

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 15 MARCH 1983

CHAIRMAN:

THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS:

MR S A PATTERSON

MR T L BLUNDEN

PROF P OOSTHUIZEN

MR F G BARRIE

CHIEF INVESTIGATING OFFICER:

ADV K P C O VON LIERES
SC

INVESTIGATING OFFICER:

ADV ETIENNE DU TOIT

SECRETARY:

MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A C C:

ADV J UNTERHALTER SC

ADV A R GAUTSCHI

PHUBBE RECORDINGS (PRETORIA)

/Idem

VOLUME 48

(p 2722 - 2798)

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 15 MARCH 1983

CHAIRMAN: THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS: MR S A PATTERSON
 MR T L BLUNDEN
 PROF P OOSTHUIZEN
 MR F G BARRIE

CHIEF INVESTIGATING OFFICER: ADV K P C O VON LIERES SC

INVESTIGATING OFFICER: ADV ETIENNE DU TOIT

SECRETARY: MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE
S A C C: ADV J UNTERHALTER SC

LUBBE RECORDINGS (PRETORIA)

/VMD

WITNESS: REV R J D ROBERTSON

VOLUME 49
(p 2799 - 2860)

THE COMMISSION IS RESUMED ON 15 MARCH 1983

ROBERT JOHN DRYSDALE ROBERTSON, affirms:

CHAIRMAN: Yes, Mr Unterhalter?

WITNESS: Mr Chairman, my submission is, I understand, before you, but the Counsel for the SACC have suggested that I should just mention a few personal details, about myself first of all.

CHAIRMAN: Yes, please do? --- I am really a nonentity, so there is not much to say, but I was born in Johannesburg, I studied Electrical Engineering first of all, at 10 Wits University, and did a couple of years post-graduate training, after that, and then studied Divinity at Edinburgh University, married a Scots girl, and we have three children. I came back to this country after 5 years abroad, and was ordained a minister of the Presbyterian Church of Southern Africa, and I have been with them since 1954. I have had a number of congregations, two here in Johannesburg and then quite a few in East London. During that time, my particular concern, as mentioned in my submission, has been to bring people of different races together in 20 worshipping congregations, and the General Assembly of the Presbyterian Church in 1961 gave me the go-ahead to do a pilot effort in this respect, because all our congregations were at that time, not purposely but due to social pressure, segregated. I was also for a number of years Secretary for a committee that tried to negotiate the union of Presbyterian Churches in this country, and we failed in the end. My submission mentions that I am now minister at St Anthonys in Johannesburg. Just one more thing I want to mention is that the year before last, 1981, I 30 was/...

was elected the Chairman of the Presbyterian General Assembly's Church and Nation Committee. This is the committee that deals with the affairs of the church as they relate to national issues. Not that I am extremely competent by any means in that field, I would not claim that, but particularly because of the emphasis I have tried to place on non-violence, which I will deal with a little more in my submission, and the church put me into that position to see if I had anything particular to contribute to its well-being. I will come now to the submission, if I may. 10

"The reason for my giving evidence before this Commission is inter alia the need to respond to the evidence given by Brig E H W Nieuwoudt of the SADF and to a lesser extent the evidence given by Lt Gen Johan Coetzee of the South African Police. This evidence dealt with my work in connection with conscientious objection".

May I refer to it as CO as we go through?

CHAIRMAN: Yes, please do. --- (READING) 20

" .. and also with issues of violence and non-violence in general.

MY PERSONAL CONCERN ABOUT CONSCIENTIOUS OBJECTION
AND NON-VIOLENCE

My personal conversion to Christ took place in October 1943. I turned 17 in December (that year) and therefore considered enlisting in the SADF during World War II. Several of my closest friends joined up and one was killed in Italy. However, before I had reached the age of 18 I had come to the conclusion that 30

to/...

to be a Christian also means to be a pacifist. It was not a popular view among my contemporaries, .." One could be at that time accused of siding with, for example, the Ossewabrandwag if one refused to fight.

" .. but I held (this view) through strong conviction and continue to hold it to this day.

My reasons for this view of the Christian faith are briefly:

- Christ's repudiation of the sanction given to violence in the Old Testament; 10
- His teaching, chiefly in the Sermon on the Mount;
- His life and death, which are not only an act of God reconciling us from our enmity towards Him, but also the example of how we are to live and die. (A relevant passage there is firstly 1 Peter 2:21-24);
- the clear understanding that the early Church had, until Constantine (313AD) that Christians should not wage war or otherwise take human life.

Through the years (since then) my study of the work of persons such as Gandhi and Martin Luther King, 20 and my own feeble efforts to practise the same non-violence, have further strengthened my convictions.

Since deciding not to enlist in 1944, I have felt an obligation to direct my whole life to demonstrating a Christian alternative to war. After completing a degree and post-graduate apprenticeship in engineering, I abandoned that career and trained for the ministry of the Presbyterian Church of Southern Africa (PCSA). I have served 29 years in that calling and am at present minister of St Antony's 30

United Church in Pageview. A particular aspect of my ministry in the PCSA has been the pioneering of racial integration of congregations which creates an understanding between Black and White in these congregations. I believe that this understanding makes for peace and tends to prevent people going to war against one another.

About 1960 I joined the South African Fellowship of Reconciliation (SAFOR), a pacifist organisation affiliated to the International Fellowship of Reconciliation (IFOR). The latter body was formed immediately after World War I and is now an international organisation of considerable standing which works world-wide for peace and against violence, war and other evils. It supports the rights of CO's in countries which practise conscription, including Communist countries. Its members have included several Nobel Peace Prize winners, the latest of whom is Adolfo Perez Esquivel of Argentina, the 1981 award winner".

10
20

I would like here to refer, Mr Chairman, to Annexure 6, and just to underline some of the statements of the nature of this Fellowship of Reconciliation. If we can get the page that is numbered 6.2 headed 'A World Movement', and about the seventh line there, the words 'Often considerable risk is involved' in the work that this organisation does. Under 'Disarmament', about the third line, the statement:

'The means exist now to destroy all human life'.

If I was not a pacifist from Christian conviction, Sir, I think I would be a pacifist anyway from nuclear

30

conviction/...

conviction. Under the paragraph 'For Human Rights', the second paragraph there, the first few lines:

'IFOR has given special attention to conscientious objection to war as a human right and to those imprisoned or otherwise punished for their commitment to overcome problems of injustice by non-violent means'.

Then on page 6.3, the heading 'For Non-Violent Change', just the first paragraph there and the last one. The first paragraph is the original sort of creedal statement of the Fellowship:

'Love, as revealed and interpreted in the life and death of Jesus Christ, involves more than we have yet seen and is the only power by which evil can be overcome and the only sufficient basis for human society'

and the last sentence on that page, a quotation of Dr Martin Luther King:

'The choice is no longer between violence and non-violence. It is between non-violence and non-existence'.

These are the basic ideas of the Fellowship of Reconciliation.

"In 1963 as a member of the South African Fellowship of Reconciliation, I was involved in unsuccessful attempts to persuade the Government to make adequate provision for CO's in the Defence Act. For example, I assisted in the compilation of a memorandum on CO's (Annexe 7) (I do not want to refer to it; it is just there). I was Chairman-Organiser of the SAFOR from 1965 to 1970 and when that organisation

went into recess in 1974 I accepted the position of 'Contact Person' for the IFOR in South Africa.

When Section 121(c) of the Defence Act (this relates to paras 33(a) and 21 of the SADF evidence) was under discussion (in 1974) I communicated my attitude thereon to the authorities and later made a statement of my attitude to my congregation".

That is Annexe 7.1. I do not think - perhaps we should just look at it. It gives the affirmation that was made by the South African Fellowship of Reconciliation. 10
I would like just to read that into the record, Appendix 7.1, and it is the portion quoted, that:

'Love, as revealed in the life and death of Jesus Christ, is the supreme power by which evil can be overcome and the only sufficient basis for human society, that therefore we find ourselves unable to take part in any war, but that loyalty to country, humanity, the church universal and to Jesus Christ, calls us to a life of service for the enthronement of love in personal, social, commercial, national and international life'. 20

MR BLUNDEN: Mr Robertson, I am afraid I have not found this. --- I am sorry.

Could you please tell me where you are? --- The annexes, could I mention, Mr Chairman, that the annexes are numbered not 1, 2, 3, 4, 5 but they relate to the paragraph in the actual text. So this is paragraph 7; there are two annexes there, so one is number 7 and the other is 7(1).

MR UNTERHALTER: Might I suggest, just after 7.7, there appears in my brief 7(1.1), it may be after 7.7. 30

Thank/...

MR BLUNDEN: Thank you. --- And the portion I read is the little passage set in from the margin there.

"Two personal friendships have added to my particular concern for CO's who are not recognised in terms of the Defence Act. Anton Eberhard (whom I describe in paragraph 42) formerly a Baptist, became a member of the congregation I presently serve in 1977. Later that year he became, as far as I know, the first unrecognised CO to go to detention barracks. Peter Moll (paragraph 43) went through high school in 10 East London with my sons and one of them was in his class.

These two young men could easily have been my own sons.

Late in 1978 I was offered part time work with the SACC on Non-Violence, which included a particular concern for the problem of CO's".

I should add here, Sir, that part-time work means one day per week. The efforts it is suggested I have made in this connection seem to be, I think, very strongly stressed 20 in the evidence given by the SADF. I just want to emphasise that I just give one day a week to this work. The overflow is a little bit, but not all that much.

"I started work (with the SACC) in January 1979 and am still so employed. My main function in the SACC is the work of the Commission on Violence and Non-Violence (which I describe in paragraphs 91 - 93) and this includes the production of Non-Violence News (paragraph 94). I regard it as providential that I came to this work at the time I did, the CO issue having been a life-long concern of mine.

In November 1980 I convened a group of concerned persons to prepare proposals to the Naude Committee of the SADF regarding the recognition of CO's".

I have not included that in the appendices, but there is copy available if the Commission wishes to have it. Just a word about my personal views:

"I personally hope that wars will cease due to people on all sides deciding that it is not right for them to fight. That view is based on New Testament ethics, but I accept that it cannot be compelled on anyone. Jesus allowed His disciples to carry swords (not many, they had two at the Last Supper) until, after the crucifixion, they apparently gave them up voluntarily. In my official capacity in the SACC I have advocated only the right of the CO to refuse to kill or to be part of the killing apparatus of the State. Although I do not personally subscribe to that view, I respect the majority position of the churches, namely the Just War doctrine. I know genuine cases of this belief (for example) Moll, and support their right to refuse service in an army whose cause (they believe) is not just."

I would just add the words there, an army whose cause they believe is not just.

"This is at least a first step towards the pacifism I personally try to uphold.

The SACC in turn accept me as a pacifist, representing a portion of their constituency and the SACC permits me to advance my views, even though there is no unanimity on the subject with the churches".

