The Ambiguities of Dependence in South Africa
Class, Nationalism and the State in Twentieth Century Natal
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In her The Ambiguities of Dependence in South Africa, Shula Marks has yet again produced a piece of historical scholarship that is interesting, stimulating and significant. Her scholarly aims are modest enough contained as they are in just over a hundred jampacked pages. Modest they may well be but Shula Marks’s historical and by the same token human concerns in this little book are wide ranging.

There is a disarming sense in which The Ambiguities of Dependence in South Africa is not only a book about the nature of the emerging South African State, nationalism, class and class consciousness in early twentieth century Natal. It is also a consummate achievement which reveals how the past is in the present and the present in historical terms was initiated and formed in the past. What is probably most seminal about this work is that without consciously setting out to do so, Shula Marks has placed the sign posts for any future significant African historical biography.

She achieved this feat without undue fan-fare and extravagance. The interplay between “actors” and historical events is handled in an even-handed and parsiimonious fashion and the narrative is uncluttered. The historical figures: Solomon Ka Dinizulu, John Dube and George Champion are handled compassionately and with a delicacy of touch that makes them come to life. Yet one is privileged to feel that not far from these historical figures and the economic and political terrain in which they lived out their lives is the lively intellect of the writer.

The book is a timely corrective of what the author describes as the “heavy structuralism” of the historiography of race and class in Southern Africa. She has provided ample room for the individual historical actors who are the main concern of the narrative without neglecting objective material and historical conditions.

Although the main part of the book was conceived as three separate essays, a remarkable degree of narrative continuity and cohesion is achieved and enhanced in the concluding chapter which conlates past and present. Without doubt, this superb little book would have been more remarkable if Shula Marks had taken the intellectual trouble to articulate more clearly rather than insinuate the nature and meanings of dependence.

With its well annotated and useful notes, index and photographs, The Ambiguities of Dependence in South Africa will remain of immense interest and value to both scholars and general readers alike. After reading it, one is left with the distinct impression that the book could have been longer — an inspiring beginning to a future historical trilogy.

N. Chabani Manganyi

Mabangalala: The rise of Right wing vigilantes in South Africa
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Mabangalala is essentially a report that was drawn up in response to an urgent request from the National Committee against Removals, the Transvaal Rural Action Committee (TRAC) and the Black Sash. The report is based on affidavits and statements, reports and interviews.

The report traces the rapid escalation of violence that began in South Africa in September 1984 and culminated in the declaration of a state of emergency in August 1985. During this time and subsequently, the official and other media have given a great deal of attention to what is described as ‘black-on-black’ violence which is a convenient label that is often used to obscure the emergence of extra-legal violence by right-wing vigilantes. As the author points out:

By referring to all conflict in which both parties are black, as black-on-black conflict, the links and relationships between conflicting parties and apartheid structures were buried.

The book sets out to describe and document the emergence of vigilante groups in 1985. Its primary purpose being to expose the nature of this form of terror. Mabangalala is essential reading for anyone who is genuinely interested in the nature of the violent struggle in South Africa. The first edition has already been sold out and a second, updated edition will now have to be prepared.

Michael Rice

Conscientious Objectors under Renewed Attack

Peter Moll

Plans are under way to further tighten the already stringent rules governing conscientious objection. A Defence standing committee has been asked to deliberate:

* redefining “religious convictions” as (basically) theistic convictions so as to exclude people like Buddhists;
* making the length of community service a mandatory six years, i.e. take away the discretion of a judge to award a period shorter than six years;
* similarly making the length of a prison sentence for military refusal a mandatory six years, and

* making these mandatory rules retroactive thereby considerably lengthening the periods of service or sentences several men are currently doing. In the “Memoandum on the Objects of the Defence Amendment Bill, 1986” it is stated that the Board for Religious Objection “supports the amendments contemplated because of the necessity thereof”.

These legislative plans emerged after three court cases. The first was that of one Hartmann, a Buddhist, who applied to the Board of Religious Objection on grounds of being a religious pacifist. Buddhists do not believe in the existence of a supreme being, viz. they are
not theistic in the Western Judaeo-Christian-Islamic sense. Nevertheless the Board referred his case to the Supreme Court which accepted his petition that he was religious and pacifist, and allowed him to do alternative service. In response the legislators set about to tighten the law so as to exclude people like Hartmann.

In another court case, a Jehovah's Witness who had been sentenced to a period of six years' imprisonment for disobeying a call-up had his sentence reduced to three years by a judge. In the third court case, a Jehovah's Witness had his period of community service reduced from six years to four years. The argument of the Transvaal judge was that the law requires a man to do two years' basic plus two years' camps, then the community service period (or the prison sentence) is six years. But, pointed out the judge, most conscripts do far less than the full period of two years plus two. They do more like two years' basics plus six months' worth of camps, and so the period of community service (or the sentence) should be reduced accordingly.

It was these three cases which led to the drafting of the Defence Amendment Bill 1986 which the standing committee was asked to consider.

To date the standing committee has discussed only the definition of "religious" and decided against the proposed change, on the grounds, for example, that it would be too difficult to define a supreme being, giving Hartmann and others a temporary respite. Parliament was adjourned before the committee could approve the change to the legislation and periods of service of mandatory length, but the committee is expected to meet in December or January and upon its approval the rest of the proposals will be tabled before Parliament. Conscientious objectors, the churches and other interested bodies have therefore only a few months in which to mobilize against these retrogressive steps.

Another objector turned down

Recently a Christian pacifist objector in Durban, Don Edwards, went before the Board of Religious Objection and after two lengthy examinations (four hours each) his application for community service was refused. Apparently the Board was not convinced of his Christian convictions — even though the man's priest was flown in to Bloemfontein to testify on his behalf.

Board members pro-military

This case highlights once again the conviction of this journal and of several church denominations at the time of the passing of the relevant Act in 1983 that the legislation is fundamentally flawed. It requires the Board which is composed of mere mortals — including several military people and chaplains at that — to decide on a man's conscience. None of the people who sit on the Board are conscientious objectors. The judge, one trusts, is impartial. However, the military men and chaplains on the Board can confidently be predicted to hold strongly pro-military opinions. It is inconceivable that a man with thirty years' military service behind him could ever comprehend the convictions of a conscientious objector, much less come to a reasoned judgement as to how sincere the objector is.

