister's most recent (and most laughable) claims of a 121% turnout for the January call-up. The real reason for the government's attempts to maintain the call-up system are its desperate desire to maintain total control over the security forces during the present transitional phase, so that it can exercise a military veto over the negotiation process if it so desires. Although the numbers of those presently being called up are small, the government can call up hundreds of thousands of Citizen Force members under the present system, an option which cannot have any relevance except as a last ditch attempt to maintain white domination if the outcome of the negotiation process is not to the government's liking. Statements by the government, to the effect that changes to the system of conscription can only be made once a new Constitution has been adopted, are devoid of all truth. Without amending the Defence Act in any respect, the SADF and the Government can decide tomorrow to end the call-up. Any suggestion to the contrary is merely misinformation, calculated to confuse the public.

Chris de Villiers

Issued by CHRIS DE VILLIERS
For: The End Conscription Campaign

Richard Rule - profile

Richard Rule is co-applicant with the End Conscription Campaign in the court application for clarification of the legality of the provisions of the Defence Act requiring white men to perform military service.

Richard was born in Johannesburg in 1965. His high school years were spent at a private Catholic school, St John Bosco College. Richard describes himself as having been "an average student". Sport wise he was involved in playing soccer and doing karate. He matriculated in 1983.

In January 1984 he joined AECI at their Modderfontein factories. He started his training as an instrumentation apprentice intending to further his studies through AECI's study scheme.

Richard was called up for National Service in July 1984, originally to 6 SA Infantry at Grahamstown. There he volunteered for the junior leaders course at Oudtshoorn. During his second year in the army he was selected to remain at Oudtshoorn to instruct the next years intake. During his army service he also completed two three month tours of duty on the Angolan border.

In July 1986 he returned to Modderfontein. In December of that year he completed his National Technical Certificate 3. Early in 1989 he finished his apprenticeship, with distinction, in the trade of instrumentation. By December 1990 he had completed his Higher National Diploma.

From January 1991 to the present he has been employed as an Instrumentation Technician. Richard says he finds the work "both stimulating and satisfying".

Richard is an avid road runner and regularly competes in marathon events around the country.

Since completing his National Service in 1986 Richard has been called up every year to serve a month at the local commando at Modderfontein.

Richard has a number of reasons for objecting to military service. Subsequent to the Population Registration Act having been repealed he believes that the call-up is no longer lawful. Furthermore he feels that the maintenance of whites-only conscription runs contrary to the general direction taken by the government and that it amounts to racism. He also believes that the training which he received has not provided him with the necessary preparation in relation to the current role that the SADF is expected to play. A professional defence force, he says, and/or a larger police force would be far more suitable.

Finally Richard feels that the economic costs of camps, to the country, to the company which he works for, and to himself, are unjustified.

END CONSCRIPTION CAMPAIGN
RICHARD RULE

First Applicant
Second Applicant

and

THE MINISTER OF DEFENCE
THE CHIEF OF THE DEFENCE FORCE
THE COMMANDING OFFICER
MODDERFONTEIN COMMANDO

First Respondent
Second Respondent

Third Respondent

The above application is being brought in the Transvaal Provincial Division of the Supreme Court of South Africa and the Court is being asked by the Applicants to : -

1. Set aside Richard Rule's call - up for the period 24th January 1992 - 13th March 1992; and
2. Declare that the policy of the Respondents whereby only persons formerly classified as "white" are subjected to call - up for compulsory military service in terms of the Defence Act, is unlawful, invalid and of no force and effect.

Supporting affidavits have been submitted by Chris de Villiers in his capacity as Johannesburg chairperson of the End Conscription Campaign and Richard Rule in his personal capacity.

In Chris de Villiers's affidavit he states that ECC is bringing the application by virtue of : -

- i. its own interest as an organisation in the issue of compulsory military conscription;
- ii. the interest of its members in this issue. In this regard ECC supports Richard Rule in that he represents the plight of many hundreds of other conscripts.

Richard Rule in his affidavit states that he is unable to determine whether he is liable to arrest, prosecution and conviction for his refusal to attend the camp in question. His position has been made no clearer by apparently conflicting statements of the Minister of Defence and his Deputy.