Annexe 11 is a draft statement that I drew up on the attitude of the SACC to violence; it tries to give a variety of views within the SACC. It is not a complete document yet, but we have appended it because it also forms part of the police evidence. I now want to come to the history of conscientious objection, worldwide, and then we will come to South Africa in a moment.

"A definitive work on this subject is 'Christian Attitudes towards War and Peace' by Roland H Bainton. A booklet currently being studied in the 10 Presbyterian Church of Southern Africa and the United Congregational Church of Southern Africa, also provides some information and is appended.

As mentioned above the early church was almost totally pacifist and some of their number, notably Maximilianus (a young man), were put to death for their refusal to do military service.

With the conversion of Constantine (313 AD) the church found itself invited to share the power of the pagan state and with this its attitude to military service began to change. The doctrine of the Just War was developed from ancient Roman concepts and was most fully expounded by St Augustine. It set out a number of criteria to test the justness of any particular cause of conflict." 20

These criteria are set out in that Annexe 12, if we do need to refer to them.

"From this time until the current threat of nuclear war, the church in general (i e apart from pacifist groups in it) has accepted the Just War doctrine. 30

In the Middle Ages, under the supposed threat of Islam, resort was made to the conception of the Holy War, based on Old Testament instances and exemplified in the Crusades. Here the restraining criteria of the Just War were abandoned and a thoroughly discreditable chapter was written in the history of the Church. The concept of the Holy War assumes that Christians are obliged to participate in war at any cost, even if there is no hope of success, if the war (so long as the war) is waged in the cause of God. It also allows the utter destruction of the enemy. The Holy War idea persists today (in Islam itself but also among Christians in current attitudes to the so-called Communist threat), but it no longer has credibility in serious church teaching.

The major churches of the Reformation retained the Just War doctrine, but a few smaller groups carried their reformation back beyond Constantine to the church's early pacifism. Notable among these are the Mennonites, Quakers and Brethren who sometimes found themselves severely persecuted for their views regarding military service.

The phenomenon of CO really only arises where conscription is applied. It was, for example, therefore not an issue in the Anglo Boer War. Conscription in South Africa began with the 1912 Defence Act (I believe), but the ballot system included in that Act seems to have eased its impact. In World War I Britain introduced conscription early in 1916 and conditions for CO's thereafter were severe. 69 are reported to have died as a result of the treatment they

received/...

received and another 39 were driven insane."

I have these figures from a survey that Bertrand Russell once did.

"By World War II the USA and many European countries (including Britain) had developed a process of recognising CO's and allocating them to non-military service. In Germany they were executed (eg Hans Jaggerstetter (I think maybe it should be spelt with one 'g'), a Roman Catholic). In South Africa during World War II there was no conscription for service outside 10 the country and the process of conscription was rendered unnecessary by the large number of volunteers (whom I understand to be almost half a million).

The activities of the Ossewabrandwag and others opposed to the role of the SADF in World War II, cannot (to my mind) be described as conscientious objection, but, rather like Jopie Fourie in World War I, as political opposition and pressure. I will try to draw the distinction (between these) in a later paragraph.

The phenomenon of conscientious objection is 20 not limited to Western countries as paragraph 6 of the SADF evidence suggests. Cases are reported from Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Rumania, USSR and Yugoslavia".

I have put together those reports in Annexe 19. Of course -

"It is the Western countries that generally have a civilised solution".

I would like just to point out one passage in Annexe 19.2, the article headed 'Catholics warned', referring to the Communist authorities in Czechoslovakia and Hungary, 30

and/...

and the second paragraph of that little report, reads:

'Austrians intimately concerned with church affairs in both neighbouring countries say the authorities fear growing religious and pacifist sentiments'.

So that, Sir, if we are worried here about the growth of these sentiments, we know that this is not just a one-sided thing. In every land there are people of my persuasion who are struggling against war itself.

"Comparison with the position of the USA in the Vietnam War as in Paras 7, 9 and 10 of the SADF evidence 20 cannot be made without taking account of the fact that the USA was not fighting for or on its own soil, nor even near its borders. It is not a good parallel to South Africa's situation where the SADF acknowledges an actual internal threat. Prof Mike Hough of the Institute for Strategic Studies at the University of Pretoria is reported by Rapport of 23 January 1983 as saying:

'Die kwessie van regverdige oorlogvoering .. het weer sterk ter sprake gekom met die Vietnamese 20 Oorlog, wat heeltemal verskil van die oorlog waarin Suid-Afrika hom bevind, naamlik die beskerming van eie grense'.

I mention this, Sir, because the SADF evidence tried to draw a parallel between our situation and what happened in the USA at the time of Vietnam, saying that this thing poses - conscientious objection poses a great threat of escalation.

"A further consideration is that it was not so much the opposition of CO's that persuaded the USA 30
to/...

to end the Vietnam War. That country had almost unlimited manpower in relation to the specific need. Rather it was political and social pressure precipitated, among other things, by the unconstitutional action of Pres Nixon in ordering the bombing of Laos and Cambodia without the prescribed constitutional approval.

MOTIVATION OF CONSCIENTIOUS OBJECTION

I want now to distinguish three types of motivation for CO's and then to outline briefly where the churches of South Africa stand on these matters at present,¹⁰ and where it seems the SADF stands. My concern is that a false distinction or contrast is made between 'religious' and 'political' objectors.

The pacifist is (I think) the easiest to distinguish. He will not fight on any side in any war. To him war itself is wrong. His basis for making this judgment may be religious (and then not necessarily the Christian religion) or it may be ethical, philosophical or humanitarian (as is the case with one²⁰ non-religious person at present in prison for objection) (in the city). It could include a political element in that sociologically a person may conclude that war is always counter-productive for the political welfare of mankind.

The next category is the Just War objector who is often confused with the political objector. The Just War objector essentially has a religious, moral or philosophical basis for his life, which means more to him than his own advantage or even survival. ³⁰

(Because/...

(Because human beings feel an obligation to be consistent, this basis is applied to the whole of his life and his relationship with all mankind). On that basis he makes a judgment on all his actions, including the act of war. To do this he has to take into account the factors (social, national, political, economic, legal, etc) of the actual situation in which he is called to fight and to take the lives of others. While the pacifist judges that no social, national, political, economic, legal or any other reason 10 justifies killing, the Just War objector believes that certain conditions do justify it. Politics is thus an element of the Just War decision but it is not the basis. For different persons with different perceptions of the same situation the Just War decision will differ and they may even find themselves on opposing sides as Britain and Argentina did in the recent Falklands conflict.

The term 'political' objector should (to my view) be reserved for the person whose basis of decision 20 is political and who does not act from a religious or moral basis. He is first of all concerned with what fits in with his political view, his group, his party or his nation. His own or his group's survival is set above moral or religious considerations. For example, the Communist will lie, kill etc for the sake of the party, or the class. That is a political motivation."

I think, Sir, I may dare to say that the Information scandal revealed that there were also South Africans who were 30

prepared/...

prepared to do these kind of things for the sake of a sectional interest.

"Even the Prime Minister has said:

'The honour and duty to defend one's country should not be made subservient to one's religious convictions'. (Hansard Col 2851 August 1970).

That was when Mr Botha was Minister of Defence.

"I understand that his reply, when asked why he and others had not joined the SADF in World War II, was:

'Dit was nie ons oorlog nie'. 10

I am sorry, I have not been able to find the reference for this.

"This attitude sets patriotism above moral considerations. In contrast (to it) the Just War objector will object to the call of his party or nation if it is waging an unjust war. As far as I know only Denmark recognises the political objector.

One member church of the South African Council of Churches, the Society of Friends (commonly known as the Quakers), can be regarded as holding the 20 pacifist position, although they do not enforce this upon their members. In addition there are other denominations which are recognised by the Government for this purpose"

and I give the list of that in Annexe 36. We do not need to refer to it.

"The great majority of South African Council of Churches member churches traditionally hold the Just War doctrine in some form or other, at the same time allowing the pacifist view to their members out of 30

respect/...

respect and understanding for the individual's conscience and his understanding of Scripture. None of these churches has yet made an official statement on the justness or otherwise of the cause of the SADF or for that matter of the ANC or SWAPO (but since conscription is not or cannot be applied by the latter two the question is not felt to be so urgent in their case). However, recently the major member churches of the SACC which have a substantial membership subject to conscription have set up committees to study 10 this question."

I have got a reference here to Annexe 28(a), yes, if we could take that - Annexe 28(a) and just refer to a call that at one time, 1980, the Chaplain-General made on the churches in fact to give this kind of guidance to their members. It is the top paragraph in the second column, where he says, the fourth line:

'Furthermore one cannot accept that the church should fail to give clear guidance to its members on such an important topic, but should simply approve 20 whatever anyone decides for himself, and then say that that is the will of God'.

Now, the churches are beginning to do this.

"This includes the Roman Catholic Church which is an observer member of the SACC.

Of the other South African denominations (I want to speak only of the Dutch Reformed Churches) hold the Just War doctrine (also). In 1980 the NGK issued a booklet 'Geloofsbesware teen Diensplig' and the NHK issued a similar booklet entitled 30

'Dienspligweiering/...

'Dienspligweiering', both of which dismissed the pacifist view as unacceptable and applied the Just War doctrine to justify quite dogmatically the cause of the SADF without even suggesting the kind of questioning attitude that the SACC embodied in its resolution of 1974".

That resolution is in the SADF evidence paragraph 15. Annexe 27 gives just a few pages from those two booklets. I have the actual booklets here, if they are needed in full, and I think I just need to highlight one or two sentences. 10 Yes, in the NGK booklet 'Geloofsbesware teen Diensplig', a whole section is devoted to the requirement for a just or an unjust community, on which the cause of a Just War is based, and in the - this is 27.3, in the Hervormde Kerk booklet 'Dienspligweiering', quite a section is given to 'die regverdige oorlog', some of the criteria are mentioned there, and it relates, on page 27.5 of the annexe, right at the top of the first column, first paragraph there, to the South African situation, again at the top of the second column on that page, the doctrine is related to our 20 own - our present conflict. Sir, I want to apologise that a page is missing here; it should be 27.6, and I have got this to hand in. It was just the last page of that annexe that was missed in our photocopying, and at the bottom of this page, the first - the bottom of the first column, is a section that I want to quote. It starts from the sixth line from the bottom:

'Ons moet vir onself vra teen wie veg ons? In ons eie situasie, veg ons teen Kommunistiese magte, mense wat nie net ateiste is nie, maar ook probeer 30

om die godsdiens uit te roei. Ons veg teen mense
wat ons beskawing wil vernietig en wat 'n oorlog teen
ons begin het. Ons voer dus 'n geregverdigde oorlog'.

If we can just return to page 11 of my submission; we are
half-way down that paragraph.

"The Hervormde Kerk and the Gereformeerde Kerk, have
expressed themselves against any concessions to CO's,
while the NGK has spoken of the possibility of con-
sidering a very limited recognition. All are strong-
ly critical of what they term the 'political 10
objector' but that term seems to include the Just
War objector who does not happen to agree with their
assessment of the South African situation.