Methodology

One might well pose the question: given that most of the members of the Board (excluding the president who is a judge) are pro-military, what kind of methodology would they employ when considering an application by a conscientious objector?

Consider, for example, what would happen if (as is possible) there is a clear demarcation in their minds between "political" beliefs and "religious" beliefs. They might then look through the objector's application, and as long as it sounds religious, pass it, but if it starts to sound "political" (read leftist or liberal, not right-wing!), fail it.

Religion versus politics

One might even ask whether their method is not a "key-word search", i.e. pick out the political-sounding words if there is more than a certain proportion of them then it must surely follow that the man is not really religious because he is political, for religion and politics are necessarily mutually exclusive.

Of course it is impossible for this journal to find out at short notice what is the procedure used, but the evidence seems to point in this direction. The statement laid before the Board by Don Edwards was transparently religious and pacifist all the way through. In addition, Edwards had the misfortune to be honest and open about his beliefs, so he also explained in his statement what his political convictions were. This provoked a storm of protest from the Board which in the end decided he was not a genuine religious pacifist.

One suspects that if Edwards had been sly he would have hidden the fact that he is a thinking, broad-minded intellectual who notices that South Africa is going through a revolution (in fact Edwards is an engineer and runs a journal part-time). He would have been cleverer to try to convince the Board that he holds no strong political convictions, knowing that they would seize on these and deem him insincere. Edwards, like many other conscientious objectors, faces the problem that to convince narrow-minded people that you adhere to a set of beliefs that they have defined narrowly, one has to become (or convey the impression of being) as narrow-minded as one's interlocutors.

The impossible

This is not the only problem with the Board. The Board is required to do the impossible. How can any person ever truly know the motives of another? In terms of the very Christian theology which the chaplains espouse "The heart is more deceitful than all else and is desperately wicked; who can understand it?" (Jer. 17:9) Every person's motives
are mixed when doing any action; therefore the only way one can ever tell what a person's real motives are is by observing that person's actions. We are reminded of our Lord's words, "You will know them by their fruits" (Matt. 7:16).

He added that by merely saying "Lord, Lord" people would not enter the Kingdom of Heaven (Matt. 7:21). More protestations of sincerity and belief do not on their own amount to the depth of conviction required to act upon them. It appears, though, that the Board is requiring young men to do the "Lord, Lord" act in order to be regarded as conscientious objectors. Could it be that if they just get the phraseology right and carefully edit out any awareness of the revolution this country is passing through, they will be accepted as "genuine"?

The current arrangement is unavoidably elitist. People with a good turn of phrase and a university training in essay-and speech-writing (and the requisite degree of self-censorship) can be reasonably certain of fulfilling the Board's requirements. People without considerable literary sophistication but with the depth of conviction that would drive them to acting and suffering for their beliefs run the risk of being sent to jail.

**Church representatives**

The above problems with the Board raise the question of the church's participation in the scheme. There is a Methodist minister, and also an Anglican priest on the Board (the latter in contradiction to the will of the Anglican church). The Presbyterian, Congregational and Catholic churches have refused to send representatives because of their disagreement with the Board's terms of reference.

As mentioned above, the memorandum used by the Defence standing committee states that the Board approved of the proposed changes in the legislation. It is implied (if not in the minds of the Anglican and Methodist Board members, then certainly in the minds of the politicians who formulate the legislation) that these two churches also support the proposed legislative changes. This is so as long as these churches say nothing to the contrary — and they have not yet done so.

**Collaborators**

In view of how matters have turned out, the Presbyterian, Congregational and Catholic churches clearly made the right decision. The Methodist and Anglican Board members have effectively become collaborators in a move to limit the amount of conscientious objection as far as possible; their participation on the Board has given the Board a religious and moral legitimation which it does not deserve in terms of their own theology. Both these churches have called upon the state to open the conscientious objection legislation to all sincere objectors, pacifist and non-pacifist, religious and non-religious, and have advanced theological reasons for doing so. Yet the two Board members are now participating in a scheme which is steadily narrowing the definition of legally acceptable conscientious objection and making it more difficult for objectors by raising the periods of service and sentence.

**The basic aim: exclusion not inclusion**

Appalling as the proposed changes are, it should not be forgotten that the fundamental difficulty is that the legislation on conscientious objection is too exclusive. The public appears to be under the impression that since there is a Board of conscientious objectors are basically O.K. That is emphatically not the case. The legislation specifies that only religious pacifists may do community service. This excludes non-religious pacifist objectors. The "English-speaking" churches have individually and collectively (through the SACO) called for the extension of community service to these groups as well.

Probably the current legislation excludes many more conscientious objectors than it includes. Its intention, no doubt, was not so much to distinguish clearly between the genuine and the fake, between the conscientious objector and the convenience objector, but to limit the number of conscientious objectors as far as possible without angering the church excessively.

And it has succeeded. The number of conscientious objectors rose when the legislation was first passed in 1983, but to nowhere near the level it would have if all conscientious objectors were accepted. Furthermore the church has remained silent apart from some good statements in that year.

**Lethargy**

It is time for the churches to set aside their lethargy and take up the struggle of conscientious objectors. The church is responsible for them to the extent that the church's own theological response to apartheid in the past five years compels young men to consider conscientious objection as an option. It is wrong for the churches to conscientize people, pass resolutions condemning apartheid as a heresy, and then remain indifferent to the fate of those young men who take their theology seriously.

The Anglican and Methodist Board members should immediately stand down. All the churches should issue urgent statements urging Parliament not to make matters more difficult for conscientious objectors. They should seek interviews with the Minister of Defence and try to persuade him to open up the legislation further. They should object in the strongest terms to the Board's rejection of men like Don Edwards. Above all, they should declare the whole system of the Board a farce. While not discouraging young men from applying to it if they choose, they should make it quite clear that the Board carries no theological, moral or ecclesiastical legitimation and stress that it is a shabby pretence at liberalism when its real objective is to force men into the apartheid army.

"The churches should make it clear that the Board carries no theological, moral or ecclesiastical legitimation and stress that it is a shabby pretence at liberalism when its real objective is to force men into the apartheid army."
Towards a Peoples' Culture
Arts Festival 1986

As we went to press the Arts Festival '86 which had been planned to take place from 12 to 22 December was banned. The following outline, written before the banning, tells something of the hope for the Festival which has now been dashed — temporarily we trust.