LEGAL ARGUMENT

The gist of the legal argument in this application is that the repeal of the Population Registration Act has rendered the continued call-up of white males a discriminatory administrative action no longer sanctioned by law. In effect, the Repeal Act has done away with racial classification and the Defence Act can therefore only logically and legally be applied to all races.

The decision to continue calling up only whites is a misuse of the administrative discretion given to the various officials in the South African Defence force, and in this particular case the Commanding Officer of Modderfontein Commando.

The so called "savings clause" in the Population Registration Act Repeal Act, whereby the Population Register is retained for certain purposes, has no bearing on the Defence Act. The purpose of retaining the Population Register was specifically for constitutional purposes, such as elections, until such time as a new constitution is in place. It was not the intention of the legislature to extend onerous duties on any group of people previously classified according to the Register.

In Summary, the basis of the Application is that there is such confusion around the issue of compulsory military service, that a conscript cannot reasonably be expected to know whether he in fact is liable for military service and should consequently respond to his call-up. The Court is therefore being asked to intervene and declare the call-up of white males unlawful.

Conscription and resistance to conscription - a brief history.

1961 - Conscription of white males introduced on ballot basis: initially a period of 9 months service.

1967 - Conscription of all white males of 17 and over for 9 months service.

1972 - National service extended to 12 months plus 19 day camps for 5 years.

1977 - Conscription extended to 2 years plus 30 day camps for further 8 years.

During the 1970s Conscientious Objectors (COs) were initially liable to be sentenced to spells in Detention Barracks (DB) of up to 15 months. In 1978 the law was changed so that peace church (eg. Jehovah's Witness, Quaker, 7th Day Adventist) COs were liable for up to 36 months DB with no further call-up. For other objectors it was 2 years or R2 000 or both. They could be called up again and they did not have CO status. About a 1 000 conscripts were charged for failing to report each year. On average 350 served in DB each year. About 6 000 conscripts went into exile. CO Support Groups (COSGs) start organising.

By the end of 1982, 9 non-peace church COs had been sentenced to terms of DB or prison, including the first non-religious CO.

1982 - Conscription extended to 2 years service, plus 720 days camps over 12 years, plus 12 days per year up to age 55 ("Dad's army").

1983 Defence Amendment Act. Provides for the creation of Board for Religious Objectors. Religious pacifists, if recognised by the Board, may receive community service orders of 1,5 times as long as their outstanding obligations to the military. (At the time this could amount to community service orders of 6 years for those who had not as yet completed any military service.) The Act provided that those who refused to do military service, other than on grounds of religious pacifism, should be sentenced to terms of imprisonment of the same duration as the terms of community service for religious pacifists.

November 1983 - Inaugural meeting of End Conscription Campaign (ECC) in Cape Town.

November 1985 - Reports indicate that 3 000 to 4 000 people have left SA since 1979 to avoid call-ups.

March 1988 - April 1989 - Four objectors sentenced to terms of imprisonment. Of the four two had not as yet done any military service and were sentenced to 6 year terms of imprisonment.

August 1988 & September 1989 - Respectively 143 and 771 conscripts publicly declare their refusal to serve in the SADF.

December 1989 - initial period of military service reduced to 1 year.

March 1990 - Appellate Division holds that Defence Act provision for imprisonment of those convicted of refusing to do military

service for 1,5 times their outstanding military service obligations is not mandatory.

December 1990 - 10 exiled war resistors return to South Africa. Two of them are subsequently called up but refuse to do military service. No further action is taken against them.

May 1991 - Rand Supreme Court confirms that March 1990 Appellate Division judgement gives lower courts full discretion in sentencing and that there is no mandatory prison sentence for refusing to serve in the SADF.

June 1991 - charges are withdrawn against the Rev Alan Storey and businessman Wally Rontsch, in court for refusing to serve in the SADF, in the Johannesburg Magistrates court.

July 1991 - January 1992 - Reports indicate considerable dissaray in call-up system. Abseentism rate for July '91 call-up is reputedly 25%. Absenteeism for Citizen Force and Commando units in some cases exceeds 80%.

