

Conscientious Objector  
Support Group

Kengray  
2100 Johannesburg

March 2 1992

The Secretariat,  
CODESA,

World Trade Centre,  
Kempton Park.

By hand

In response to the invitation in the press for interest groups to make submissions to the various Working Groups of CODESA, I enclose documents from the Conscientious Objector Support Group for submission to Working Group 2.

Yours in peace

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N.G. Cross  
COSG, Johannesburg

Conscientious Objector  
Support Group

The CODESA Secretariat  
P.O. Box 307  
Isando 1600

March 1 1992

SUBMISSIONS TO CODESA WORKING GROUP 2.

The Conscientious Objector Support Group (COSG) submits the following for the attention of members of Working Group 2 dealing with the formation of a new constitution and Bill of Rights.

1. We support the adoption of a Bill of Rights as distinct from the constitution itself.

2. We realise that at this stage your Working Group is dealing with the process rather than the content of the new constitution and Bill of Rights. We nevertheless feel that it is important at this early stage for all negotiation partners to be made aware of the need for the right to Conscientious Objection to military service to be written into the Bill of Rights as a basic human right.

Si Even if all of the groups represented at CODESA are against any system of military conscription in the future, we none the less foresee that a democratically elected government might at some stage feel it necessary to introduce such a system by legislation; hence our emphasis on the need to protect the rights of Conscientious Objectors from the outset.

4. Furthermore, even in a non-conscripted army there is a possibility of selective objection to a particular war. The most recent example of this is the Gulf War of 1991 when approximately 3000 U.S. soldiers applied for Conscientious Objector status for refusing on grounds of conscience to take part in the war against Iraq. In our own history, the Union Defence Force of the Second World War was an army of volunteers with a small Permanent Force core, and provision was made for those who refused to fight outside the borders of the Union of South Africa but were willing to remain part of the Army. and to protect the country from invasion. ;

DS. Most countries of the Western world have the right to Conscientious Objection written into their constitutions, and many of the newly emerging states of the former Eastern bloc are doing the same. A typical European example is Article 4 of the German constitution ...'"No person should be forced to perform military service against the dictates of their conscience."

The following documents are attached:

\* Pamphlet: "What is COSG?"

\* COSG's Policy Statement on conscription and Conscientious Objection, adopted in September 1990.

\* 1989 Resolution of the Human Rights Commission, U.N. Economic and Social Council.

Your attention is also drawn to the Universal Declaration of Human Rights, article 18 dealing with the right to freedom of conscience and article 3 the right to life.

Further documentation is available and can be obtained from COSG  
P.O. Box 591 Kengray 2100.  
Contact person: Nan Cross, phone (011) 614-7458.



What is COSG?

The Conscientious Objector Support Group (COSG) was established in 1979 to support conscientious objectors (C.O.s) who had been imprisoned for refusing to serve in the SADF. We are a national organisation committed to non-racialism, non-sexism and democracy.

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To give support to C. O. sa

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Whom do we help?

We support C.O.s who refuse to be conscripted for religious, ethical, moral or political reasons as well as their families and friends.

We help C.O.s:

- facing trial and in jail;
- doing community service or serving as non-combatants in the SADF;
- evading conscription inside South Africa;
- who went into exile and have returned.

What do we do?

COSG offers a forum in which issues related to objection can be discussed. (Through this we provide support to C.O.s and those close to them.) We can provide specific services in the areas of support , campaigns and trials.

Do you want to get  
involved?

If you are an objector or interested in support-  
ing C.O.s, your help will be appreciated by all  
C.O.s. Register your concern by joining COSG.

If you could benefit from our services, or KNOW  
anyone who could, please write to COSG at  
one of the following addresses or phone one  
of the people listed below:

Cape Town

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P O Box 13032  
Mowpray

7785

Ivan Toms â\200\224 021-6892866 (h)  
Durban

P O Box 286]

Durban

4001

Michael Graaf -031-210845 (h)

Richard Steele -031-3015663 (w)

and Anita Kromberg  
Johannesburg

P O Box 591

Kengray

2100

Nan Cross - 0116147458 (h)  
- 0+-3292610

Conscientious  
Objector  
Support

Group

What Is  
COSG?

## COSG Policy Statement

As discussed and agreed upon at the National Conference of the Conscientious Objector Support Group, in Johannesburg on 22 September 1990.

We believe that in a post-apartheid South Africa:

1. The right not to be conscripted into an armed force should be entrenched in a Bill of Rights guaranteed by the constitution.