**Non-profit venture**
The Festival is a non-profit venture whereby participating organizations are asked to make a contribution to costs. Progressive church funding agencies are also being approached to cover any deficit. Money left over at the end of the Festival will be channelled into progressive cultural organizations to advance their work. Although time and financial constraints dictate that the Festival be a regional event, contact is being established with groups throughout the country to inform them of the Festival. While local cultural expression will be prioritised, groups and individuals nationally are being invited to participate on the basis of their past contributions to the building of a people's culture. There will be as much national input as is possible and it is hoped that the Festival will provide the impetus towards a national progressive arts festival in the near future.

**State of emergency**
What are the origins of the Festival? At the beginning of this year, the national End Conscription Campaign decided to host a cultural festival primarily to make gains in their constituency. However, with the declaration of the emergency, it was clear that ECC would not be able to host such a festival any longer. It was felt that the festival should go ahead but that a group independent of ECC should organize it. So a wide range of community organizations and progressive cultural workers was invited to be a part of the planning and organizing of the Festival.

**Across ideological differences**
As a result of this broadening out process which began in the middle of August, the aims, nature and priorities of the Festival have shifted from making gains in a particular constituency to advancing progressive, grassroots culture in general. The present state of emergency may have curbed "traditional" ways of organizing but it has also awakened many organizations to the important role of culture within the struggle for liberation, and as a means of gathering and mobilizing people. Organizations are invited to be part of the Festival provided that they agree with the basic anti-racist, anti-sexism, non-profit, anti-militarism and non-collaboration with apartheid structures principles of the Festival. Rather than promote one particular ideological tradition, the Festival seeks to foster relationships across ideological differences within the progressive movement through working together in the cultural sphere with a long term view to building a national, progressive people's culture.

**Cultural liberation**
Other aims of the Festival are:
- to facilitate the expression of grassroots cultural activity by making resources and space available for this purpose;
- to provide forums where theoretical issues related to a progressive people's culture can be debated;
- to promote the teaching and discovery of cultural skills;
- to allow organizations to make organizational gains through participation in the festival;
- to break down barriers between disciplines and find new ways of working collectively in an inter-disciplinary manner;
- to be a springboard for organizing cultural workers;
- to prioritise the creation and expression of grassroots cultural activity but also to encourage progressive cultural activity among semi-professional and professional cultural workers.

**Worker play**
Some of the events planned for the Festival include drama events with skills training workshops, a worker play festival, street theatre, children's theatre, a workshop production combining various art disciplines and working alongside community organizations to produce their own plays for the Festival. An exciting range of progressive musicians from Cape Town and other places in the country will play throughout the Festival. In seminars, these musicians will share their experiences and questions of musical form and content will be discussed.

Three exhibitions will be held — one of national and overseas posters relating to South Africa, a child-art exhibition and an exhibition of progressive South African art. A literature group is publishing a book of short stories. Progressive South African films and videos will be shown. A Tribute Evening will celebrate the contributions of our cultural heritage. A multimedia event including slide shows, music, video, drama, alternative fashions and design, a cartoon exhibition and an exhibition of cultural posters in scheduled.

Other events are a week long symposium that will deal with issues related to progressive people's culture, a cultural rally, a Heroes Day commemoration event and a large people's fair. The Festival has become a stimulating and informative forum for progressively working through problems and ideals related to the growth of a national people's culture.

**More worthy causes?**
Is the Festival a priority at this time? If we view "culture" and "politics" as two separate spheres, then we may have reservations about the Festival in terms of its expenditure (i.e. aren't there more "worthy" causes?) and its celebratory nature (i.e with all the repression, is such a Festival justifiable?)? There will always be worthy causes to spend money on. And as the struggle intensifies so will repression. But if we view cultural liberation as being integral to political liberation then we would know that for too long has our culture been shaded or suppressed by the dominant culture of the ruling classes. Too long have we been taught to believe that culture and politics are separate spheres. Too long has our progressive cultural activity occurred on an ad-hoc, sporadic basis. The time is long overdue for us to consciously build a national people's culture. The time has come for progressive culture to be asserted.

With a wealth of grassroots cultural activity during the last few months of emergency repression, the Festival will but give impetus to a progressive cultural movement that is already there!
CONSCRIPTION, CONSCIENTIOUS OBJECTION
AND ALTERNATIVE SERVICE: A WORLD OVERVIEW

APPENDIX TO PAPER PRESENTED AT
ALTERNATIVE NATIONAL SERVICE WORKSHOP, CAPE TOWN

by

MR GAVIN EVANS
APPENDIX

ARGENTINA

Military service is compulsory for Argentinian men over the age of 18. By law all men must serve a maximum of one year's military service although since 1987 this has been reduced, in practice, to six months. Among those exempt from military service are clergy, public servants and those with family responsibilities.

There is no provision for those seeking exemption on grounds of conscience, although in December 1984 a draft bill was presented to Congress which included provisions which would permit those exempted from military service to undertake non-military social work instead. While by February last year no action had been taken on the bill Argentina was one of 26 countries which voted in favour of the United Nations Commission on Human Rights' motion which called for the recognition of conscientious objection and alternative service.

The current situation for conscientious objectors is that although they are not officially recognised, ad hoc administrative procedures enable some to perform various forms of alternative service, inside and sometimes outside of the military.

Those who are not granted alternative service or who refuse all forms of service may be subject to a fine or up to four years imprisonment.


AUSTRIA

In Austria men between the ages of 18 and 35 are liable for military service which lasts for a total of eight months (this includes reserve obligations).

Since 1975 provisions have existed for alternative service as a constitutional right. Applications to perform alternative service (which is usually eight months) have to be submitted either as soon as a person has been declared fit to perform military service or up to 14 days after the order for call-up has been issued.

In order to seek alternative service a candidate must submit a written application to the appropriate military command. It is then sent to the Civilian Service Commission, which summons the applicant for an oral hearing. The applicant must show both in his written submission and at the oral hearing that, apart from cases of personal defence or assistance in an emergency, he rejects the use of force of arms against another person for
serious reasons of conscience, and would therefore experience a severe conflict of conscience by performing any form of military service. Sincere religious, humanitarian, ideological and other grounds are accepted as valid for refusal to perform military service.