January 1992 - On basis of legal opinion ECC advises conscripts that whites only call-up is illegal and unenforceable. Deputy Minister of Defence, Wynand Breytenbach, announces that the Cabinet has made the decision not to prosecute those who fail to report for military service. Minister of Defence Roelf Meyer, later contradicts this statement, saying that those who failed to report for military service were still liable for prosecution.

Richard Rule - profile

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ECC PRESS RELEASE

1 APRIL 1992

PIECEMEAL PLUGGING UP OF LOOPHOLES IN THE DEFENCE ACT

According to media reports, Minister of Defence Mr Roelf Meyer has stated that the government intends to plug loopholes in the Defence Act which have been revealed by the recent Supreme Court decision in the case of Pieter auf der Hyde, when the Court held that it was not an offence to fail to register for military service. Mr Meyer has stated that the government intends to continue with the registration of young white males for whites-only military service, and intends simply to amend the Defence Act to avoid the effect of the Court's decision.

This confirms our suspicion that the present Nationalist government intends to maintain exclusive control over the military well into the future, and that it intends to rely on the existing racist system of whites-only conscription in so doing. It should be understood that registration is normally applied to 16 year olds in Std 8, who would normally only be liable for military service two to three years later. This suggests that the government proposes somehow to retain a whites-only call-up for several years.

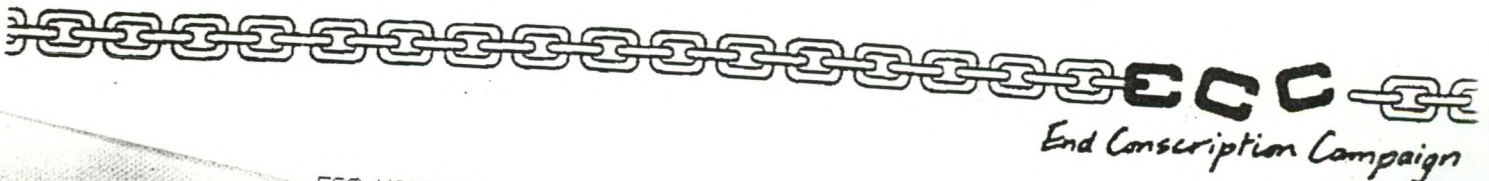
We reiterate our call on school principals to inform pupils and their parents of the Supreme Court decision and not to attempt to pressurise scholars into registering for military service. We also advise parents not to register their sons for military service if they have any objection to the present racist system of conscription. We call on political parties in Parliament and Codesa to oppose any attempt by the government to amend the Defence Act to perpetuate the status quo.

The government's proposed tinkering with the Defence Act flies in the face of the recommendations of the Van Loggerenberg committee into SADF manpower policy, which are still being suppressed by the government. We are informed that this committee recommended the scrapping of the conscription system. The suppression of this report reflects the government's devious and underhanded attempts to manipulate the SADF for its own narrow political purposes.

In the light of the recent military prosecutions of campers, Mr Meyer has appealed to those called up for camps to "understand the situation". This is an outrageous and hypocritical attempt to manipulate the public. If Minister Meyer and the SADF had shown any understanding for the plight of business and professional people whose lives and careers are disrupted by unnecessary camps, and had not chosen to prosecute individuals selectively as part of a cynical strategy of intimidation, Mr Meyer's plea might be taken more seriously. Most of those called up for camps are older men whose careers are disrupted and who suffer economic loss as a result. These individuals either sit around idly, or are deployed in unrest situations for which they are not properly trained. The fact is that there is no legitimate reason for the continuation of the whites-only call-up. In the short term, the SADF can obtain all the manpower it requires by recruiting volunteers, who could receive appropriate training where necessary, in unrest control duties. The ECC has demonstrated that the increased salary costs involved in replacing all national servicemen and serving campers with well paid volunteers would be a tiny percentage of the current defence budget.

Chris de Villiers

Issued by CHRIS DE VILLIERS
For: The End Conscription Campaign



END CONSCRIPTION CAMPAIGN

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10 April 1992

The Minister of Defence
Mr Roelf Meyer
Private Bag X427
0001 Pretoria
Fax No: 012-313-9267

Dear Mr Meyer

Call for inquiry into 32 Battalion rampage at Phola Park.

