

Three endorsers of the ECC Declaration have clearly stated positions on South Africa's occupation of Namibia - the Southern African Catholic Bishops' Conference, the Anglican bishops and the South African Council of Churches have all called for the withdrawal of South African troops, the speedy implementation of United Nations Resolution 435, and the holding of free and fair elections so that the people of Namibia can determine their own future.

In the course of its work the ECC has given backing to these demands and has asserted that the continued presence of South African troops is the major obstacle to peace in Namibia.

In other Southern African countries the SADF has played an aggressive role. It has been involved in cross border raids, full-scale invasions, acts of sabotage and supporting rebel movements whose aim is to overthrow established governments.

The South African government's frequent but dishonest denial of its involvement in these activities is equally disturbing (for example, the recent SADF operation in Cabinda and South African support for the MNR in Mozambique.)

The ECC believes that these activities have in all cases been unjustified violations of the sovereignty of independent States. This belief is not limited to fringe or radical groupings, but is widespread in South Africa and shared by the vast majority of governments internationally.

In this context the ECC has backed the statement made by one of its endorsers, the South African Council of Churches, in response to the recent SADF raid into Botswana :

"For the SADF to act as judge and executioner against any South African is reprehensible in the extreme. That it should do so in any neighbouring territory with whom we are not at war is an act not only of aggression and violence but of utter folly, destabilising to the entire sub-continent." (13)

4. Conclusion

All these examples of the role played by the SADF reinforce the ECC's call for an end to conscription. The civil nature of the conflict within South Africa, the psychological effects of conscription and the SADF's aggressive operations outside South Africa have put many conscripts in an invidious position.

Within South Africa they are forced to co-operate with apartheid against their will. This alienates them from people they may wish to be close to. Outside South Africa they have no choice but to assist in the illegal occupation of Namibia. They may be compelled to participate in acts of aggression against neighbouring states.

In this situation the ECC is saying quite simply: give conscripts the choice. South Africa managed to fight two world wars without conscription. One must surely acknowledge, without necessarily agreeing with their reasons, that some conscripts have a legitimate basis for not wanting to serve in the SADF? It would be consistent with the international principles outlined earlier to recognise this right of individual conscience.

The ECC Declaration begins and ends with the call for a "just peace in our land". The ECC is committed to working for genuine peace and justice in South Africa and has adopted non-violent methods towards this end.

Although peace can only be achieved if the root cause of the conflict - the system of apartheid - is removed, ending conscription would be a significant step towards this goal.

PART III : ECC'S INTERIM PROPOSALS

A. VOLUNTARY ARMY

This submission has asserted that the issue of conscription in South Africa cannot be divorced from the role of the SADF and the nature of the society which it defends. Thus ending conscription without other fundamental political and social changes will not in itself guarantee that the SADF plays a constructive role in building a peaceful society.

The ECC has consequently not specifically called for the setting up of a volunteer army within the context of the current political dispensation.

At the same time, however, the End Conscription Campaign essentially revolves around the issue of choice. In this sense, the setting up of a volunteer army would be consistent with the demand that individuals be free to choose whether or not they participate in the SADF. The ECC would therefore regard the establishment of a volunteer army as preferable to the existing system of compulsory conscription.

B. CONSCIENTIOUS OBJECTION

If conscription were ended, there would be no need to consider the rights of conscientious objectors. However for as long as the system of conscription exists, three issues with regard to the status of conscientious objectors need to be addressed. (14)

i) Recognition of all Objectors

Large numbers of conscripts have chosen to leave South Africa. Many of them are people who believe that they cannot in good conscience, participate in the SADF. At the same time they are not prepared to face the hardship of up to six years in prison for refusing to serve.

As stated earlier, in January this year 7,589 conscripts failed to report for military service. Even if only a proportion of these have left South Africa, it nevertheless represents a drain on South Africa's resources which this country can ill-afford. Many of those who have chosen to leave are university graduates and others with much-needed skills.

ECC's particular stand is against conscription into the SADF. None of those involved in ECC organisations or supportive of ECC have opposed the concept of non-military national service. Those involved in the campaign regard themselves as patriotic South Africans, prepared to serve the country and its people.

The ECC believes that the option of community service, as an alternative to military service should not be limited to religious pacifists, but should be available to all those who in good conscience cannot serve in the SADF.