The Commission which hears the applicant's case is composed of a judge (who acts as chairman), a civil servant of the Ministry of the Interior (who prepares a report on the case), a representative of the Chamber of Commerce (representing economic interests) and a representative of the Department of Employment (representing employees' interests). This committee decides by majority whether to accept the application and is obliged to justify its decision in writing. If accepted the committee confirms the applicant's status as a civilian conscript.

The applicant is allowed a companion to aid his defence, and on appeal must be represented by a lawyer. If he is unable to afford a lawyer, this service is provided free of charge.

If the application is rejected, on the grounds that the candidate has failed to convince the commission that he would experience a severe conflict of conscience in performing military service, the applicant may appeal to the Higher Civilian Service Commission within 14 days of receiving the rejection. If this appeal fails, a complaint may be sent to the Constitutional Court within six weeks. If this application is rejected the applicant may be liable for call-up into the army. If he does not comply he may be prosecuted under Article 7 of the Military Penal Code and may be sentenced to up to one year's imprisonment.

Alternative service in Austria is available both within the army (non-combatants) and outside the military. In 1982 there were 4242 applicants for Conscientious Objector status out of an army of about 50,000 men. Of these about 3,500 were accepted and about 20 percent of the rest were accepted on appeal. In 1980 there were 401 applications and in 1981 there were 4041 applications.

The Ministry of the Interior is responsible for the organisation and assignment of alternative servers. The acceptance and supervision of alternative work is the responsibility of the executive head of each province. COs are called up for civilian service by the Committee on Civilian Service.

Possibilities for civilian service include hospital work, rescue work, social aid, work with the handicapped, youth and refugee work, epidemic work, disaster relief, civil defence, containment and regulation of water supplies and mountain torrents, avalanche protection, construction, cleaning and maintenance of highways, development and improvement work, forestry, refuse disposal, boundary marking, post office work, railways work, and office work in diverse organisations. It is occasionally possible to work in education, where this is allowed by the provincial government. A special exemption from national service was given
to those who worked as volunteers in Italy helping earthquake victims in the winter of 1980. It is also possible to do non-combatant work within the army.

COs have the same rights and allowances as military conscripts, including an assurance of employment. All conscripts have full civilian rights.


BELGIUM

In Belgium men between ages 18 to 45 are liable for military service which lasts for 12 months, but is reduced to 10 months if performed in the Belgium services in Germany. The right to conscientious objection is a statutory right which can be claimed within ten days of the call-up. Application must be made on “compelling conscientious grounds” leading to an “inability to use arms even in case of national danger”. Both religious and moral grounds are acceptable.

Application for CO status must be made in writing to the Ministry of the Interior, stating reasons for the claim. The ministry can request additional information on the applicant and a dossier is prepared which is forwarded to the Council on Conscientious Objection. The applicant then appears before a civilian council appointed by the King on a proposal of the Minister of Justice. This is composed of the following members: a judge, a lawyer and a civil servant from the Ministry of the Interior. The hearing is held in public and the applicant is allowed legal counsel and witnesses to aid his defence. An appeal to the Council of Appeal on the decision is possible within 15 days.

The length of alternative service is from 12 to 24 months, depending on the type of work. For example, unarmed military service is 12 months, civil defence (emergency and relief services) work with the handicapped and hospital work is 18 months and work in social, cultural and religious organisations as well as Third World aid is 24 months.

The Ministry of the Interior is responsible for the organisation of alternative service. Since January 1981 the administration of this service has been the responsibility of the local authorities.

COs have the same rights and allowances as military conscripts, although they have no allowances for clothing and housing which some conscripts receive.

Those who refuse all forms of national service may, in theory,
face up to three years imprisonment. In practice however, the maximum duration of a prison sentence is two years with the second year served in "semi-liberty".

The Belgium government provided the following figures for the number of applicants between 1980 and 1983: 1980 - 2,317 (20 rejected); 1981 - 2,187 (26 rejected); 1982 - 2,528 (60 rejected); 1983 - 2,309 (26 rejected).

(Eide and Mubanga-Chipoya, op cit, annex 1 pp 26 to 37; Amnesty International, op cit, annex 2 pp 1 to 16; Kiljunen and Vaananen, op cit, p 37; Council of Europe, May 17 1984, op cit, pp 14 to 17)

BULGARIA

All Bulgarian men over the age of 18 are liable for between two and three years military service (depending on the branch of the armed forces). Conscripts can be called up for reserve service until the age of 40.

While there is no official provision for the recognition of CO’s or for alternative service, it is possible for those objecting to the bearing of arms to be assigned administratively to non-combatant posts within the army, and this frequently occurs. In addition young men who work in the mines for three years will be considered to have fulfilled their military obligations.

Those who refuse their military service and refuse to serve on the mines or as non-combatants within the army, may face up to three years imprisonment. Those persistently refusing may face a five year sentence. They may be charged again after completing their sentence.

While some CO’s are ignored by the government, others have been tried and imprisoned. In one case an objector has served a total of over five years in jail.

(Council for Europe, op cit, p 18; Amnesty International, op cit, pp 5 and 16; Eide and Mubanga-Chipoya, annex 2, op cit, pp 7 to 26)

CZECHOSLOVAKIA

Men between the ages of 18 and 50 are liable for military service from 24 to 27 months in Czechoslovakia.

While there is no official provision for the recognition of conscientious objection in Czechoslovakian law, conscripts objecting to the use of arms are administratively assigned to non-combatant duties within the army. In addition young men who work on building the underground railway network for three years or who work on the mines for five years are exempted from military obligations. Another option is to work in heavy industry for about 19 months followed by five months (with the option of non-combatant work) within the army.
While technically a sentence of ten years imprisonment is possible for refusal to serve, in practice this does not occur. According to Amnesty International the only instance of a Czechoslovakian objector receiving a prison sentence over the past 12 years occurred in November 1986 when an Peter Obsil was sentenced to 22 months imprisonment.

Groups such as Charter 77 and the Independent Peace Association have been campaigning for a reduction in the two year obligation for military service and for the introduction of a system of alternative service.