The End Conscription Campaign would like to express it's concern about the conduct of members of 32 Battalion at Phola Park on Wednesday night. As you are no doubt aware the reports indicate that one person was killed, more than 70 people were assaulted, and a number of women were raped in a rampage through Phola Park by members of the battalion.

ECC would therefore like to add its voice to the call for an immediate and public judicial inquiry into the matter.

We also feel that incidents of this kind, are a reflection of, and contribute to, a considerable degree of mistrust which exists between the community as a whole and the SADF. The deployment by the SADF of units composed of foreign mercenaries is not something which will contribute to the easing of these kind of tensions. What we need is a reconstituted defence force which is not tarnished by the image of the present SADF of having been an instrument of white domination during the apartheid era, and which can more easily develop a more positive relationship with the community.

Yours sincerely



David Bruce
National worker

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ECC PRESS STATEMENT

15 May 1992

ARMY CAMPER CHARGED WITH REFUSING MILITARY SERVICE

Merrick Douglas, a 30 year old workshop-manager from Krugersdorp appeared in the Randfontein magistrates court today on charges of having refusing to do an army camp. His case was remanded to the 30th of June for trial.

If the state succeed in their case against him Merrick Douglas will be the first person to have been convicted under this particular provision of the Defence Act since November 1990.

The state alleges that Merrick Douglas was called up for an army camp at Regiment President Kruger in Randfontein in November last year.

At the time of the camp the Population Registration Act had been repealed. According to Merrick Douglas he was under the impression that military service was no longer compulsory.

He also feels that it is unfair that he should have been called on to do the camp as he has already completed two years of military service as well as a number of army camps.

During 1988 and 1989 a number of objectors were sentenced to terms of imprisonment for refusing to do military service. In 1990 the last two people to have been convicted under this law, conscientious objectors Michael Graaf and the Reverend Douglas Torr, were both sentenced to perform periods of community service.

In 1991 a number of people who were facing charges of refusing to do military service, had the charges against them withdrawn.

The End Conscription Campaign wishes to express it's deep concern at the fact that the SADF has decided, once again, to charge someone under these provisions.

The current situation is that tens of thousands of those people who are being called up, whether it is for army camps or the initial one year period of service, simply do not bother to report. Many of these people have, for one reason or another, decided that they are simply not prepared to serve in the existing SADF. Why is one individual, out of thousands, being singled out to face these charges?

In the wake of the March referendum the State President declared that the book of apartheid is now closed. How can it be that someone appearing in a South African court is facing charges which apply to only one, racially defined, sector of the population?

A convicted murderer has recently been released from jail after serving only nine months of a 27 year sentence. How is it possible that someone like Merrick Douglas can now be facing charges under a law in terms of which he could be imprisoned?

For further information please contact the ECC office.

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ECC PRESS STATEMENT

19 June 1992

THE DEFENCE AMENDMENT ACT - AN EXERCISE IN LEGISLATIVE STUPIDITY

The Defence Amendment Bill had its final reading yesterday in Parliament. The amendments to the Defence Act, provided for in the Bill, would perhaps have been progressive if they had been passed five years ago. In the present context this effort to entrench "whites-only" conscription represents an act of gross stupidity.

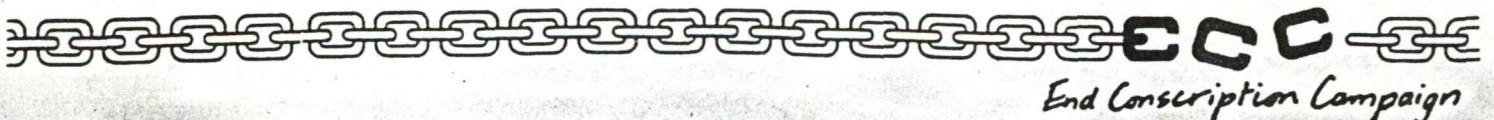
The Act places places in question government claims to be sincerely committed to moving away from racial discrimination, and to be participating in the negotiations process in good faith. It is a case of unilateral action by the government which has been undertaken without consultation with most of the major political parties. It also directly undermines efforts towards establishing conditions in which free and fair elections can be undertaken.