ECC proposes that in section 72 B(1) of the Defence Act, the definition of "religious objector" be changed to "conscientious objector". This should be defined as "a 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) The length of community service

This should be of an equivalent length of time to that served by soldiers. It is illogical that someone recognised and classified as a bona fide conscientious objector should be punished for his beliefs by serving one-and-a-half times the length of military service. From the Defence Force point of view, a maximum four years continuous service would be a sufficient deterrent to possible mala fide objectors, bearing in mind that very few soldiers complete a full 720 days after their initial service, and never in one continuous stretch.

iii) The nature of community service

Community service should be available in non-state organisations as well. One of the ECC member organisations, the Civil Rights League, has already given a lead on this issue. Their proposal for the setting up of a "Movement ad Pacem" has been submitted as evidence to the Geldenhuys Committee. Their proposal, supported by ECC, is that the concept of community service should be broadened to include "community related work, perhaps under the direction of welfare and religious bodies, but independent of government control."

C. THE RIGHTS OF THE INDIVIDUAL CONSCRIPT

ECC has no fixed policy on the question of participation in the SADF. ECC recognises that with few acceptable alternatives, the individual conscript faces an extremely difficult decision with regard to participating in the SADF. Many conscripts do their service only because the alternatives are too heavy to face. At the same time, ECC is cognisant of Section 121 C of the Defence Act, and in the course of its work has always ensured that this act is not contravened.

Accepting, then, that many conscripts are doing their military service under duress, ECC wishes to propose to the Geldenhuys Committee that individual conscripts be given a greater say over the nature of their service.

In the previous section particularly controversial areas of SADF activity were highlighted: its role in South Africa's townships and beyond South Africa's borders. ECC believes that, for as long as conscription exists, conscripts should be given the freedom, in conscience, to choose not to enter South Africa's townships, or neighbouring countries including Namibia. The importance of the right of conscripts not to enter townships is reinforced by the declaration of a state of emergency, as individual conscripts will now be obliged to act under wide-ranging powers, including the power to search, detain, or arrest township residents.

Implementation of this proposal would again be consistent with ECC's fundamental and frequently stated demand : that all individuals retain their freedom of choice.

NOTES

- (1) See also the International Covenant on Civil and Political Rights of 1966 (Article 18) ;  
the European Convention on Human Rights and Fundamental Freedoms of 1950 (Article 9) ;  
the American Declaration on the Rights and Duties of Man (Article 3) ;  
the American Convention on Human Rights (Article 12) ;  
the African Charter on Human and Peoples' Rights (Article 8).
- (2) See, for example, Resolution No. 32 of the Anglican Church Provincial Synod 1982 and the minutes of the 1984 Conference of the Methodist Church.
- (3) See Grundy, K The Rise of the South African Security Establishment (South African Institute of International Affairs, 1983).
- (4) Cape Times 28.10.1979
- (5) As, for example, happened during Operation Palmiet in October 1984.
- (6) The SADF has reportedly been involved in forcibly resetting people in the following areas: the Zimbabwe/Venda border area, at St Lucia where a SADF missile base was to be built, from Mafeking to Zeerust, at Ditakwaneng in the Northern Cape, at Riemvasmaak near the Augrabies Falls, in the Maremane area (now Lohotla, the site of Operation Thunderchariot) and from Kosi Bay to Ingwavuma.
- (7) Areas that have come to our attention include: Soweto, Sebokeng, Boipatong, Daveyton, Atteridgeville, Fingo Village, Evaton, Vosloosrus, Sharpeville, Upington, Tembisa, Alexandra, KwaThema, New Brighton, Zwide, Kwanobuhle, Langa, Joza, Galeshewa, Bongolethu, Duduza, Worcester and Zwelathemba.

- (8) According to Minister of Law and Order, Mr Louis le Grange, replying to a question in parliament, Cape Times 13.6.1985.
- (9) Sunday Star 14.7.1985
- (10) According to Defence Minister, General Magnus Malan, replying to a question in parliament, Cape Times 13.3.1985.
- (11) These conclusions were drawn on the basis of research conducted at four universities, Weekend Argus 18.3.1981.
- (12) Dr Dap Louw, quoted in Weekend Argus 28.3.1981
- (13) Cape Times 15.6.1985
- (14) One of ECC's most active member organisations is the Conscientious Objector Support Group (COSG). For five years the COSG groups have concerned themselves with the rights of conscientious objectors. They have submitted detailed evidence on this issue to the Geldenhuys Committee. ECC supports the proposals made by COSG which provide more detail on the crucial issue than is included in this submission.