From the side of the SADF statements have been
made by the Chaplain-General and articles printed
in Paratus applying the Just War doctrine to our situat-
ion. Sometimes this has been done in a way that borders
on the 'Holy War' concept or on a politically based
motivation".

I would like to refer to Annexe 28, where I have in- 20
cluded some pages from Paratus. I do not read Paratus
regularly, so I have not got a complete set of all that
has appeared there, but these came up particularly in 1980
when the conscientious objection issue was very much to
the fore, due to the detention of Moll and Steele. If we
can turn to Annexe 28(a), about half-way down the first
column, the Chaplain-General here speaks in subparagraph
(c) of -

' .. a God-given assignment to defend his country,
his nation, his church, women and children 30
and/...

and Christian civilisation'.

Now, apart from the defending of women and children, the other elements there are to my mind elements of the Holy War, defending Christian civilisation, and it being a God-given assignment, and the other emphasis on 'his country, his nation, his church', just to my mind borders on the political also. A little further down, (f):

'If the citizens of a country put a government into power according to democratic procedures, to rule and govern that country, and those citizens are 10 Christians, does that government not hold office by the Will of God?'

In other words, here the cause is justified. There are a couple more paragraphs there, the second column, second paragraph:

'In terms of our history, our constitution and our convictions, we are a Christian State and for that reason it is the State's duty and privilege to ensure that Christian principles are protected'.

The last paragraph is worth nothing too: 20

'It is a question to be asked to those who defend the right of conscientious objection, if they are not playing into the hands of those Marxist powers by way of indirect support? They must also remember that it has been shown over and over again that those who have conscientious objections against Communism or Marxism and then express those objections in those states, end up in punishment camps or gaols. This is what our Defence Force is fighting to defend us from'. 30

The interesting thing, Sir, was that at that time those

who/...

who expressed objections to military service also ended up in prison and in detention. I want to refer to Annexe 8(b), again an article that appeared in Paratus; the date is 1979, I am sorry, I have not entered that there. It was just before Christmas - 28, sorry, 28(b), the second page of those extracts, indicating the justification that was made of the present cause of the SADF, about half-way down the quotation part:

'Maar ons Weermag dien die Christus van Kersfees en gryp na die wapens om hierdie Kersfeespatroon 10 op die troon te hou - daaroor gaan dit alles, want daarvoor veg ons'.

When we come to the following pages, I am sorry, the numbering is a little bit confusing here, we go from 28(b) over the page to 28.1. I just wanted to get these in chronological order. We have a number of articles. I do not think I should take the Commission's time quoting from them, but the following pages are all devoted, down to 28.5, to the title 'We are fighting for a Just Cause' and this is the application of the Just War doctrine to our present 20 situation. Perhaps if there is questioning on that, if we could come back to it and look at it in detail. Page - Annexe 28.6, there is just one bit I want to refer to, 28.6, it is in the first paragraph, about - in the bottom section below the centrepiece, half-way up that section, just near where it talks about plus or minus 1970, 'die hippie'.

'Vandag is daar organisasies wat hulle daarop toespits om die jong man te oorreed om nie te veg vir "die onregverdige saak van die RSA" nie. Organisasies in die gemeenskap wat die doelstellings 30

van die land t w v die regverdige saak van die RSA nastreef, moet kennis neem van hierdie organisasies'.

Now, there again is the statement that the cause is 'n regverdige saak'. Over the page, 28.7, the article 'Dit wat jou eie is, MOET jy verdedig', the third paragraph in the first column:

'Die RSA voer 'n geregverdigde oorlog en die beskerming van ons land is elkeen se plig'

for the following reasons, adding, further down at (d):

'Jou God dit gebied'; 10

God requires it of us. This borders on the Holy War concept. I think that is all I need quote there, Sir. There follows a booklet, 28.9, 'The Reason WHY', which again is a justification, not very clearly done, I think, and it does not bear the SADF's name, but we received it from the SADF, and it sets out political issues very much on which the war is justified from the South African Defence Force point of view. May I go back to paragraph 29 of my submission on page 11?

"By declaring in its paragraph 8 that the 20
Just War doctrine in its theological and ethical aspects are not its concern, the SADF is admitting that it does not know or perhaps care whether its cause is just (even though these claims are made in the passages I have shown you). Yet it compels young men to serve that cause and has justified that cause in theological and ethical terms (see paragraph 28 above). The evidence is that, of the unrecognised conscientious objectors so far, only Moll and Paddock objected on the basis of the Just War. Eberhard, Steele, 30

Yeats, Veveiros, Mitchell and Essory are all pacifists. (All Jehovah's Witnesses and Christadelphians are assumed to be pacifists).

The evidence given by the SADF, and particularly the answers to questioning by Adv Kentridge SC, indicate an unwillingness to deal with theological, moral and political issues. But when it comes to the church's responsibility regarding war these are precisely the issues that matter. The SADF tends to rely on the law as presently framed, but it is 10 the duty of the church to question this law when it takes no account of the moral dilemma facing citizens. The appointment of the Naude Committee of the SADF in August 1980 and their current proposals to provide very limited relief to certain CO's .."

I wrote this before the Defence Amendment Bill was published, and I am not sure that I would now say that those proposals contain very limited relief. They contain rather draconian penalties. Anyway, that is how I saw the legislation as it was on its way. 20

"The appointment of the Naude Committee .. (is) evidence that to some extent the SADF recognises this moral dilemma (of citizens). Brig Nieuwoudt was apparently unaware of the existence of the Naude Committee and its proposals.

CONSCIENTIOUS OBJECTION IN SOUTH AFRICA

Paragraphs 12 and 64 of the SADF evidence incorrectly state that the first resolution of the SACC concerning conscientious objection was taken in 1974".

I think I should refer to that paragraph 12 of the 30
SADF/...

SADF submission. I hope I am reading it right:

'Tydens die Nasionale Konferensie van die SARK ..'

MR UNTERHALTER: When you refer to it, it is in an annexe that you are reading from? --- No, sorry, it is in the actual SADF submission, from which I am reading. It is paragraph 12.

'Tydens die Nasionale Konferensie van die SARK gehou te Hammanskraal tydens Augustus 1974, het die SARK onder die tema "Dare to Live for Christ" hom die eerste keer oor gewetensbeswaar teen nasionale 10 diensplig uitgespreek'.

"This was in fact by no means the first resolution. The earliest that I have been able to trace was taken in January 1952. This was followed by others in January 1957, October 1963 and August 1972, and other actions on the subject were taken in August 1963, May 1964, June 1965 and August 1972."

I think we should just look at those annexes; it is 31 and 31.1. 31 consists simply of a copy of - unsigned and undated notes that someone had made, I think, to help 20 Dr Kistner in the compilation of one of his papers, but from those clues I have managed to find the pages, and to give photocopies of the pages of these particular resolutions that the South African Council took. The first is actually 31(e). The pages are out of order in my copy here, 31(e) relates to a decision taken in January 1953, and the minute is no 886, just about a third of the way down the page. I do not think it is necessary for me to read these. The next one is 31(f), which is a resolution taken in 1957, it is minute 982, and refers to amendments to the 30

Defence/...

Defence Act, and then a resolution stating the position of what was then the Christian Council of South Africa, CCSA, on the subject of conscientious objection. We come back to 31(d), a resolution taken in 1963, or rather a minute, it is near the top of the page, minute E, headed "Conscientious Objectors". Then there follow in 31.1(1) immediately after those, a letter dated - I think I have referred to these - yes, we might as well glance at those, a memorandum from the South African Council of Churches to the Select Committee on the Defence Bill in 1972, and 10 this puts together the various resolutions that the churches have already taken, on the subject, the Baptist Union, Methodist Church, Presbyterian Church, National Catholic Federation of Students, the Anglicans, Quakers, the Roman Catholic Bishops Conference, I think that is all.

MR UNTERHALTER: And also the United Congregational Church. --- Oh, have I missed one? And there follows also - no, 32 is another document. I come back to paragraph 32 of my submission, on page 12.

"Regarding paragraph 19 of the SADF submission 20 attention is drawn to the letter by the Secretary of the SACC (then the Christian Council of South Africa) dated 31 October 1963 to the Minister of Defence calling for recognition of CO's from all denominations. A further letter by his successor dated 11 July 1969 speaks of the SACC being engaged 'for several years in seeking to secure amendments to the Defence Act so that CO's of all denominations would come within its scope' (see Annexe 32)."

I would just like to ask that it is to note that it 30

is/...

is addressed to the Minister of Defence. The SADF appears to be unaware of these appeals from the evidence that was given by Brig Nieuwoudt.

"In 1969 and 1970, probably with the increased call up due to the abolition of the ballot (Section 70 of the Defence Act), the repeated prosecution of Jehovah's Witnesses for refusal to serve was much publicised in the media. In those days I lived in East London and did not have much access to newspapers".

With due respect to the Daily Despatch. It did us very well, but we did not get many others in the city. 10

"Nevertheless I collected the cuttings in Annexe 33"

and they date from - I am sorry, the dates are not very distinct in the copies, but they date from 1962 through 1965, 1967, 1969, 1970, 1971, and all relate to the position of Jehovah's Witnesses at that time, who were receiving repeated call ups and repeated sentences for their refusals. I give this just to indicate the amount of publicity that it did receive. 20

"In 1971 many churches took resolutions on this matter calling for alternative non-military service for these people, and the individual churches conveyed their resolutions to the Government. In 1972 these were collated by the SACC and presented in a memorandum to the Select Committee on the Defence Amendment Bill of that year in a letter dated 15 May 1971".

We have already looked at that.

"The SADF seem to be unaware of the resolutions and representations prior to 1974. Perhaps they would have/.. 30

have described it as an 'orchestrated campaign', but the fact is that the churches with a tradition of freedom of conscience were shocked at the persecution of Jehovah's Witnesses. I was present at the General Assembly of the Presbyterian Church of Southern Africa in 1971 and can assure the Commission of this. Nothing but a Christian concern for the conscience of individuals prompted the outcry.

Paragraph 28 of the SADF evidence claiming that before 1974 no denomination had issued a statement 10 in support of CO in its own name is therefore totally in error. At least the following churches had issued statements in their own name:

- The Baptist Union of South Africa;"

Sir, there is just a little addition here, but I came across just last week, a resolution that the Baptists took in 1912 on this subject, when the Defence Act - the Union Defence Act first came in. They said:

'Resolved that in harmony with the tradition of the Baptist denomination which has emphasised 20 the sacredness of conscience and has stood for civil and religious liberty, we record our regret that the principle of compulsion should have been embodied in the SA Defence Act, and hereby urge Parliament to take such steps as may be necessary to withdraw the compulsory clauses as soon as possible',

in 1912. The Baptist Union of South Africa then had taken resolutions:

"- The Methodist Church of SA;

- The Presbyterian Church of Southern Africa;
- The United Congregational Church of Southern Africa;
- The Church of the Province of South Africa (Anglican Church);
- The Society of Friends (Quakers)."