(Amnesty International, op cit, pp 5 and 6; Council of Europe, op cit, p 20; Eide and Mubanga-Chipoya pp 26 to 37; Los Angeles Times February 17 1989).

DENMARK

Danish males between the ages of 18 and 50 are liable for between nine and 12 months military service. In practice, however, not all men are called up and a system of service-lottery exists in practice. In addition conscripts with certain needed skills are exempted.

The right to conscientious objection is recognised in law, and is available to those who object to military service on "genuine conscientious grounds". Religious, philosophical and political reasons are acceptable.

Application must be made in writing to the Central Enrolment Board within four weeks of call-up. The applicant must state the reasons for the claim and request transfer to non-combatant service, civil defence or civilian service. The board may request additional information which must be presented by the CO before he is due for enrolment. The decision of granting CO status rests with the Central Enrolment Board.

The applicant is not usually required to appear in person. On appeal an applicant is entitled to legal aid. An appeal must be made within 14 days to the Ministry of Justice.

The period of alternative service is between eight and 24 months, depending on where it is served. Possibilities for alternative service include civil defence (eight months); civilian defence (11 months); work in social welfare institutions for children, elderly or handicapped people, museums and other cultural organisations (including peace organisations) and forestry or a development service abroad (two years). It is also possible to do non-combatant service within the army, the sanitary service and medical units.

Conscripts doing alternative service receive approximately half the amount soldiers do. They are also paid a gratuity at the end of the service and they have free medical and dental treatment, plus free fares on public transport. The COs attend schools where
they learn about their rights and obligations as alternative servers and receive the appropriate introductory training.

Conscripts refusing all forms of national service may be sentenced to nine months' imprisonment, but may be released upon completion of half the sentence for good conduct.

In 1980 there were 816 applicants for alternative service.

(Council of Europe, op cit, pp 21 to 23; Amnesty International, op cit, Annex 2, pp 1 to 16; Kiljunen and Vaananen, op cit, p 36, 208 and 209; Eide and Mbanga-Chipoya, Annex 1, s pp 4 to 3).

FINLAND

Finish men between ages 20 and 50 are liable for eight months military conscription plus reserve duty of up to 100 days. Those serving in specialised units are liable for 11 months initial training. Jehovah's Witnesses are exempt from military service.

Conscientious objection is recognised by law in peace time. To be recognised the objector must show "profound conscientious grounds based on religious or ethical conviction". According to Amnesty International applications for CO status on political grounds are also acceptable.

The application has to be entered before the conscript has been called up. In the case of the application being made after being called up the conscript is transferred to unarmed military service pending the examination board's decision. The applications are submitted to an Advisory Committee, consisting of eight members appointed by the government and including representatives of the Ministry of Labour and the Ministry of Defence. Applications may also be submitted to the district chief or commander of the unit where service is carried out, either at the time of conscription, during armed service or thereafter. All applications must include a notification and assurance that conscientious objection on religious or ethical grounds exists. Those not accepted by the Advisory Committee may appeal to the Ministry of Justice, whose decision is final.

The period of alternative service is 16 months, while non-combatant service within the military is 11 months. The Ministry of Defence is responsible for the assignment of those doing non-combatant military service while the Ministry of Labour is responsible for the assignment of COs to alternative service. The Ministry of Justice has to approve the type of civilian service.

Possibilities for civilian service exist in hospitals, social welfare institutions, prisons, municipal offices or state institutions, airports, fire brigades, forest work or non-combatant work within the army. No CO has been called up for reserve training or duty after their initial service.
COs have the same rights and allowances as military conscripts. Those engaged in civilian work can be accommodated in communal lodgings. They are not subject to military jurisdiction, but have their own penal code.

The number of Finns eligible for military service each year is about 42,000, of whom an average of between 11 and 13,000 apply each year for alternative service. An average of about 82 percent are accepted.

Those (excluding Jehovah’s Witnesses) who refuse all forms of service can be sentenced to between nine and 12 months imprisonment. Appeals may be made to the Finish Court of Appeals. There is provision for an advisory Committee, consisting of eight members appointed by the government and including representatives of the Ministry of Labour and the Ministry of Defence. Applications may also be submitted to the district chief or commander of the unit where service is carried out, either at the time of conscription, during armed service or thereafter. All applications must include a notification and assurance that conscientious objection on religious or ethical grounds exists. Those not accepted by the Advisory Committee may appeal to the Ministry of Justice, whose decision is final.

The period of alternative service is 16 months, while non-combatant service within the military is 11 months. The Ministry of Defence is responsible for the assignment of those doing non-combatant military service while the Ministry of Labour is responsible for the assignment of COs to alternative service. The Ministry of Justice has to approve the type of civilian service.

Possibilities for civilian service exist in hospitals, social welfare institutions, prisons, municipal offices or state institutions, airports, fire brigades, forest work or non-combatant work within the army. No CO has been called up for reserve training or duty after their initial service.

COs have the same rights and allowances as military conscripts. Those engaged in civilian work can be accommodated in communal lodgings. They are not subject to military jurisdiction, but have their own penal code.

The number of Finns eligible for military service each year is about 42,000, of whom an average of between 11 and 13,000 apply each year for alternative service. An average of about 82 percent are accepted.

Those (excluding Jehovah’s Witnesses) who refuse all forms of service can be sentenced to between nine and 12 months imprisonment. Appeals may be made to the Finish Court of Appeals. There is no provision for a conditional sentence and for parole.

(Kiljunen and Vaananen, op cit, pp 210 to 217; Council of Europe, op cit, pp 25 to 27; Amnesty International, op cit, pp 7 and 8;
FRANCE

French men from the age of 18 are liable for 12 months military service, and may be called up on reserve until the age of 35. Those with special family circumstances may be exempted.

Conscientious objection is recognised in French law. Anyone who, for reasons of conscience, states that he is opposed personally to using arms may apply for alternative service. Any "reasons of conscience", including political reasons, may be acceptable.

Applications for CO status must be submitted within 30 days of the issue of the call-up order. Applications are decided by a tribunal set up under the Ministry of Defence. The application is usually made through a standard letter of request. If refused an appeal against the refusal may be made to an administrative court. This appeal defers incorporation into the army.