The maintenance of the present call-up system can only perpetuate racial hostility in this country. Amongst whites it perpetuates the perception that the army is needed to protect them against a black onslaught. Amongst blacks it feeds the perception that the SADF's primary role is in maintaining white domination and white privilege. For the conscription system to operate the SADF has to make use of a definition of "whites" which is drawn from the now repealed Population Registration Act and which is basically offensive to the majority of people in this country.

There is an urgent need for forward movement by the government in relation to the endemic violence which is plaguing South Africa. Both the Goldstone Commission and the National Peace Committee have recently supported the view that one of the contributing factors to the current epidemic of violence is the perception that the Security Forces are partisan and that they therefore cannot be relied upon to play a genuinely neutral role in dealing with existing conflicts. The fact that the present SADF relies on a racial conscription system is undoubtedly a factor that underlies this perception.

The only provisions of the Act which amount to an apparent improvement are the ones which extend the definition of those who may apply to be recognised as conscientious objectors. In effect they are nothing more than a belated attempt to contain and pacify the widespread resistance to conscription.

The basic demand of an increasing number of conscripts is, however, that the entire conscription system be done away with. The government have, in effect, set themselves on a collision course with the conscript community.



End Conscription Campaign

The Defence Amendment Act: a brief history

The Defence Amendment Bill was first tabled in Parliament on May 20 and immediately referred to the Parliamentary Standing Committee on Security Matters. The Committee subsequently agreed to receive oral and written representations on the Bill.

At two subsequent sittings the Committee received a number of submissions from, amongst others, the South African Chamber of Business (SACOB), the Bar Council, the Association of Law Societies, the Church of the Province of South Africa, the Society of Friends (Quakers), the Conscientious Objectors Support Group (COSG) and ECC. In all over 50 representations were made to the Committee. At the last of these sittings the Bill was sent back to the Ministry of Defence for minor redrafting.

The Bill was re-submitted to Parliament for its second reading on Monday. It was passed yesterday as the Defence Amendment Act.

The Act is largely designed to "plug" various loopholes in the Defence Act and thereby to entrench the "whites-only" call-up system. The most significant provision of the Act is that it provides that people with moral or ethical objections to military service, as well as religious pacifists, may now be officially recognised as conscientious objectors (COs). They face a punitive period of community service one-and-a-half times the length of their outstanding military service commitments.

As a result of the representations that were made, some aspects of the Bill have been done away with:

- * the Bill provided that people who were convicted of refusing to do military service (who either were not recognised as conscientious objectors by the Board for COs or themselves did not recognise the Board) would be subject to a mandatory prison sentence. The discretion of the courts in sentencing has now been reinstated. People who are convicted under this provision can again receive community service orders from the courts.

- * the provisions that there could be no conscientious objection in time of war as well as the provision that conscripts could, without their consent, be seconded to the police, have now also been scrapped.

Some of the more objectionable provisions of the Defence Amendment Act are:

- * people who are classified as COs by the Board and who then refuse to perform community service will be sentenced to a mandatory term of detention one-and-a-half-times the length of their outstanding military service commitments.

- * failure or refusal to register for military service is a punishable offence.

- * a number of the fines for various infringements of the Act, including failure to notify the SADF of a change of address, have been substantially increased.

- * the call-up can be extended to any class, or category or group of persons. This appears to be a fall-back provision for the government in the event of conscription being declared invalid as a result of the court application which has been brought against the SADF.

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ECC PRESS STATEMENT

7 JULY 1992

THE JULY INTAKE - ONE MORE APARTHEID CALL-UP.

This week, once again, thousands of young South Africans have been called-up to report for a year of military service. Contrary to what government minister's would have us believe, however, all is not going well with conscription. Partly as a result of confusion about its legality, partly as a result of the perception that the system is discriminatory and unnecessary, many conscripts simply do not bother to report.

Following the January call-up the Ministry of Defence announced that 121% of those who had been "expected", reported for the call-up. When members of the Defence Ministry briefed their allies in the tri-cameral parliament last month however, they said that only 30-40% of those who had been called-up in January actually reported. This indicates that the government expected less than 35% of those who were actually called-up to report. The implication, combined with consistent reports of attendance rates at army camps of less than 30%, is that the conscription system is falling apart at the seams.