A. NATIONAL

- 1) Black Sash
- 2) Catholic Justice and Peace Commission
- 3) Catholic War and Peace Group
- 4) Conscientious Objector Support Group
- 5) Methodist Christian Citizenship Department
- 6) National Education Union of South Africa
- 7) National Union of South African Students
- 8) Student Union for Christian Action

B. LOCAL

i) Cape Town

- 9) Anglican Board of Social Responsibility
- 10) Civil Rights League
- 11) Koeberg Alert
- 12) The Ecumenical Action Movement
- 13) United Democratic Front Claremont Area Committee
- 14) United Democratic Front Gardens Area Committee
- 15) United Democratic Front Observatory Area Committee
- 16) United Womens Organisation
- 17) University of Cape Town Students' Representative Council
- 18) Western Province Council of Churches
- 19) Womens Movement for Peace

ii) Durban

- 20) Detainees Support Committee
- 21) Diakonia
- 22) Durban University Conscription Action Group
- 23) International Fellowship of Reconciliation
- 24) Methodist Church Christian Education and Youth Department
- 25) Natal Organisation of Women
- 26) Natal Youth Forum
- 27) National Youth Leadership Training Programme
- 28) Religious Society of Friends
- 29) Southern Africa Catholic Bishops Conference Youth Department
- 30) Women for Peaceful Change Now

iii) Johannesburg

- 31) Human Awareness Programmes
- 32) Johannesburg Democratic Action Committee
- 33) Presbyterian Church
- 34) South African Council of Churches
- 35) Wits University Catholic Society
- 36) Young Christian Students

iv) Pietermaritzburg

- 37) Pietermaritzburg Agency for Christian Social Action and Awareness
- 38) Progressive Federal Party Youth branch
- 39) St Mary's Social Concern Group

v) Port Elizabeth

- 40) Grahamstown Advice Centre on National Service
- 41) Progressive Federal Party Youth branch
- 42) United Democratic Front Port Elizabeth Area Committee

APPENDIX 2A SELECTION OF THE ORGANISATIONS WHICH HAVE ENDORSED THE ECC  
DECLARATION

1. Anglican Bishops Conference
2. Anglican Students' Federation
3. Black Sash
4. Congress of South African Students
5. Detainees Parents Support Committee
6. Evangelical Lutheran Church
7. Joint Academic Staff Association of Durban & Pietermaritzburg
8. Methodist Synods, Cape Town & Grahamstown
9. National Catholic Federation of Students
10. National Medical and Dental Association
11. South African Council of Churches
12. South African Institute of Race Relations (Western Cape)
13. Southern African Catholic Bishops Conference
14. United Congregational Church of Southern Africa
15. United Democratic Front

A FEW OF THE INDIVIDUAL ENDORSERS OF THE ECC DECLARATION

1. Rev. Alan Boesak
2. Archbishop Denis Hurley
3. Revd. Beyers Naude
4. Sheena Duncan, President, Black Sash
5. Oscar Mpetha
6. Helen Joseph
7. Dr. Wolfram Kistner, SACC
8. Molly Blackburn MPC
9. Di Bishop MPC
10. Bishop Bruce Evans
11. Prof. Jakes Gerwel, Afrikaans Department, UWC
12. Prof. David Welsh, Politics Department, UCT
13. Prof. Michael Savage, Head of Sociology Department, UCT
14. Sir Richard Luyt
15. Dr. Margaret Nash
16. Prof. Francis Wilson, Head of Economics Department, UCT
17. Revd. David Russell
18. Dr. Oscar Wollheim
19. Fr. Timothy Stanton, C.R.
20. Bishop Selby Taylor
21. Mary Burton, Cape Chairperson, Black Sash
22. Revd. Lionel Louw, Chairperson WPCC
23. Brian Bishop
24. Revd. Doug Bax
25. Prof. J V O Reid, Deputy Vice-Chancellor, UCT
26. Nadine Gordimer
27. Zoli Malindi, Western Cape President, UDF
28. Curnick Ndhlovu, National Chairperson, UDF
29. Revd. George Irvine
30. Keith Gottschalk, Chairperson, Civil Rights League
31. Steve Tshwete, Border President, UDF
32. Revd. Robert Orr
33. Revd. Ian Booth
34. Revd. Trevor Bosman
35. Ann Colvin, Natal Chairperson, Black Sash