Now, Sir, I am not wanting to be critical of the SADF evidence here; there are probably errors in my own evidence. But so much of the case for the SADF brought in their evidence against the SACC, turns on 1974, as being the cause of it all, the resolution that was taken at Hammanskraal, 10 and that from this point a 'verset teen diensplig' began to be fostered by the South African Council of Churches, and I have gone to these pains to bring all this before you, so that you will see that that is not in fact the case.

Paragraph 36:

"In 1972 Section 126A of the Defence Act was amended to provide a once only sentence for those who refused military service on any grounds. This was an inadequate response to the requests of the churches, but at least it provided some relief for the JW's, 20 who made up the vast majority of objectors at that time. In 1977 a further amendment to the Defence Act, which came into force on 1 January 1978, provided a once only sentence restricted to those persons who could show that they belonged to a religious denomination by the tenets whereof its members were forbidden to participate in war. For this purpose the SADF recognises five groups (they are listed in Annexe 36, in an answer given by the Deputy Minister of Defence in Parliament in 1980) among which the 30

Quakers/...

Quakers do not appear, possibly because there have been no actual Quaker cases.

Sometime in the early 1970's the SADF, realising that it was persecuting the JW's by punishing them for refusing to wear uniform in detention barracks, accepted that such people could wear blue overalls, although this is not provided for in DB regulations. This concession was made long before Section 126A of the Defence Act was amended in 1977, to provide a distinct punishment for those who belong to 10 'pacifist' churches. It is to those sentenced under Section 126A 2(a) that the blue overall concession is now made in detention barracks.

Paragraphs 13 to 18 of the SADF evidence refer to the 1974 resolution of the SACC taken at Hammanskraal. This resolution was an application of the Just War doctrine to South Africa's situation and was fully within the calling of the church. I believe that only Christian teaching was taken into account by the churches when that resolution was adopted. 20

Paragraph 20 to 27 of the SADF evidence describe the response of the churches to this resolution and the growing concern displayed."

They state several factors why they felt it was a growing concern, but -

"Factors not acknowledged by the SADF which contributed to this greater concern were (in my opinion):
- increased public perception of the advent of war in Southern Africa;"

People began to realise the meaning of the banning of 30
the/...

the African National Congress and the Pan Africanist Congress which had ended the political phase of their struggle, and also, war was in progress by that time in the former Rhodesia.

Secondly:

"- the 1976 Black student upheavals which alerted the conscience of many White South Africans to the fact that the war is a civil war.

It should be noted that apart from their resolutions referring to the 1974 SACC resolution, all the church resolutions following that date were taken after 10 1976 (that is after the Black student upheavals).

(see paragraphs 22 to 26 of the SADF evidence). Likewise the formation of SALSCOM, forerunner of COWAWR and SAMRAF, was in 1977 (see paragraph 32 of the SADF evidence).

I wish to refer (in passing) to the evidence given by the South African Police on Dr Kistner's evaluation of the 1974 resolution. (It is pages 43, 52, 53 of the SAP evidence). This evidence attempts, by selecting passages from Dr Kistner's writings on 20 the subject, to give the impression that the resolution was motivated by a desire to fulfil the role expected by the liberation movements and to undermine the strength and morale of the SADF to those movements' advantage. This is a misunderstanding of what Dr Kistner says, as the first quotation on page 43 indicates".

I do quote it here, but perhaps we should get the whole thing, page 43 of the Police evidence, quotes Dr Kistner as saying that the 1974 resolution of the SACC on 30

conscientious/...

conscientious objection was -

'oënskynlik gemotiveer "by the desire to find an alternative method of contributing towards justice in South Africa, to the course of action taken by liberation movements outside the country, which had embarked on a military strategy against the RSA".'

Now, the desire, and I am quoting Dr Kistner again, the desire was to find an alternative method of contributing to justice in South Africa, -

" .. an alternative, that is, to the military course 10
of action taken by those liberation movements. It
was a 'response' that set out not to do the same thing
as they but to do something different and to show
that a concern for justice can be expressed in a re-
fusal to fight an unjust war. It was therefore not
a fulfilment of 'die verwagtinge van die bevrydings-
bewegings' (as alleged on page 52 of the SAP evidence).
The 'theological arguments in the resolution of the
SACC have to be understood against the background
of the encounter with the liberation movements', 20
writes Dr Kistner - not the background of the require-
ments of these movements. Certainly it is the civil
war to which that resolution addresses itself. It
is not primarily concerned about securing civilised
treatment for CO's because the SACC had already asked
for that. It was now calling on young South African
Whites to consider for themselves the meaning of the
church's teaching on the Just War. As Dr Kistner
says on page 22 of 'Conscience in Conflict' (this
is one of the annexures to the Police document): 30

'South/...

'South African Christians should be encouraged to consider refusal to do military service in view of the injustices and violence inherent in the structure of South African society. This consideration induced Dr Beyers Naude and Rev Douglas Bax to submit a motion for a resolution on conscientious objection'."

The underlining is mine, but I underline it to stress that it was the injustices and not the expectations of the liberation movements that called for this resolution. 10

"Mr David Thomas may make the deduction that this gives 'almost equally emphatic approval to the liberation movements' but this deduction is not necessarily correct, and I do not agree with it. The Just War doctrine applied to the cause and methods of these movements might find them also lacking in justification. The quotation of Dr Kistner 'By implication the resolution justifies the aim of the liberation movements ...' etc is similarly a questionable deduction, but it should be noted that it refers only to 20 the aim and not to the methods of those movements."

The Just War criteria deal not only with the aim and the intention of the person waging war, but also with the methods that he uses.

" .. and anyway I have not been able to find (that quotation of Dr Kistner's) in the reference given for that quotation (by the Police) (so I do not know quite where it came from).

With Government unwillingness to respond positively to church pleas for a non-military alternative 30

for/...

for CO's the point was eventually reached where young men from denominations other than those recognised as 'pacifist' began to come to trial. Out of loyalty to the people of South Africa instead of leaving the country to avoid confrontation and imprisonment, they stayed to face the penalty. I do not believe that it can be correct to call such people 'draft dodgers'.

To the best of my knowledge the first (of these) was Anton Eberhard who, having earlier done his initial training, refused a three month camp due 10 to commence on 1 March 1977. On 14 December 1977 he was sentenced by a civil court to the then 12 months minimum in detention barracks (DB) of which ten months was suspended. Eberhard in his matric year at Grey's High School (PE) was awarded the Shield for the best all-round student in regard to sport, academic results and leadership. He was chairman of the school Student Christian Association (SCA). He has a B Sc degree. At the time of his trial he was a member of the PCSA and a convinced pacifist. He has since abandoned 20 a lucrative position to study Developmental Technology in order to assist backward communities in Africa.

In December 1976 Peter Moll, a Baptist, a brilliant scholar, a Business Science graduate and Chairman of the SCA at the University of Cape Town for three years, refused a camp call up on the 'Just War' basis. He received a suspended sentence of 3 months from a civil court, a fine of R50 from a court martial (CM) for a further refusal in 1979 and then on 30

3 December 1979 a court martial sentenced him to 18 months in detention barracks which was reduced to 12 months when the sentence was confirmed.

On 25 February 1980 Richard Steele, a Baptist pacifist who had been Head Prefect of his high school in Kempton Park, captain of athletics and cricket and Deputy Junior Mayor, was sentenced to 18 months DB six months of which were suspended, for refusing his initial training due to have commenced in January that year. Prior to his call up he had joined a 10 volunteer ambulance unit to work at a mission hospital at Rundu (SWA) but the unit was refused entry to the operational area.

Charles Yeats, an Anglican .."

I hope the Commission will bear with me giving the details of these men, but I want the Commission to see the kind of men that the SACC has been dealing with and supporting.

"Charles Yeats, an Anglican pacifist who had been head boy of Hilton College and Natal Schools rugby captain, was the next to face trial on 11-13 May 20 1981. He was sentenced to a year in detention barracks for having refused the July 1980 call up. Though having a B Comm degree and an MBA, Yeats had voluntarily relinquished his job and taken up firstly relief work in drought-stricken Kwa-Zulu, then a poorly paid post with Diakonia (an Inter-Church Agency) in Durban and finally, at the time of this trial, he was working as Secretary to the Anglican Diocesan Office in Windhoek. His first refusal had been in 1977 (September) after which he went abroad to avoid service. 30

After/...

After considerable drama round his refusal to wear a uniform in detention barracks, Yeats was again brought before a court martial and sentenced on 15 December 1981 to a year in civil prison with ignominious discharge from the SADF.

Michael Viveiros, a Baptist pacifist, Sunday School teacher and Social Work student who has now gained his degree, refused the July 1981 call up and was sentenced by court martial on 23 February 1981, to one year in civil prison with ignominious discharge. He told the court martial that he had returned from living with his mother in Australia out of a desire to render social service in South Africa. 10

Neil Mitchell, a Catholic pacifist and a qualified high school teacher, was sentenced on 20 July 1982 to one year in detention barracks for refusing his July 1981 call up. Thereafter he was brought to trial again for refusing to wear a uniform and on 12 October 1982 was sentenced to 6 months civil prison with ignominious discharge. 20

Billy Paddock, an Anglican Just War objector and former SRC vice president of the University of Natal, who has a degree in Social Science, was sentenced to a year in civil prison with ignominious discharge on 5 October 1982. He had refused the July 1982 call up.

Etienne Essory, a pacifist who has no formal religious affiliation, was sentenced to 4 months civil imprisonment with ignominious discharge on 11 January 1983. He had completed his initial training 30

of two years and done two camps, including 8 months on the border, when he came to the conclusion that he could no longer morally take part in the violence embodied in military service. He had studied Speech and Drama and works at independent theatre productions.

Adrian Paterson, an Anglican pacifist currently completing a Ph D in Metallurgy, was given a four month sentence of civil imprisonment with ignominious discharge on 20 January 1983 for refusing the July 1982 call up. In his matric year at Hilton College, 10 Paterson was chosen 'Scholar of the Year'.

While visiting Peter Moll in detention barracks, I once met and spoke to Chris Boshoff, a member of the NGK who had objected to further camps on the grounds that the National Party's proposals for the abolition of the Senate and the formation of the President's Council involved an injustice for Whites in South Africa which he could not defend. I regard him tentatively therefore as a political objector, because his basis was narrowly group orientated and party political, 20 but a closer examination of his position would be necessary before being dogmatic. After he had suffered three periods of solitary confinement for refusing the uniform the proposals to which he objected became de facto and he abandoned his objection and served the camp.

In addition to Boshoff there have been to my knowledge a couple of unrecognised JW's (i e persons who claimed that faith but were not accredited by that organisation) - John Strydom in 1980 who broke

30

down/...

down under solitary confinement and Neil Black who was sentenced to 4 months DB on 12 October 1982 - and I have been told by an SADF officer of another objector of unknown church connection by the name of Williams."

There was a further young man, Sir, by the name of Graham Philpott who came to trial, but his court martial was abandoned; the charge was withdrawn before he was tried.