Alternative service is of 24 months duration, and is administered by the Ministry of Social Affairs and National Solidarity. Civilian/alternative service may be carried out in government departments, local authorities or in humanitarian bodies engaged in work of public interest. An organisation wishing to employ COs must have an agreement with the Ministry. Objectors are most commonly used in forestry work, cultural work and social work. Other possibilities are civil defence service, technical aid service and voluntary service overseas — usually in underdeveloped third world countries (including, in one instance, the Ciskei). Non-combatant work within the army may also be chosen — for a period of 12 months.

The average number of applicants for CO status in the eighties has been between 1500 and 1800.

Total objectors who object to military service and also refuse to apply for conscientious objector status may face sentences of up to two years imprisonment. According to Amnesty International under Decree Law no 51, 1983, an imprisoned conscientious objector may be considered to have served the equivalent of one year's military service after he has completed a total of one year's imprisonment. He will then be released from further military obligations. According to Amnesty International as a result of a presidential amnesty of August 5 1981 and Ministry of Defence regulations of October 23 1981, the prosecution of most conscientious objectors was halted and most of those in prison were released.

(Amnesty International, op cit, pp 8 and 9; Kiljunen and Vaananen, op cit, p 37; Eide and Mubanga-Chipoya, Annex 1, op cit pp 23 and 24; Council of Europe, op cit, pp 28 to 30).
FEDERAL REPUBLIC OF GERMANY

In June 1989 compulsory military service in the Federal Republic of Germany increased to 18 months (it was previously 15 months). All males from the age of 18 to 28 are liable. They can also be liable for reserve duty until the age of 45, but in practice conscripts serve an average of less than a week in reserve camps. Priests, residents of West Berlin and those with special family circumstances are exempt from conscription. Others who are exempt are those who have worked in the civil service for 10 years, or who have been members of the police force or the border protection force, or who have performed a recognised service in a developing country for 26 months (effectively a form of alternative service).

The right to object to military service for reasons of conscience is recognised in law. The law states unequivocally: "No one may be compelled against his conscience to render military service involving the use of weapons". Alternative service was introduced in 1956, and since then over 600,000 conscripts have undertaken alternative service.

CO status is granted to a person who objects to military service on any conscientious grounds. Objections should be made with reference to the relevant part of the constitution which states what nobody shall be forced to do armed military service against his conscience. According to the Federal Constitutional Court, recognition of conscientious objector status requires a decision on "conscientious grounds", which include "every serious moral decision, based on categories of good and evil, which the individual feels are morally binding, so that to act against such a decision would result in a severe conflict of conscience".

While in theory selective (non-pacifist) objection is not possible, in practice objectors who demonstrate that political motivations for objecting have profound effects on their conscience are accepted. In general, moral, humanitarian, religious and ethical reasons are acceptable. Between 1985 and 1988 Amnesty International has worked on behalf of eight imprisoned conscientious objectors, all of whom had made unsuccessful applications to do alternative civilian work. Amnesty International believed their objections were based on genuine grounds of conscience.

Application for CO status must be made in writing to the Regional Office of Military Administration, stating reasons for the claim, enclosing a Curriculum Vitae and a police certificate stating that the holder has no criminal record. According to the circumstances the application is then forwarded to either the Federal Board of Civilian Service or to the Examining Committee. The former accepts only written evidence. The later may decide to call the conscript for a hearing. All dubious cases as well as all applications from soldiers, reservists and conscripts already called up are heard by the Examining Committee.
In practice over 95 percent of the written applications are accepted. One reason for this is an April 1985 Supreme Court ruling which held that the longer period of service required of conscientious objectors served as a de facto "test" of conscience and seriousness of intent.

The Examining Committee is composed of a chairman (nominated by the military administration) and two honorary members. They decide in camera whether to grant CO status. If the decision goes against the applicant he may appeal within two weeks, free of charge, for a hearing by the Examining Chamber. Its composition is similar to that of the Committee. The applicant is allowed counsel and witnesses in his defence. He may appear before the tribunal with a lawyer or other legal adviser. A complaint against the decision based on written evidence alone, whether by the Federal Board of Civilian Service or by the Examining Committee, can be lodged by conscripts within four weeks with the Administrative Tribunal, a body made up of three stependiary and two lay judges. A complaint against the decision made by the Examining Chamber can also be lodged by the military administration. A final appeal can be made in some cases to the Federal Administrative Tribunal. A candidate is also allowed to make a second application, provided he has collected fresh evidence in his defence.

Application for CO status may be made at any time. On receipt of the application the candidate is suspended from service until it has been examined by the Examining Chamber if the claim was made during the medical examination. A serving soldier may have to face a delay of four weeks after the submission of his application before his case is heard by the Examining Committee. In the meantime, he can be transferred to non-combatant duties within the army. In practice less than 30 percent of these applications are recognised by the committee.

The length of alternative service, since June 1989, has been 24 months. The previous length was 20 months.

The Federal Office for Civilian Service, under the Federal Minister for Youth, Family and Health, is responsible for the organisation and the assignment of COs to civilian service. There is an additional Advisory Committee made up of six representatives of organisations representing the interests of COs, six representatives of the charitable organisations, one representative from each of the churches, one from the trade unions and one from the employers federations and two from the upper house of the parliament.

There is an official training session of two to four weeks for recognised COs which takes place at the beginning of the CO's period of alternative service. At this session he will receive an introduction to the civilian service and will learn of his rights and obligations as a CO. In addition there may be an introductory training in his subject by the charitable organisations.
Among the possible forms of civilian service are work in hospitals, homes for the handicapped and with charitable organisations, environmental protection work, nature conservation, labour service ("care of the countryside") and work in private youth or welfare groups.

According to Lufthansa's Germany magazine the majority of objectors (about 60 percent) are placed for service in old age homes, homes for the mentally handicapped and in hospitals. About 10 percent are general handyman jobs (many at hospitals and health care institutions).

Another 10 percent are in positions as drivers of ambulances, emergency vehicles and busses for the disabled and handicapped. About eight percent work as personal aids in the homes for severely handicapped persons who need round-the-clock assistance and about five percent work in agriculture and environmental protection. In some West German hospitals conscientious objectors now account for 20 percent of the unskilled personnel, and do the "dirty work" that few others would accept.