- 36. Prof. Fatima Meer, Sociology Department, UND
- 37. Andrew Verster
- 38. Aidan Walsh
- 39. Peter Kerchoff, Director PACSA
- 40. Revd. Phillip Le Feurre
- 41. Fr. Theo Kneiffel
- 42. Prof. Prosesky, Head of Religious Studies, UNP
- 43. Douglas Irvine, Head of Political Department, UNP
- 44. Prof. Colin Gardiner, Head of English Department, UNP
- 45. Prof. Maugham-Brown, English Department, UNP
- 46. Prof. Hummings, Head of Philosophy Department, UNP
- 47. Dr. Wittenburg
- 48. Revd. Vernon Lund
- 49. Revd. David Doveton
- 50. Sue Williamson

IN THE SUPREME COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION)

"M" LOUISE VALE 95

Case No. 1210/86

In the matter between :

LOUISE CAROL VALE

First Applicant

and

NATALIE ANN BURROUGHS

Second Applicant

and

MELISSA DE VILLIERS

Third Applicant

and

KAREN LEIGH THORNE

Fourth Applicant

and

JEAN PATRICIA BURGESS

Fifth Applicant

and

ANDRÉ ROUX

Sixth Applicant

and

TIMOTHY JOHN BOUWER

Seventh Applicant

and

THE HONOURABLE THE MINISTER OF LAW AND ORDER: First Respondent

and

THE COMMISSIONER OF POLICE

Second Respondent

and

THE DIVISIONAL COMMISSIONER OF POLICE,  
EASTERN CAPE

Third Respondent

and

THE COMMISSIONER OF PRISONS

Fourth Respondent

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NOTICE OF MOTION

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Sirs,

BE PLEASED TO TAKE NOTICE that Application will be made on behalf of the abovenamed Applicants on Monday the 18th day of August, 1986, at 10h00, or as soon thereafter as Counsel may be heard, for an Order in the following terms:

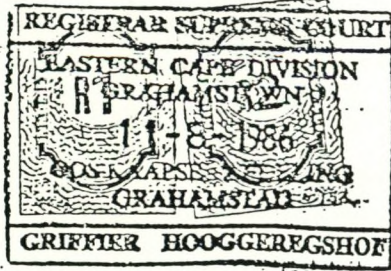
Page 2/...

1. Condoning, in terms of Rule 6 (12), the failure of the Applicants to conform with the forms, processes, service and time limits provided for in the Rules of Court and allowing this matter to be disposed of at such time and in such manner and in accordance with such procedure as in the circumstances to the above Honourable Court may seem meet.
2. Declaring the arrest and detention of the Applicants, wrongful, unlawful and of no force and effect.
3. Directing the Respondents to forthwith release the Applicants from detention.
4. Granting such further or alternative relief as to the above Honourable Court may seem meet.
5. Ordering such of the Respondents as may oppose this Application to pay the costs of the Application, jointly and severally, the one paying the others to be absolved.

TAKE NOTICE FURTHER that the Affidavits of LOUISE CAROL VALE, NATALIE ANN BURROUGHS, MELISSA DE VILLIERS, KAREN LEIGH THORNE, JEAN PATRICIA JONKERS, ANDRÉ ROUX, TIMOTHY JOHN BOUWER, ROSEMARY SMITH, PETER VALE AND DAVID HENRI DE LA HARPE, annexed hereto, will be used in support hereof.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

Dated at GRAHAMSTOWN this the 11th day of August 1986.



*G.M. Nettelton*  
 G.M. NETTELTON  
 Applicants Attorney  
 Rhesus Centre  
 4 Hill Street  
 GRAHAMSTOWN  
 (Ref. Mr de la Harpe)

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**END CONSCRIPTION CAMPAIGN (ECC)**

**PUBLISHER:**

*Publisher:- Historical Papers Research Archive*

*Location:- Johannesburg*

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