"Appendix A of the SADF evidence gives some church statements up to and including 1979." 10

That is the little booklet 'Church and Conscience' which is in the SADF evidence.

"While these cases (that I have just mentioned) have been taking place the churches have passed many more resolutions, some in support of particular objectors and others of a more general nature. As examples I refer to Annexe 54 in regard to the Baptist Church". Just to note what is on that Annexe 54, if you please, I realise that time is now pressing on, these are verbatim notes from the minutes of the Baptist Union Executive, 20 which I took down from The Reverend Rex Matthee, and they include what had happened to the Baptist Church's representation to the Government on the matter, a letter addressed to Moll and Steele, and then the resolutions which they had taken the previous year, which are referred to in that Executive minute.

"Time has not permitted the collection of resolutions of all the churches concerned, but in Annexe 53 I have collated those of the United Congregational Church and the Presbyterian Church (to which I have 30

immediate access) from 1980 to the present."

I should add onto that, Sir, one page that is missing from the Presbyterian submission. That is Appendix 53, and the Commission can judge - I think we marked them in red, the extent of the resolutions taken by these churches during that time. Sorry, I have marked it 53.4. It should be 53.14, that page should be marked. It comes after 53.13.

THE COMMISSION IS ADJOURNED

ON RESUMPTION:

ROBERT JOHN DRYSDALE ROBERTSON, under former affirmation: 10

I am commencing at paragraph 54 on page 21.

"In connection with these resolutions special attention should be paid to the Baptist Union of South Africa".

This refers to paragraph 27 of the SADF evidence.

"Although the Baptist Church, along with the NGK, rejected the 1974 SACC resolution and withdrew from the SACC in 1976, in November 1979 its Assembly took a similar resolution to those taken by the SACC member churches (this is in Annexe 54) asking for recognition of the individual CO and for alternative service. 20 It should be noted that the SADF does not include this fact in their evidence. It reflects on the SADF's 'orchestration' theory because the Baptist Union is not a member of the SACC.

The Baptist Union sent this resolution of 1979 to the Prime Minister. The only reply they received was a photocopy of the letter sent to the PCSA refusing a similar request. This fact was stated in evidence at the trial of Richard Steele by the Rev G R Trew, a Baptist Minister (and it is also reflected in 30

the/...

the Executive minutes of the Baptist Union which you will find in Annexe 54), and it indicates the lack of seriousness with which the Government viewed these approaches. It should be noted that three of the objectors listed above are Baptists, which is by comparison a numerically small denomination.

I now want to respond to specific allegations made in the evidence of the SADF regarding the significance of these cases and the events surrounding them, including their contention (that is the SADF's 10 contention), also alleged in the SAP evidence (page 54) of an 'orchestrated campaign' to embarrass the SADF.

Paragraphs 41-45, 48 and 54 of the SADF submission describe very natural actions of Moll, Steele and Yeats, of concerned people of high standing and of people around the world about the plight of unrecognised CO's. None make any secret of it. The surprising thing (to me) is that the SADF see this as unwarranted."

I deal with some of those paragraphs in detail. 20

"Paragraph 44 (SADF)

The Commission's attention is drawn to the fact that Moll was sentenced to 19 months in DB for refusing a camp of 15 days. Admittedly it was his third refusal of a camp, but the disproportionate sentence, even when it was reduced to 12 months, was appalling to any humane person and it would have been a serious failure on the part of the churches had they not spoken out about it.

Paragraphs 37 - 39 (SADF)

30

In/...

In normal and free communities people advance views and protest injustices spontaneously and corporately. This happened with Moll and Steele as it happened in 1969/70 with the Jehovah's Witnesses (See Annexe 33)."

May I just add here that the tone of paragraph 38 of the SADF evidence suggests that there is something sinister in my promoting these things, the things we have been talking about up to now. The State and the SADF may organise departments of information etcetera and issue literature and use the media, address the public, but for some reason when conscientious objectors to this, it becomes a propaganda campaign. 10

"Paragraph 46 (SADF)

Naturally there was wide concern over similar solitary confinement treatment being meted out to Moll and Steele and relief when it ended on 8 August 1980 (see SADF evidence paragraph 51) (that mentions a decision of the chief of the SADF at that time, General Magnus Malan). To say that this reaction was 'orchestrated' is to accuse the general South African population of being as without feeling as the person who gave the instructions or advice to enforce the uniform issue indefinitely on these two young men." 20

I think I must just add here that Peter Moll was in solitary confinement something like fourteen times before this relief was given to him.

"In a recent letter to the press (Annexe 59) Moll has described DB conditions including the solitary confinement - conditions that are not denied in the SADF response to that letter. 30

Paragraphs 47, 49, 50 (SADF)

The Commission is asked to note the moderate tones in which these open letters (which that evidence refers to) were written. Brig Nieuwoudt's comment that this 'clearly indicates a campaign of provocative propaganda' is unjustified. The same procedures are used by other public-spirited persons to bring their concerns to the attention of the public, through issuing press statements and ensuring the presence of the press. I sent a copy of the letter dated 29 June 10 1980 for information to the Deputy Minister of Defence because of his mistaken interpretation of the first fast. (See Annexe 60)

Paragraph 58 (SADF)

The SADF evidence gives the impression that Yeats was particularly provocative in going to the Supreme Court about the uniform issue. It does not mention that he was by the threat of force left virtually naked in his cell in winter time with the threat of this treatment being continued until he died of 20 cold."

The annexe there is a sworn statement made by a young articled clerk of information he received when he visited the detention barracks at that time.

"Paragraphs 59, 60 (SADF)

The statement signed by nine church leaders was passed on to me by concerned friends of Yeats in Durban (his home city) since none of them were to be at the trial."

Now, Sir, the next paragraph there I realise refers to evidence which was in fact disallowed when the SADF 30

gave/...

gave its submission, and I am sorry, I have not checked on the status of what I need to say here. Should I just read it in, in any case?

CHAIRMAN: Yes? --- (READING)

"This statement was for release only if Yeats was sentenced to DB or imprisonment. He and others could testify that his supporters were overjoyed at the possibility of a fine (which would have made the statement unnecessary) and that we encouraged him to pay a fine should it be imposed. The deduction that we 10 were upset at the possibility of a fine is totally incorrect".

Sir, I think I have to mention that, because the first part of paragraph 59 makes a kind of accusation, and this is the only response I can give to it. In fact, the statement that was disallowed in paragraph 59, was what their initial accusation was based on.

"Paragraph 61 (SADF) (This refers to my support for Yeats)

I readily acknowledge my warm support for Yeats. He 20 is one of the finest young men I have ever met. By November 1980 it was known to me that the SADF, concerned at its own procedure with CO's, had set up the Naude Committee to 'research, investigate and make recommendations as regards the issue of CO' and this was confirmed to me by the private secretary of the Prime Minister in a letter dated 6 February 1981. (That quotation is in fact from that letter). This implied to me that the SADF did not see these young men merely as law-breakers but as people whose principles 30 should/...

should be considered. Likewise the SADF courts martial that tried Steele and Yeats had recognised their genuineness as Christians and as pacifists. (That has applied to one or two of the others as well, Adrian Paterson for example). 'Moral support' (quoting there from the SADF, which is approved by them) has no meaning if it does not result in action, hence the suggestions of how to support Yeats. The fund to assist in his legal costs was initiated among his friends and operated by Diakonia (that is in 10 Durban) because he had been employed there when first arrested. Actually the amount donated by the Presbyterian Church was R1 000 (not R100 as in the SADF evidence). The Commission is asked to note that I personally, and not the SACC, guaranteed his costs to the extent of R5 800 out of my own savings. None of it was needed, so great was the response from churches and individuals mostly within South Africa."

I have not access to the records of that fund. These are kept in Durban, but I think something like 10% came 20 from beyond the borders of this country. All the rest from within this land.

"Paragraph 66 (SADF)

Since student involvement in the CO issue was 'soos te verwagte' (to quote that evidence) the SADF is simply making an unwarranted insinuation by suggesting that MILCOM and NUSAS were put up to this by the South African Council of Churches.

Paragraph 67 (SADF)

I and the SACC have no connection with COSAWR, and 30 their activities (including the use of my

publications/...

publications - which are not copyright) are beyond my control.

The term 'orchestration', frequently used in verbal evidence by Brig Nieuwoudt, implies an artificially created chorus of response which would not have happened had not some 'conductor' arranged it. It might also suggest that the seriousness of the issue is being exaggerated for some ulterior motive. I want to make the following summary (in regard to that orchestration allegation):

10

- the issue of conscientious objection is vital to the Christian church and may well turn out to be vital to the survival of mankind;"

If I could just interpose here, we had an article in the Star the other night, the 10th of this month, indicating a study by the Royal Swedish Academy of Sciences, or rather, sorry, by the body called Physicians for Social Responsibility, based on the findings of the Royal Swedish Academy of Sciences, of what a nuclear war will do to mankind, a limited nuclear war, and pointing out that the city we are meeting in at the moment is targeted, as are the other cities of our country, with more than 100 000 population, and that a nuclear war that used half of the existing mega-tonnage available, would kill more than half the population of the northern hemisphere, 750 million, and that other millions would die as a result of the war around the world. Now, this is where war has brought us, and we have been on the brink of it for several decades now, so that the church cannot turn a blind eye to this issue of what people say about war and particular those who oppose war as

30

such/...

such. Paragraph 6.2:

"- lack of positive response by the Government (over almost 30 years) to church appeals produced a situation of confrontation in which the lack of provision in the Defence Act regarding CO's was high-lighted by the refusal of a few young men of exceptional personal quality;

- public concern was only to be expected and went far beyond anything that I, even with SACC resources, could personally have 'conjured up' (especially 10 working one day a week);

- my role in publicising what was happening and working for a change in the law was also only to be expected given my life-long concern;

- the appointment of the Naude Committee and subsequent developments show that the SADF itself recognises the seriousness of the matter."

There is a section of the SADF evidence, Mr Chairman, which refers to chaplains. This has not been specifically part of my concern, though I have kept an eye on it just a 20 little bit, and I want to say a few things here.

"The SADF evidence concludes with a section on the Chaplains Corps. The main concern of the SACC in this connection is that a pastoral ministry should be available to fighting men on both sides of South Africa's civil war. This has the approval of the SADF (see their paragraph 93). There is currently an additional and growing concern in some churches and in the SACC that chaplains are being drawn into an identification with the SADF and its purpose. 30

That/...

That this concern has not been given prominence in the SACC is evidenced by the very few quotations the SADF has been able to give in its evidence on this point. But their evidence does reveal what is to the churches a quite unacceptable demand for identification with the SADF.

Paragraph 87 of the SADF evidence speaks of the Chaplain-General calling for full identification with the SADF as necessary for Chaplains. But this is not in fact what the Chaplain-General says in 10 the very letter that the SADF quotes. He calls on the Chaplain to 'identify himself with his members' - which is not the same thing. On the manner of this identification, namely requiring the wearing of uniform, the 'traditional basis' and 'general opinion in the SADF' is cited as justification for this requirement. But other armies now manage to include Chaplains without the uniform and/or without pay. (I give an example from West Germany, Annexe 68) (and in this case) it should be noted that it is the Communist 20 government of East Germany that has rejected independent Chaplains (in its army).