Meanwhile the Military Police intermittently drag a few sorry individuals before the courts to charge them with failing to report for army camps. These selective prosecutions are designed to create the impression that the conscription system is still being effectively maintained. In fact if they had to charge a significant proportion of those who are not reporting this would be a massive embarrassment to them as it would reveal that the call-up is being widely disregarded. So far this year none of those who didn't report for the January call-up have been charged.

Lawyers who have been consulted by us, argue that, due to the repeal of the Population Registration Act in June last year, the entire call-up system is in fact legally invalid. We expect the Supreme Court to give judgement on the legal validity of the call-up system in about September. But whether or not the call-up system is legally valid it should definitely be scrapped.

People who are not in principle opposed to the idea of compulsory military service might find nothing particularly objectionable about the present system. But there is one particular feature of it that is strikingly absurd. In a country where over 80% of people are black, those who are being called-up will, once again, all be white.

For more than two years now the South African government has been saying that it is committed to moving away from racial discrimination. At the same time the National Party has been trying to put itself forward as a party which is not simply representative of sections of a racially based minority but which represents a broad cross-section of South Africans.

Allegations have however been made against them that they are in fact committed to maintaining racial privilege, and that they



End Conscription Campaign

are deliberately stalling the process of transition. The way in which they have dealt with the issue of conscription gives support to this view.

If the government chose to act in a way which was forward looking, it would be a simple matter for them to do away with conscription. Instead, in the most recent parliamentary session they chose to railroad through legislation designed to entrench the whites only conscription system.

Why is there still whites only conscription? Former Minister of Defence, Roelf Meyer, states that the government position in negotiations is that "some form of conscription" should be maintained in a future system. We believe that this argument is nothing other than a red-herring to justify maintaining the present system.

Were conscription to be extended to South Africans of all races the number of those who are being called-up would be many times greater than it is at present. This would place a severe burden on the economy. If a ballot system were to be implemented, and say one out of every ten young men was to be conscripted, the inevitable perception amongst these people would be that they had got the short end of the stick. A ballot system would mean that there would be little chance of establishing a defence force which is positively motivated. In either case, forcing young people, including supporters of the PAC and the AWB, to do military service, would be a recipe for conflict.

We believe that the arguments in favour of bringing an end to conscription are at this point overwhelming. As long as the government remains committed to maintaining the present conscription system we will have little choice but to conclude that the government is not acting in good faith, and that it is still committed to manipulating racism and race fear in order to maintain its power.

At the SADF's 80th anniversary celebrations in Port Elizabeth this past weekend, newly appointed Minister of Defence, Mr Gene Louw, stated that criticism of the SADF stemmed from "a desire to seize power."

Mr Louw is obviously insensitive to the fact that racially discriminatory practices are regarded as unacceptable by the majority of people in this country. He obviously does not understand that as long as "whites-only" conscription is maintained the SADF will continue to be perceived as the "private army" of white minority rule and a force which is antagonistic to the majority of South Africans.

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ECC PRESS RELEASE

13TH AUGUST 1992

RENEWED PROSECUTION OF "DRAFT DODGERS"

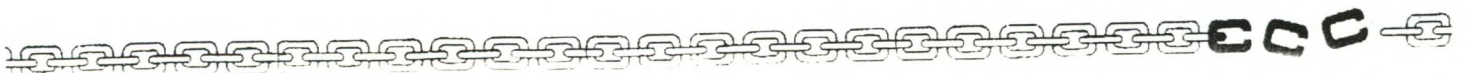
The ECC condemns the prosecution of six people in Cape Town today on charges of failing to report for military camps. Prosecutions of this kind are taking place countrywide on a small scale, apparently with the intention of intimidating anyone contemplating failing to report for a call-up.