Another option, which is not easily obtainable, is to be sent abroad to work in developing countries, or in a Kibbutz in Israel and at the new international youth centre at Auschwitz. This form of service is 26 months and is unpaid. Objectors doing this form of alternative service therefore have to support themselves or be financed privately.

Recognised COs who object to the performance of any kind of service can be released from their obligations, if they have shown a willingness to engage themselves voluntarily in a health or similar institution for at least two and a half years. This is the option taken by many Jehovah's Witnesses.

Private organisations employing COs (accounting for the vast majority of objectors) need not have any link to the state. Those wishing to employ a CO have to apply to the Federal Office for Civilian Service.

For the conscientious objector himself the way the system usually works is that once accepted he is sent a list of federal, state, city and charity supported organisations where he can apply for a Cologne-approved civilian job and do his 24 months duty. Each objector has the right to find his own duty station before being assigned one, and over 90 percent of the COs do so. One reason is that this usually enables them to continue to live at home. In 1938, according to Lufthansa's Germany magazine, the Federal Office had 86,000 civilian service slots, and 72,000 objectors to fill them.

COs have the same rights and allowances as military conscripts. In 1988 they were paid DM 9.50 (R12) per day during the first six months, then receive a raise to DM 11 (R14) a day plus a Christmas bonus of DM 340 (R420). They can be housed in communal lodgings or in a place approved by the authorities in the area to which
they have been assigned. The institutions for which they work are supposed to provide food and work clothes or compensatory allowances. In addition they received (in 1988) 75 pfennigs (R1) daily as compensation for cleaning and maintenance of work clothes and another 35 pfennigs (45 cents) per day for use of their civilian clothes. In 1988, when the period of alternative service was still 20 months, they were entitled to 52 days leave and at the end of their stint received a lump sum of DM 1,480 (R1 900) as discharge pay. Like soldiers they receive 50 percent discounts on the Bundesbahn, the German railways, free health care and the duty time is credited to old age pension benefits.

They are subject to similar disciplinary measures as soldiers — they may be subject to fines, reprimands, reduction to a lower pay scale or confinement to their duty stations for various misdemeanors such as going absent without leave.

Conscripts who refuse any kind of national service can receive prison sentences of up to two years imprisonment. An objector can be conscripted again after serving his sentence, but in recent years this has not happened in practice. According to Claus-Dieter König, a West German CO, there are currently about 10 total objectors who are serving prison sentences. He said the average length of sentence is between six months and two years, and that the objectors are not called up again after serving their sentences.

In the Federal Republic of Germany the total number of conscripts in the army remains constant at about 240,000. Since 1976 the average number of COs has ranged between 42,000 and 72,000. Since the introduction of alternative service in 1956 there has been a gradual increase in the number of COs. In 1957 and 1968 together 2,500 men applied for objector status. Until 1966 the annual number of applicants stayed below the 6,000 figure. In 1968 it doubled to 12,000, reached over 40,000 in 1976 and totaled 70,274 (including 1,940 applications from soldiers) in 1983, according to government figures published by the Legal Affairs Committee of the Council of Europe in 1984. The number is currently about 72,000, according to Lufthansa's Germany — over 23 percent of the total number of conscripts.

(Council of Europe, op cit, pp 34 to 39; Eide and Mubanga-Chipoya, op cit, p27; Kiljunen and Vaananen, op cit, pp 190 to 205; Amnesty International, op cit, pp 6 and 7; Lufthansa's Germany, February 1988, pp 41 to 47; Interview with West German objector Claus-Dieter König, January 18 1989; Interviews with West German objectors conducted by Alastair Teeling-Smith, Germany, February 1989).

GERMAN DEMOCRATIC REPUBLIC

Compulsory military service for men aged between 18 and 26 was introduced in the GDR in 1962. The length of service is 18 months and reserve obligations continue until the age of 50, during
which time men and women may be called up in the event of an emergency. Students of theology are not generally called up for service.

The right to conscientious objection is recognised as an amendment to the Army Act, of September 16 1964. CO status is granted to those who object to the use of arms on "religious or similar motives". In practice both religious grounds and secular pacifist grounds are accepted.

Application for CO status can be made either verbally at registration or in writing to the recruiting authorities. It is not possible for a serving soldier or a reservist to become a CO. Once the application has been made the prospective CO is then called before the Registration Committee for a discussion of his motives. This committee is composed of four or five members. The applicant states his own case to the committee. The application must be made before enrolment. On recognition the CO may have to wait up to the age of 27 before being called up to do his national service.

The only form of alternative service offered is unarmed, non-combatant service under the control of the army. This is done in a special uniform (distinct from that of a military conscript) and is for the same period (18 months) as military service. The non-combatant must swear a special oath of loyalty to his country (as opposed to the regular soldier's oath on the colours).

Those doing non-combatant service are generally known as "building soldiers" and their work could include road building, reparation of exercise grounds and work in the emergency services, as well as work on building sites and in unloading trains. In practice Building Soldiers are usually rented out to civil companies who then pay the army for their services. Because of full employment in the GDR this sometimes creates difficulties as most companies would not need their services. Cos are not called up for reserve service.

The CO has the same political rights and material benefits as a military conscript. Further renumeration is possible for COs who aid better production. They live together, but not in military barracks. They receive training in unarmed combat, first aid, physical exercise and politics.

If the application of a conscript to serve in construction units rather than in armed military service is turned down, he must enlist in the armed services. If he refuses to do this he can, in theory, be sentenced to up to five years imprisonment, but in practice sentences are usually 21 months, according to the Council of Europe Legal Affairs Committee and Amnesty International.

According to Amnesty International since November 1985 most of those who refuse all forms of service are released shortly after being arrested, and, as a result of church interventions, there have been no prosecutions of objectors. According to West
German CO Claus-Dieter Konig some members of the GDR peace movements have been deported to West Germany after objecting to all forms of service.

An average of about 2,500 objectors a year choose the option of becoming Building Soldiers.

(Amnesty International, op cit, pp 9 and 10; Kiljunen and Vaananen, op cit, p 37; Council of Europe, op cit, pp 31 to 33; Eide and Mubanga-Chipoya, op cit, p 27; Interview with Claus-Dieter Konig, January 18 1989, op cit; Interviews with East German objectors conducted by Alastair Teeling-Smith, West Germany, January and February 1989).