Paragraph 98(c) of the SADF evidence again resents the discouragement of identification of Chaplains with the SADF. But no church should be identified with any army, least of all in a civil war.

(On the other hand) There is evidence that in fact the SADF tries to use Chaplains for political purposes. (Here) I refer to an article entitled 'Die Siening van BEVS tot die KPLN in die OPS 30

Gebied' which was issued to Chaplains on arrival in Section 10 (Ovamboland) in the early part of 1981".

I want to refer to a bit of this, Mr Chairman. It is Annexe 70, paragraph 6(a) on page 5 of that annexure. I think all I need to do is draw attention to the whole paragraph, and then quote the last sentence.

'Ek wil byna beweer, soos SWAPO sy politieke kommissaris gebruik, so moet ons ons kapelane binne redelike perke gebruik'.

Then -

10

"An article that I understand to have been written by a full-time Chaplain, Ds Chris Jordaan, further highlights the political role Chaplains are expected to play (and this is Annexe 70.1). In both these articles the concept of our present conflict in the mind of the authors is revealed to be very close to that of the Holy War, i e Christianity v Communism (and here I will just refer to a couple of paragraphs, 7(e), 8(a) and 9 particularly)."

The title - I think the 'e' is in a wrong place there, 20 and this refers to 'Die Rol van die Kerk as Anti-Rewolusionêre Mag', and the quotation reads:

'In kort kan net gekonstateer word dat wat die rewolusionêre oorlogvoering die ideologiese terrein betref, is die Kerk die sterkste anti-rewolusionêre mag in die RSA-samelewing. Die Kerk het nie alleen die anti-Marxistiese boodskap nie, maar ook die mannekrag, die organisasie, die motivering en bo alles die geloof en die roeping van God om die aanslag van die Satan teë te werk. Die Kerk is as

30

gemeenskap/...

gemeenskap van gelowige nie alleen in elke gemeenskap teenwoordig nie, maar is in groot getalle in die Leër teenwoordig. Die Kerk van Christus is dus die sterkste anti-rewolutionêre mag in die RSA-samelewing.'

I just refer to 8(a), which talks of this identification between the Chaplain and the Army, just the first sentence there:

'Die Kapelaan neem 'n unieke posisie in deurdat hy tegelyk ampsdraer van sy kerk en offisier in die Leër is' 10

and the other one is paragraph 9, on page 7 of that document, it is 7.1.7 of the annexé, at the top of the page:

'Ek is van mening dat ons net so 'n goeie kans staan as Rhodesië om die rewolutionêre oorlog in die SA-samelewing te verloor. Ons is nou waar hulle ongeveer 13 jaar gelede was. Hulle mense was volgens getuienis nie sedelik en geestelik opgewasse vir die aanslag nie, en die Kerk was nie as anti-rewolutionêre mag gemobiliseer nie. Die teendeel is waar, dat indien die Kerk van Christus die vyand, die ideologiese oorlog aansê, dit die sterkste anti-rewolutionêre mag kan word wat die RSA tot sy beskikking het'. 20

I submit then that there is therefore every reason for the churches to oppose an identification of their Chaplains with the SADF. I would like just to refer to Annexé 28 again, in this connection, 28 page 7, the heading at the top of the page, the little section at the top is 'Dit wat jou Eie is, moet jy Verdedig', and I am referring to 30

the remainder of the article that appears on the previous page, and right at the bottom of the first column:

'Intensiewe klem word gelê op die bevestiging van die geloofsisteen deur 'n doeltreffende kapelaanskorps'.

I come back to paragraph 71.

"On page 55 of the SAP evidence, the last paragraph, reference is made in connection with .."

MR UNTERHALTER: Excuse me, before you go on, did you read the last sentence in paragraph 70? I am not sure 10 that you did. "There is therefore every reason"? --- Yes, I did.

Carry on? --- (READING)

"On page 55 of the SAP evidence, the last paragraph, reference is made in connection with Chaplains to 'the Defence Force being morally comparable to a brothel'. This is taken from the text of an address I once gave, the duplicated copy of which was marked 'Not for publication please'. (The reference is the SAP Source List Item 11 on page 14). The introductory paragraph to that address explains its tentative character, which was my reason for not wanting publication, especially if it were to be selectively quoted."

I would like to read the introductory paragraph of that paper, which says -

' I am not an academic and am unable to read and absorb all the data and arguments around this issue. What I say will certainly be incomplete; it may be inaccurate here and there, and it will 30 probably/...

probably be inconsistent too, but my aim is to let the imagination go a bit and throw out possible lines of action for consideration'.

But since the SAP have decided that it should be published and selectively quoted, I must point out that the analogy that I drew specifically says that 'the brothel represents the unjust war'. (Just as the vast majority of Christians condemn the unjust war, so the vast majority of decent people condemn brothels)."

It is not quite as simple as that, the analysis of 10 that thing. One would have to take a lot of time looking at the actual analogy I used, but I just point out that it is taken a little bit out of context.

MR UNTERHALTER: Mr Robertson, if I could interpose for a moment at this stage, could you tell the Commission, does this statement of yours represent the official policy of the South African Council of Churches, were you speaking in your individual capacity? Just inform the Commission? --- Yes. This is not the view of the SACC. It is an analogy that I took to illustrate - perhaps I should just 20 enlarge in it here, the title of the paper was 'Reforming the Army from Within', and I am speaking to a lot of young people who are very suspicious of the purpose and the character of the SADF, and my purpose as generally in my living, is not to stand away from things, and try and keep my hands clean, but to be involved and get into what is happening, and so I took this analogy; it is purely my own responsibility, the idea came from another person who is not an official of the SACC, but what I want to point out in the actual statement as written here before you, is that 30

in that very analogy the brothel represents the unjust war, and since I do not hold the unjust war, so my view is a little bit different, but the SACC churches in the vast majority, hold the Just War theory, so that if I applied this to the view of the South African Council of Churches, it would be to say that only a war that is unjust could be likened to the activities of a brothel, and if the Police want to apply this to the SADF, then they must realise that they are saying that the cause which the SADF is fighting is not just, and I am sure that is not their view. 10

Should I proceed?

CHAIRMAN: Yes, carry on? --- Regarding Manpower, Volksleer and Morale, now, this machine does not print the diaeresis over the second 'e', so we must put it in wherever it occurs.

"The SADF evidence in paragraphs 1 to 5 and 8 speaks of the shortage of manpower faced by the SADF and claims that the SACC's support for conscientious objection is aimed at making that shortage more acute and destroying the 'volksleër' character of the SADF.

Paragraphs 1 - 4 (SADF) 20

(These) claim that the SADF does not serve group interests and that it protects the whole South African community, doing this in terms of Section 3(2) of the Defence Act of 1957. The Defence Act (however) was drawn up by an exclusively White Parliament and imposes conscription only on White males. This gives the opposite impression.

Paragraph 5 (SADF)

The manpower sources of the SADF are limited precisely because of its sectional character." 30

A little more on manpower:

"Much has been made of the threat posed to the SADF by possible loss of manpower. Unrecognised CO's which I or the SACC have supported have numbered to date nine men (Eberhard, Moll, Steele, Yeats, Viveiros, Mitchell, Paddock, Paterson and Boshoff). This is over a period of more than five years (December 1977 to January 1983) which means less than two per annum.

Figures given in Parliament on 17 February 1978 revealed that in the years 1975, 1976 and 1977 a total 10 of 10 694 persons failed to report when called up for military service."

The reference here is Hansard Columns 181 and 182, of that date, 17 February.

During the same period exactly 2 000 of these were convicted, leaving 8 694 untouched. Figures for the following years, 1978, indicate that, of the 3 123 who failed to report that year, some 1 250 (or 40%) had 'excuses' and were not convicted. Another 284 were convicted. If we assume that a similar 40% 20 of the 10 694 defaulters in the previous three years had excuses, that leaves 4 416 persons who escaped service over three years, i e 1 472 persons per annum, on the average, were 'draft dodgers' compared with the current 2 CO's per annum. It therefore seems that the SADF is exaggerating the loss of manpower due to CO out of all proportion to the factual situation. Even if the recognised CO's like JW's are included, it is still a very small number, since JW objectors currently number about 120 per annum. 30

Paragraph 99 (SADF) (refers to the 'volksleër' character of the SADF).

The term 'volksleër' is highly misleading. If it were an army that arose spontaneously from the heart of the whole population, that word might be used. Such an army existed on the Boer side in the two 'vryheidsoorloë' (a very significant word) without any conscription. I understand that nearly half a million persons of all races volunteered for service in the SADF in World War II (I have mentioned that 10 already). That could still be described as a 'Volksleër'. But where people (only Whites) have to be conscripted, and 'Coloured' volunteers are turned away (here I refer to the Minister of Defence in Parliament on 9 February this year), it can hardly be called a 'volksleër' unless the 'volk' referred to is the White race, or worse still, 'the Afrikaner volk'."

Here I think I should just refer to Annexe 28.6, the second column, three lines from the top of the column: 20

'Die Weermag, synde "uit die Volk vir die Volk" weerspieël dus dieselfde sentimente'.

Now, here is 'Volk' even spelt with a capital 'V', which makes one wonder about the character that is being given to the Defence Force. Is it genuinely a 'volksleër'?

"The abolition of conscription would prove the validity or otherwise of this 'volksleër' claim. It would also solve the CO problem!

Paragraph 98 (SADF) (This is part of their summary)

In respect of Section (a) of that paragraph) 30
only/...

only those who oppose service on grounds of genuine belief are supported (by the SACC). 'Draft dodgers' are not supported. In respect of (b), the intention is not to drive a wedge but to heal a breach as part of the reconciliation duty of the church.

The support given to CO's is also construed by the SAP as an attack on the SADF itself and an attempt to undermine White unity and morale (here I am referring to the SAP evidence pages 55 to 57, where by the way this concern for White unity seems to 10 contradict the SADF 'volksleër' claim.)

There are two distinct issues here which ought not to be confused."

The question here is, does support for the conscientious objector mean necessarily an attack on the SADF? First:

"The right of the individual to obey his conscience in so grave a matter as taking the lives of others and to be able to object to doing so;"

That is the one issue. The second is:

"The rightness of a nation waging war against an 20 enemy.

It may happen that churches holding the Just War doctrine would find a nation justified in waging a particular war and at the same time unjustified in denying the right of CO to its citizens. This was the case in Britain in World War I. That right (a) is upheld does not imply that right (b) is denied, as the SADF and SAP are trying to make out. The SACC has since 1952 upheld right (a) (that is the right of the conscientious objector), and part of 30

my work is to give expression to that. As far as I know the SACC has never made a pronouncement on the rightness (or wrongness) of the cause of the SADF, although it has (e g in the 1974 resolution on CO) called on conscripts to weigh the question for themselves. Although the SADF questions its sincerity, the SACC has stated that it is not opposed to national service so long as it includes a non-military alternative. (For that see paragraph 74(a) of the SADF evidence).