Prosecutions of this kind are arbitrary and capricious, and demonstrate a total lack of *bona fides* on the part of the SADF and the Government. Earlier this year, the Deputy Minister of Defence (Mr Wynand Breytenbach) stated that it would be unfair to prosecute "draft dodgers" while there was uncertainty around the legal validity of the call-up, and while changes to the Defence Act were pending. The FCC's legal challenge to the validity of the white-only call-up is due to be heard in the Supreme Court on 22 September 1992. The amendments to the Defence Act which were recently rushed through Parliament have not altered the position, and it remains manifestly unfair and oppressive to prosecute individuals on a random basis, notwithstanding that they face only fines.

The ECC repeats its call on the Government to declare a moratorium on the prosecution of conscientious objectors and so-called "draft dodgers" with immediate effect, and to rely on the large numbers of volunteers who are presently being turned away from the SADF.

Chris de Villiers

Issued by CHRIS DE VILLIERS
For: The End Conscription Campaign



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21 SEPTEMBER 1992

SUPREME COURT APPLICATION TO DECLARE THE WHITES-ONLY CALL-UP INVALID

The Supreme Court application brought by the ECC and Richard Rule against, inter alia, the Minister of Defence and the Chief of the Defence Force is due to be heard on Wednesday, 23 September 1992 by a full bench of the Transvaal Provincial Division of the Supreme Court. Legal counsel for the ECC have argued that the repeal of the Population Registration Act, to which the Defence Act refers for its definition of "whites", has rendered the whites-only call-up legally invalid. *in the for*

If the ECC's application is successful, all call-ups issued since the repeal of the Population Registration Act will be invalid, and there will be no legal basis for forcing those conscripts affected to continue performing military service. Equally, those who have not yet reported for service will not have to do so. By its intransigence and its obstinate refusal to negotiate with the ECC and other interested parties on the status of the whites-only call-up, the government has therefore created a potentially embarrassing situation for itself and the SADF.

In the above scenario, the government will either have to accept the termination of its conscription system, or it will have to rush new racist legislation through Parliament in order to fill the gap which has been created. In this regard, it should be noted that the legitimate personnel needs of the SADF do not depend on the conscription of whites, but can be satisfied more than adequately by the current over-staffed permanent force and the large numbers of volunteers applying for posts in the SADF, many thousands of whom are turned away annually.

Even if the ECC's application is unsuccessful, it will focus attention once again on the anomaly of a racially selective military call-up, at a time when racist legislation has largely been phased out. In this regard, it is worth noting that the SADF continues to attempt to force white schoolboys to register for military service, enclosing a copy of the definition of a "white" person from the now repealed Population Registration Act with the registration form. This definition is one of the most repugnant and racially offensive remnants of apartheid's legacy, which attempts to define a person's race by personal or physical characteristics.

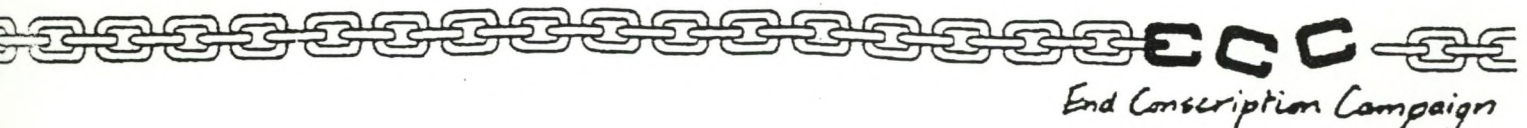
The real reason for the government's desperate retention of the whites-only conscription system is its desire to retain the option of a mass mobilisation of the citizen force, numbering possibly 500 000 men, in the event of the negotiation process developing in a direction which does not suit the government. This can be referred to as the "Rhodesia option". If this option were to be exercised, particularly under the present leadership of the SADF, South Africa would be plunged into a civil war. The ending of the whites-only conscription system is therefore vital to the stability of the country and the success of the negotiation process.

For further details of the court proceedings, please contact the ECC's attorney, Mandy Taylor at 331-6919. Other queries should be addressed to the ECC office at the above number.

Chris de Villiers

Issued by: Chris de Villiers (Chairman, Johannesburg)

For: The End Conscription Campaign



End Conscription Campaign

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Chris de Villiers

Issued by: Chris de Villiers (Chairman, Johannesburg)
For: The End Conscription Campaign



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PRESS RELEASE.