2. If there is conscription into military service, a non-military national service should also be available. It should:

2.1. Be available on application to anyone unwilling to do military service.

2.2. Be independent of the defence force.

2.3. Be of the same length as actual military service.

2.4. Allow participants to serve in State or semi-State or in non-governmental (welfare) organisations.

2.5. Those who choose non-military service should not be penalised in any way: this would include pay and service conditions.

3. Opting for non-military service should be a matter of simple choice; there should be no enquiry into the motivation of anyone who chooses non-military service.

UNITED

NATIONS [ADOPTED WITHOUT A VOTE 6 March 1989/

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6 March 1989

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COMMISSION ON HUMAN RIGHTS

Forty-Fifth session

Agenda item 15

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF  
HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS  
OBJECTION TO MILITARY SERVICE

Australia\*, Canada, Costa Rica\*, France, Germany, Federal Republic of,  
Hungary\*\*, Netherlands\*\*, Spain and Sweden: draft resolution

Portugal and United Kingdom

Conscientious objection to military service

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and  
protect human rights and fundamental freedoms and to fulfil the obligations  
they have undertaken under the various international human rights instruments,  
the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of  
Human Rights, which proclaim the right to Life, Liberty and security of person  
and the right to freedom of thought, conscience and religion,

Re-issued for technical reasons.

es In accordance with rule 69, paragraph 3 of the rules of procedure of  
the functional commissions of the Economic and Social Council.

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Bearing in mind that the International Covenant on Civil and Political  
Rights recognizes that everyone has the right to freedom of thought,  
conscience and religion,

Bearing in mind also General Assembly resolutions 34/151 of  
17 December 1979, which designated 1985 as International Youth Year  
Participation, Development, Peace, 2037 (XX) of 7 December 1965, which states  
that young people shall be brought up with an understanding, and in the

spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968, ;

Recalling its resolution 40 (XXXVII) of 12 March 1961, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on the grounds of conscience,

Noting the important role of youth in the promotion of International peace and co-operation as well as of human rights and fundamental freedoms,

Recalling General Assembly resolution 33/165 of 20 December 1976, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons encouraged to leave the country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Expressing its conviction that consistent and sincere efforts on the part of all States aimed at the definitive removal of the threat of war, the preservation of international peace, the realization of the right to self-determination and the development of international co-operation in accordance with the Charter of the United Nations would ultimately result in the creation of conditions under which military service would become unnecessary, ;

Taking into consideration its resolution 1964/33 of 12 March 1964 and Economic and Social Council resolution 1984/27 of 24 May 1984, by which it decided to give the widest possible distribution to the report prepared by Mr. Eide and Mr. Mubanga-Chipoys (E/CN. 4/Sub. 2/1983/30), with a view to receiving comments from Governments, relevant United Nations bodies and

and other international organizations and



Recalling its resolution 1987/46 of 10 March 1987 in which it appealed to States to recognize that conscientious objection to military service be considered a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and that States refrain from subjecting to imprisonment persons exercising this right, \_ ,

Recalling the comprehensive report submitted by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service containing conclusions and recommendations as well as the replies of Governments and international organizations to the Secretary-General's request for comments and observations (E/N. 4/1985/25 and Add. 1-4).

Recalling the Sub-Commission's report on the question of conscientious objection to military service (E/CN. 4/Sub.2/1983/30), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service,

Taking into consideration that, although in some States no provision is made in their domestic legislation concerning the recognition of conscientious objection to military service, in practice they provide for non-combatant

service within the military framework and sometimes for civilian alternative service,

Having considered the report of the Secretary-General (E/CN. 4/1989/30),

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ethical or similar motives,

1. Recognizes the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought,

conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights; :

2. Appeals to States to enact legislation and to take measures aimed at

exemption from military service, on the basis of a genuinely held conscientious objection to armed services

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3. Recommends to States with a system of compulsory military service, where such provision has not already been made, that they introduce for conscientious objectors various forms of alternative service which are |, Compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting such persons to imprisonment;

4. Emphasizes that such forms of alternative service are in principle of @ non-combatant or civilian character, in the public interest and not of a punitive nature;

5. Recommends to Member States, if they have not already done so, that they establish within the framework of their national legal system independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case)

6. Requests the Secretary-General to transmit the text of this resolution to all States Members of the United Nations;

7. Also requests the Secretary-General to report to the Commission at its forty-seventh session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him) ;

6. Decides to consider this matter further at its forty-seventh session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military

service\200\235.