Paragraph 38 (SADF)

focuses attention on Moll as the most prominent amongst these CO's.

"Attention is drawn to the first paragraph of Non-Violence News for May 1980 (Annexe 80) indicating the reasons for concern in the case of Moll and including the case of Chris Boshoff whose reason for refusal was possibly also the just war doctrine, but from a viewpoint completely opposite to that of Moll".

If we can turn to that, it is Annexe 80, right at the top of the page, 80.1. This newsletter is particularly concerned with the stand of Richard Steele, since he takes the non-violent view that all war is contrary to Christ's will. However, Peter Moll's position as a selective objector is related, because our laws make no distinction between them. Also in detention for 9 months at Voortrekkerhoogte is Chris Boshoff, a 23-year old farmer married with a child, who belongs to the Nederduits Gereformeerde Kerk. He refuses to fight for somewhat the same reason as Peter Moll, namely that the cause is unjust, except that in his

opinion it is Whites who suffer the injustice, being betrayed by the proposed new constitution. The point of that, Sir, is that Moll was not our chief concern.

"One of my concerns has been to support all those who are persecuted for refusing to fight, but my main concern is to promote a non-violent solution to war and similar problems of mankind. The SADF decision to focus particularly on Moll in their evidence is questioned as a means of by-passing the other objectors whose cases do not fit into their theory of a concerted attack on the SADF as such. 10

Paragraphs 69, 70 (SADF)

The SADF (here) comes to the conclusion that the SACC, particularly through its Commission on Violence and Non-Violence, currently plays a leading role in 'die verset teen militêre diensplig'. None of the SADF evidence supports this conclusion. The work I have been doing is not 'opposition to military service' but opposition only to the compulsion applied to 60's to render military service." 20

That is my work for the SACC.

"In discussing the question of a 'just revolution' (here we are with the SAP evidence pages 49 and 56) the SACC has only gone as far as discussing the concept of 'justified resistance'. The two terms are not the same. 'Revolution' in common parlance tends to imply armed force, though not necessarily so. 'Resistance' is used much more of civil disobedience and other non-violent methods. Refusal of military service is an act of civil disobedience, but it is not necessarily/... 30

necessarily engaged in to object to a particular war. In fact as indicated in paragraphs 42 - 50, the great majority of unrecognised CO's are pacifists who object to all war and so are all the JW's and other recognised CO's. With reference to the first sentence on page 57 of the SAC evidence, if their 'gewetensbeswaaraksies' are successful (that is the actions of the pacifists) then all wars will cease and there will at last be peace on earth!".

On the allegation of 'Irresponsibility': 10

"In paragraph 70 of their evidence the SADF states that it has 'no objection to churches which approach the Government in a responsible manner with proposals and recommendations concerning legislation'. The SACC and its related churches have done exactly this, as exemplified by the number of representations made to Government and resolutions passed. The SADF evidence tries to make out the opposite despite mention of such representations and resolutions.

The word 'propaganda campaign' and 'irrespon- 20 sible vendetta' in paragraph 70 are emotive, not borne out by evidence, and are clearly misnomers.

The SADF and the Minister of Defence have over at least the past 20 years frequently been approached with proposed amendments to legislation, but without any success. (I refer to those previous annexes, 31, 31,1, 32 and also paragraphs 54 and 60 of my submission). It has only been the acceptance of prison sentences by CO's that has persuaded the SADF to appoint the Naude Committee to review the legislation. 30

The/...

The Naude Committee deny this and I have received two different explanations:

- one by Major General D M Ralson (retired) asserting that the manpower shortage is the reason for review of the legislation, and
- another given by Brig C Naude to a briefing of churches on 5 January 1983 asserting that it was in response to requests from the churches.

The first explanation is hard to believe because it involved, at the time the Naude Committee was appointed, about 150 JW's and two unrecognised CO's - a tiny portion of the country's manpower. Regarding the second explanation we have to ask why it took at least 17 years of church requests to achieve this result when a simpler explanation is that the 8 months of suffering by Moll and Steele quite rightly reached the heart and conscience of the Chief of the SADF.

These facts indicate that the SADF and the Government do not in fact listen to proposals made in a responsible manner by the churches, thus making it necessary for CO's to engage in what the SADF then wrongly labels 'verset teen diensplig'.

Paragraph 51 (SADF)

Attention is drawn to statements in SADF Appendix L which their evidence does not draw attention and to the portions not read at the hearing on 4 November 1982."

I am just trying to recall what the particular point was there, but I think it was trying to show a kind of 'verset', as in the previous paragraph, and I want the Commission

30
please/...

please to note these quotations.

' .. we should also thank God for the willingness of these men (SADF leaders) to accept the witness made to them.

The Army has cut the Gordian knot in Peter's and Richard's case (Moll and Steele respectively) without going back to the courts (martial or civilian) or to Parliament. But the real need is for a revision of the law to provide clear and comprehensive procedure for the testing and recognition of 10 CO's, and it is surely the job of CO's and others concerned to assist the State in formulating this'.

I submit, Sir, that there is no sign of an irresponsible attitude there.

"Paragraph 52 (SADF)

The letter of Bishop Tutu, describing the action of the SADF leaders as a triumph for righteousness; and my press statement both welcomed the decision. (This was the decision to recognise Moll and Steele) This decision was taken by the then Chief of 20 the SADF now Minister of Defence, and our approval thereof is an indication that neither of us has a 'verset teen die SAW'.

Paragraph 65(g) (SADF)

The Appendix AC of the SADF evidence is the draft and not the final form of this document. (The document is entitled 'Report on Workshops, Ways of Supporting a Conscientious Objector') Five corrections are involved and can be supplied if desired. The Commission is asked to note that this document includes 30

recommendations/...

recommendations of approaches to the SADF authorities and Parliament on behalf of CO's as called for in paragraph 70 of the SADF evidence."

Here I have got a note just to refer to paragraph - to Annexe 28 again, 28(b), that is the second page of Annexe 28 - sorry, I would like just to ask that I take that with the next paragraph, paragraph 88, I will refer to that.

"Paragraph 68(c) (SADF)

This paragraph is good evidence that the SADF sees every organisation that in any way opposes any part 10 of Government policy as an orchestrated part of a total onslaught. I draw attention to what was said by the Chaplain-General and the Head of National Intelligence Service to delegates to the 1982 NGK General Synodk, when they lumped together, as all part of the total onslaught against South Africa, such diverse elements as the deeply religious charismatic movement, occultism and revolutionary theology".

Three things more different in the theological world one could hardly get. Here I have given the press cut- 20
ting in Annexe 88.

"I can only describe this as an inability to distinguish moral issues."

Now, a word about motivation of conscientious objectors:

"The SADF evidence shows a complete lack of understanding of the moral considerations that motivate CO's and a suspicion of their motives which assumes that they must be enemies".

Here I want to refer to Annexe 28(b), the 1979 Christmas message by the Chaplain-General. It is just the last 30

couple of sentences there. He says in the preceding part, as I have already quoted, 'The Army is engaged in a war for the Christian faith', and he goes on:

'Daarom kan geen gewetensbeswaarder en geen pasifis in hierdie tyd met 'n skoon gewete by die krip van Bethlehem gaan neerkniel nie. Hoe kan hy Christelike vryheid geniet sonder om daarvoor te veg? Hoe kan hy Christus volg sonder om Hom in sy boodskap te verdedig?'

I want to suggest that this is evidence, even at the level 10 of the Chaplain-General, of an inability to understand the motivation of conscientious objectors.

"I want to give just one example of such misunderstanding that comes from quite outside the present circle of objectors.

During the Anglo-Boer War (Tweede Vryheidsoorlog) a British pacifist who would not engage in war, voluntarily (because she was not called up) put herself into alternative service. She came to South Africa and investigated and revealed the horrors of 20 the British internment camps. (One could not of course do that in South Africa today because of several laws prohibiting the publication of such information). The Boers were so grateful that they named a Free State town after Emily Hobhouse. But recently the SADF showed its complete lack of understanding of her life and motivation by naming a submarine after her."

Now, I want to outline a bit of the work of the Commission on Violence and Non-Violence, which I chair. 30

"When/...

"When I started work for the SACC this particular body was called the 'Study Commission on Violence and Non-Violence'. Its genesis appears to have been progressive and dictated by current needs. In the 1974 resolution of the SACC on conscientious objection there is reference to 'the SACC's task force on Violence and Non-Violence'."

I ask the Commission to note that task force is spelt with a small 't' and a small 'f' -

".. and its purpose was to study and recommend 10 to member churches methods of non-violent action in preference to violence which the SACC deplored as a means of solving problems (this is all in paragraph 15 of the SADF evidence). It appears to have been at that stage a temporary and ad hoc body".

I am sorry, Sir, I have not at my disposal the records of that. They do not seem to have been kept, and I checked up with Dr Kistner, and this accord with his understanding of the situation; it happened before he came to the SACC as well.

20

"Paragraph 30 (SADF)

This is incorrect. All that the 1974 resolution referred to the 'task force on violence and non-violence' was the 'study of methods of non-violent action for change which can be recommended to its member churches'. (This is paragraph 15 of the SADF evidence, the bottom of page 4, the second-last paragraph), but not the 'implementering daarvan'. The implementation of an SACC resolution such as this would be complete once it has been taken and then 30

referred/...

referred to the member churches. The phrasing of this paragraph 30 (in the SADF evidence) tries to suggest that the task force on violence and non-violence was somehow charged with producing actual CO's. See also paragraph 33(b) of the SADF evidence.

In 1977, after the October banning of 18 organisations and two newspapers, the Programme to Combat Racism of the World Council of Churches issued a paper entitled 'South Africa's Hope; What Price Now?' It alleged that non-violence had failed, and advocated 10 application of the 'just revolution' concept to South Africa's situation. The SACC made a careful study of this paper and responded and it appears that it was at this point that the ad hoc 'task force' was constituted a permanent 'Study Commission on Violence and Non-Violence'.

When I became its convenor I asked that the word 'Study' be dropped, because enough study had been done without resolving the argument between violence and non-violence. Instead I asked for and got a 20 mandate, as a response to the increasing violence of our situation, to promote non-violent action wherever I could and to circulate news of such actions".

I would like to refer to Annexe 93.1, and here I want to quote the second paragraph under the first section, 'Purpose', the second paragraph reads:

'A better response to the scepticism of the Programme to Combat Racism regarding non-violent change in South Africa, might be for us to encourage more non-violent action and to report it when it 30 happens/...

happens'.

"The production of Non-Violence News was one of my first projects and was not prompted by the conscientious objection issue as claimed in paragraph 40 of the SADF evidence. A study of the issues of Non-Violence News will show that the conscientious objection issue, not even mentioned in the first issue (February 1977), has because of its significance as non-violent action, gradually grown almost to monopolise the newsheet. Non-Violence News did not involve itself with 10 Moll's case until it simply reported his arrest on November 22nd, 1979".