GREECE

All Greek men between the ages of 18 and 40 are liable for military service which is currently 21 months in the army, 23 months in the air force and 25 months in the navy. Conscripts can be called up for reserve duty until the age of 40. On average each conscript completes a total of about 26 months service. Only those with "special family circumstances" are exempted.

The right to conscientious objection has been recognised in law since October 1977. The only alternative service available is unarmed military service, and this is open only to those objecting on religious grounds. The period of unarmed military service performed by individuals who object to armed service on religious grounds is twice the period of ordinary military service - ie 44 to 52 months.

Those objecting to all forms of military service may be arrested when they fail to respond to their call-up and held in detention barracks until their trial takes place (usually a period of several months). They are tried by military courts and in practice are usually sentenced to terms of imprisonment equal to the period of unarmed military service - averaging four years, according to Amnesty International. According to the Council of Europe all COs sentenced to over four years imprisonment have had their sentences reduced to four years on appeal. In practice objectors actually serve an average of two and a half years in prison, according to the Council of Europe report. Convicted objectors usually serve one-third of their sentence in a closed military prison, and are then transferred to an open agricultural prison.

According to Amnesty International in June 1987 the Greek Minister of Defence declared that there was a total of 380 persons imprisoned for conscientious objection. Most of those were Jehovah's Witnesses. On October 13 1987 a non-religious pacifist, Michalis Maragakis, was sentenced to four years imprisonment.

(Council of Europe, op cit. pp 40 and 41; Amnesty International, op cit, pp 10 and 11; Kiljunen and Vaananen, op cit, p 37; Eide
HUNGARY

Hungarian men over the age of 18 are liable for a total of 24 months military service. According to the Council of Europe Legal Affairs Committee "those who do not or cannot carry out their military service are obliged to pay a military tax if they are not working".

Until 1989 there was no official alternative service, but it was possible for those objecting to the bearing of arms on certain religious grounds to do non-combatant duties within the army. Those denominations to which this de facto right was extended included Nazerines, Jehovah's Witnesses, Seventh Day Adventists and others forbidding their members to bear arms. For religious denominations, such as Roman Catholics, no such alternatives were available on the grounds that the dogma of their churches did not expressly forbid the use of arms. According to the Council of Europe Legal Affairs Committee, the Hungarian authorities were likely to deal "sympathetically" with an objector from a recognised pacifist religious denomination who made his convictions known at the time of enrolment.

The Hungarian Criminal Code allowed for the imprisonment of objectors for up to five years. According to Amnesty International at the end of 1986 about 150 objectors were serving sentences in Hungary. Sentences were usually about three years, with the longest known sentence in recent years being three years imprisonment (for a political objector in 1987).

In late February this year, according to a report from Hungary's official MTI news agency, all 70 Hungarians who were imprisoned for refusing compulsory military service were released as part of a new government ruling on alternative service. The criminal records of the objectors, most of whom had served six months, were to be expunged, the report said. The new ruling, which provides for "alternative civilian service" for 24 months for religious and ethical objectors, comes into effect on July 1, according to the report.

(Star March 2 1989; Amnesty International, op cit, p 11; Eide and Mubanga-Chipoya, Annex 1, op cit, pp 17 to 32; Council of Europe, op cit, pp 42 and 43).

ISRAEL

Military service and reserve duty are compulsory in Israel for both men and women once they reach the age of 18. The following categories of people are exempt from conscription: mothers, pregnant women, married women, Muslims, Christians and Druze women. Jewish male scholars studying at Yeshiva schools are given automatic exemption until they pass the age of service (29) and Druze males are also exempted if they wish to study at religious institutions. Under Article 39 of the Defence Service Law of 1986...
women may be exempted if they can satisfy the authorities that their conscience, family way of life or religious convictions would prevent them performing military service. Both men and women may also apply for exemption for "special reasons" under Article 36 of the Defence Service Law, which are defined as reasons connected with the requirements of education, security settlement or the national economy, for family or other reasons. Application under this article requires that the individual claiming "special reasons" write to the conscription administration. Applications are dealt with on a judicial basis.

The period of conscription is two years for women and three years for men plus reserve duty which averages about 30 days a year. Military service applies to men ages 18 to 29 (30 to 38 for doctors) and to women aged 18 to 26 (27 to 38 for doctors).

According to Amnesty International both men and women do occasionally apply for exemption on grounds of conscience or unsuitability. Each application is dealt with on an individual basis and may be subject to negotiation. Some people may be permitted to do some form of alternative service within the framework of the army or parallel civilian service (such as hospital work). Those who object to serving in Lebanon or Occupied Territories may be offered military service within the "Screen Line". However, the availability of alternative service appears to be left to the discretion of individual commanding officers and is therefore not consistently applicable, according to Amnesty International.

If an application for exemption from military service or from serving in Lebanon or the Occupied Territories is refused and the person in question continues to refuse military service, he or she may be tried by a disciplinary court, or occasionally a military court. Objectors have been sentenced to between 7 and 70 days imprisonment, although occasionally sentences of up to one year's imprisonment have been imposed. According a United Nations Commission on Human Rights report Jews only refusing service in the occupied territories are usually given sentences of 35 days (sometimes repeatedly). Some Jehovah's Witnesses and Druze who refuse all military service are sentenced to over a year's imprisonment, according to the UN report. According to Amnesty International, although some objectors are eventually given documents of exemption, it is often still hard to find work, obtain a driver's licence, enter university or receive social service assistance, as reserve books are often requested.
In July 1989 there were approximately 80 Israeli conscripts who had been imprisoned since the start of the Intifida. This however is believed to represent less than 10% of all Israeli objectors.

An organisation called YESH GVUL was formed to provide support for Israeli conscientious objectors.

A recent well-publicised case of conscientious objection is that of Amit Lewenhoff, 19, who in June 1989 was jailed for 28 days for refusing to do military service outside Israel’s 1967 borders. This was his fourth sentence on the same charge. After each release he has been ordered back to the "occupied territories", and has been charged, tried, convicted and jailed after refusing to go.

(Amnesty International, op cit, p12: Eide and Mubanga-Chipoya, op cit pp16 to 32; Prasad and Smythe, op cit, pp 77 to 79, Interview with former Israeli resident Eli Silber, The Objector, August 1989)
END CONSCRIPTION CAMPAIGN (ECC)

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