September 23 1992

APARTHEID LIVES ON.

Today's judgment in the Pretoria Supreme Court entrenches the Whites-only call-up. Justice Eloff, with Justice van der Walt and Justice van Dyk concurring, ruled against the End Conscription Campaign's application that the whites-only call-up should be declared invalid since the repeal of the Population Registration Act last year.

In his judgment, Justice Eloff referred to numerous laws which still retain elements of race classification, thus exposing the lie of F.W. de Klerk that all racist legislation has been abolished. It would appear that the Repeal of the Population Registration Act was no more than a window-dressing exercise for the international community.

Justice Eloff ruled that the definition of race in the now-repealed Population Registration Act is still a valid basis of military conscription, since this definition was included by reference in the Defence Act of 1957. The definition of race by personal physical characteristics is one of the most repugnant and racially offensive remnants of Apartheid. Reminders of this legacy were heard in the arguments and precedents quoted in the Supreme court today.

Today's decision highlights the inconsistencies of the government's reform measures. This raises questions about the sincerity of de Klerk and his cabinet in their commitment to change. The book of Apartheid is by no means closed as he would have us believe.

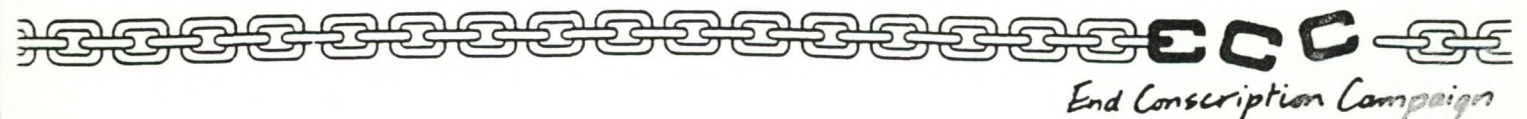
While there is a demand that the ANC should disband Umkhonto we Sizwe, the government continues to conscript and train young white men for its own private army, the South African Defence Force.

ECC does not accept the above ruling and will be petitioning the Chief Justice for Leave to Appeal this judgment. We still believe the call-up of white males to be unlawful and urge conscripts who have an objection to service not to report.



For: The End Conscription Campaign

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END CONSCRIPTION CAMPAIGN PRESS ANNOUNCEMENT

7 October 1992

LAUNCH OF ECC CAMPAIGN OF NON-COOPERATION WITH THE CALL-UP SYSTEM

Tomorrow, Thursday October 8, the End Conscription Campaign will launch a campaign of non-cooperation with the call-up system. The campaign will be launched at a press conference in Johannesburg and at public meetings in Pietermaritzburg and Grahamstown.

At the launch:

(a) ECC will directly call on conscripts not to comply with their call-up instructions.

(b) ECC will publicly launch a new register of non-cooperation with the call-up system. The register is for people who are liable for, and are not prepared to do, any (or any further) military service under the present call-up system. Conscripts who sign the register will also thereby be indicating that they will not be applying for deferment or to the Board for Conscientious Objection.

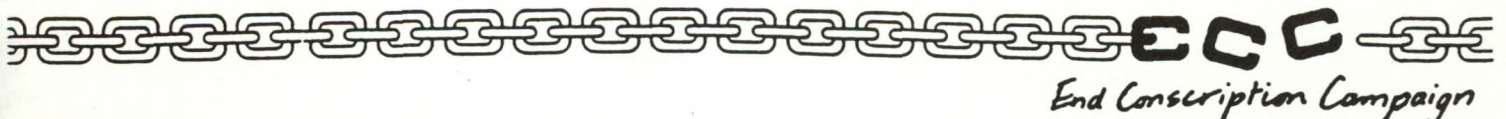
(c) Some of the people at the press conference will be signatories to the register who will publicly announce their refusal to do military service.

The press conference in Johannesburg will be held at:

the Central Methodist Church (Roberts Room),
79 Pritchard st
at 12 noon.

For further details contact ECC at (011) 836-8423 (tel), or (011) 834-3189 (fax).

Issued by: David Bruce - ECC National Worker



Collection Number: AG1977

END CONSCRIPTION CAMPAIGN (ECC)

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