The Commission will remember that that in fact was his third prosecution.

"It gave no coverage of his trial (either).

Another of my activities was to afford access to books on non-violence that are not usually carried by booksellers or public libraries because of the lack of demand. Paragraph 65(h) of the SADF evidence gives the impression that these nine libraries have been 20 set up solely to provide CO's with arguments against military service. Actually the libraries are on non-violence generally and only include certain books specifically on the issue of war".

I will return to that - oh, that comes in the next paragraph.

"The SAP (page 55) seem to be under the same misapprehension. Library contents vary a little from place to place because of local acquisitions but, for example, the catalogue of books in the Khotso House (SACC offices) Library lists 106 books. Of these 33 30

relate/...

relate directly to war, and of these 33 only 6 relate directly to the conscientious objection issue.

It is noteworthy that the only press report (I just want to make that alteration there) referred to by the SADF (also) appears in the Government's SA Digest of 5 February 1982. (It was taken from the Pretoria News. We find this in Annexe 95)".

So that far from me inciting the press to promote these libraries, the only report that appeared in public there came through to the SA Digest. It gives a far wider 10 circulation than Non-Violence News does, by the way. Non-Violence News at present has a circulation of 400. In those days it was about 300.

"A major non-violent alternative to war, of which I would like the Commission to be aware, and which is advocated in several of the books in the libraries mentioned in paragraph 95, is known as 'Civilian Defence' or 'Socially-based Defence',

not please to be confused with civil defence as we understand it in this country. 20

"In submitting proposals to the Government in November 1980 on the treatment of CO's the SACC made two significant proposals, neither of which has been taken up:

The first was that CO's might be allowed to do alternative national service in 'a Peace Corps recognised by the State which would provide a means of responding to potentially violent situations with non-violent action'.

The second was a request for 'continuing dialogue 30 on forms of defence that are less destructive of human

life/...

life and resources', by which we mean civilian defence.

Both these kinds of action (that is non-violent intervention and civilian defence) are based on the non-violent principles effectively demonstrated by M K Gandhi, Martin Luther King and others - including some examples from Communist countries. This is one of the pacifist alternatives to military defence. Pacifists do not suggest that a country be left defenceless against those who want to destroy its freedom, and therefore we would be glad to help the Government in studying these methods. Several governments in Europe, under the threat of nuclear annihilation, are already doing so.

For evidence of my advocacy of this kind of defence I append a transcript of the concluding section of the SABC programme Microphone-In on 4 June 1982 under the title 'Does Mankind Need War?' (Annexe 96)".

I would like to refer to it.

"The response of the panel after an hour of discussion in which they saw little or no hope for mankind, is 20 particularly interesting."

The panel were made up of Prof Gordon Hunnings - I think I have spelt the name right - from Natal University, and Dean King of Cape Town Cathedral. We note in the newspaper this morning that he has escaped a bomb attempt; a bomb was in his car for four days. Anyway, at the end of that transcript of Annexe 96, at the bottom of the first page, is Prof Gordon Hunnings' response:

: 'But the second point Mr Robertson made is very interesting. It has always struck me as very

30
strange/..

strange that we have not really explored the notion of passive resistance in any kind of serious way, in spite of the fact that Mahatma Gandhi used it so successfully to bring about an end to British rule in India. It was a brilliantly organised and brilliantly successful non-violent campaign'

and Dean King's response:

'I think it is a large part of the answer. Yes, if we get to grips with it, I think it is. It is the only viable alternative at the moment to 10 the violence of men, and the dilemma we find ourselves in'.

We come to Non-Violence and Civil Disobedience.

"Realising the complexity of the position of a Council representing many different churches on this difficult question, I drew up a 'Statement on the Attitude of the SACC to Violence' (Annexe 11) for discussion and possible adoption by the SACC. This process involves consultation with member churches and is not yet complete. Non-publication of the draft was requested, 20 but the SAP again have disregarded that request in their quotation at the top of page 54 of their evidence. In order to gain a more balanced view of what I understand the SACC's position to be, the whole document should be read. Regarding the particular fact quoted by the SAP, attention is drawn to various opinion polls among Blacks in South Africa indicating a similar finding of support for the ANC".

The bit they quote, Sir, is that where I said - let me just get it correct, in this statement on the attitude of 30

the/...

the SACC churches, the one bit that is quoted by the Police is:

'There is a strong minority in many of these churches who believe otherwise and who support the guerrilla forces'.

Annexe 97 I regret, Sir, has been missed out, and I have got copies of it here. It is a study from the Sunday Express. I think I will just refer to two paragraphs there, in the extreme left-hand column, 'Blacks and the Use of Terror', the first paragraph: 10

'The use of terrorism as a political weapon is condoned by almost half the urban Black and Coloured population of South Africa'

and then further down in the next column, about - the fourth paragraph from the end:

'However, the survey shows an ominous hardening of opinion among Blacks. One in four expresses support for revolution to change South African society radically'.

Now, this attitude is in the Black population of this 20 land; it is reflected also in the membership of the South African Council of Churches.

"I now want to enlarge on the meaning of non-violence and to correct some misconceptions in the SAP evidence. They are not wholly to blame for these misconceptions (I readily concede that) because as stated in paragraph 97, there exist various attitudes towards violence within the South African Council of Churches and when the views of individual officers are presented as SACC policy there is bound to be confusion." 30

Most references made to the view of Dr Kistner, I deal in the next paragraph with what he says.

"Dr Kistner and I agree that the apartheid policy (by whatever name) is inhuman, fundamentally unjust and is to be totally rejected. We both realise that a great conflict over this policy began long ago and that violence by the Government and counter-violence by the ANC etc is already far advanced and likely to increase. We differ a little on the Christian response to this situation. Dr Kistner, could, 10 I believe, not himself participate in violent action, but he accepts that others can, in Christian responsibility, conclude that in their situation they will have to use violent methods. I tend to urge the validity of the pacifist response for every situation. To its credit both views are allowed expression within the SACC".

And could I say that Dr Kistner's view and not mine, represents the majority in the SACC member churches.

"When Dr Kistner speaks of 'non-violence', he 20 is referring to a desirable action or process that should be attempted in every possible way but which, to his mind, may not ultimately have the strength to handle an oppressive or violent situation. A resort to violence may then regrettably become unavoidable, although even then it is not to be justified. (This was the view also of Bonhoeffer whom Dr Kistner quotes). The SAP and the SADF hold a more violent view in their ultimate reliance on weapons of death, and (unlike Dr Kistner) they tend to use them far sooner 30

and/...

and to justify their use. I prefer to call that (whole) approach 'not-yet-violence'."

It is an approach which still relies or allows the possibility of violence as the last resort.

"'Non-Violence' to me means the renunciation of the last resort of violence and a refusal to prepare for it, and this is the view I personally advance (See Annexe 93) (to that effect) and practise in the way I live".

I would like to read in just a little bit from that 10
annexe, no 93.1. It is in the second paragraph under 'Purpose',
and the second sentence:

'The average person believes in non-violence up to a point, and then violence as the last resort against enemies, but real non-violence means that no one is regarded as an enemy, and that in the last resort one does not use violence but instead accept suffering and death if need be'.

People who believe this are not many, but are, I believe, growing in number in South Africa. Perhaps we do not 20
need that last little bit.

"The non-violent person sees self-sacrifice as the last resort, not the killing of the 'enemy'. Non-violent action of this kind sometimes does provoke a violent reaction from those with power, as claimed by the SAP on page 105. It is not true to say that this is its aim".

I annexe - let me read the whole of the sentence:

"It is not true to say that this is its aim, but it is a risk that non-violent actionists take being careful

to see that the violence falls on them and not on others".

I would like to read in two paragraphs from Annexe 101. This is a pamphlet outlining the nature of non-violent direct action. It is prepared by the American Fellowship of Reconciliation, and the portions I want to read are first of all, on 101.2, just to get them in the right sequence, under 'Four Basic Principles', paragraph 3, 'Love your Enemies':

'No matter how deeply involved in unjust and violent systems people are, your goal is to pull them 10 away from such systems, not to attack them for wrongdoing. Real justice is established when people refuse to maintain oppressive systems, not when the people in them are destroyed'

and then paragraph 4:

'Give your opponents a way out, by using non-violence you are showing a kind of strength that overcomes injustice, which can only be maintained with violence' (that is the injustice). Do not be self-righteous with your opponents. Recognise 20 their weakness and embarrassment. In a specific confrontation and in the larger campaign, find a way to let them participate in the solution when it comes. Give them options to respond to, not final ultimatums. Make it as easy as possible for them to accommodate to your position without having to concede defeat'.

The last one is on page - the back page of that thing, it is under 'Some Practical Details', 'Control Incidents', number 4: 30

'The/...

'The success of demonstrations is always enhanced if disruptive incidents are handled in a quiet, effective and loving way. Hecklers can be talked with; scuffles can be isolated from the demonstration, and persons unexpectedly arrested can be given support and assistance, all without diverting attention from the overall demonstration'.

I just give these as examples, that it is not true to say that the aim of non-violent action is to create a violent situation.

10

"When it does have that effect (that is the effect of violent action being taken by those with power) and the non-violent actionists endure the violence patiently and without retaliating the end result tends to be a new understanding on the part of those in power."

I can give examples if they are needed.

"This result, despite some temporary violence, is infinitely preferable to the increasing spiral of violence and counter-violence.

20

It is true that subversive persons can use the cloak of non-violence to precipitate confrontations to discredit the police or the army. (If the SAP and the SADF were themselves non-violent it would not be possible so to tempt them!)"

I am saying that with humour, Sir, not as a kind of dig.

"But so can any good thing be used as a cloak."

The South African Police submission - I want to add a little bit here - tries to make the case that even genuine non-violence necessarily leads onto violence on the part

30

of/..

of the originally non-violent, they have only brought two writers to support this, and have misquoted both of them. The first is Prof B Engelbrecht. He is very selectively quoted by the South African Police, on their page 106.

"Three fragments are put together out of sequence from page 121 of Prof Engelbrecht's book. He is not saying that non-violent resistance necessarily ends in violence, revolution and chaos, as the SAP want him to say. He is a theologian, not an authority on non-violence, but even he must be aware of 10 numerous large-scale non-violent actions that have been successful without ending in violence".

I want to read to the Commission from the actual text of his book. After the main passage, which the Police quote, on their page 106, a bit that they did not quote, Prof Engelbrecht goes on to say this:

'Ek weet wel dat verset teen die owerheid wat by die sogenaamde geweldlose verset begin, en via gewelddadige verset in rewolusie en chaos kan eindig, iets is wat in hierdie wêreld kan gebeur, en 20 in die geskiedenis al dikwels gebeur het'.

He is in other words not saying that the one automatically ends in the other, simply that this can happen.

"The SAP is completely mistaken in its quotation of Prof J de Gruchy at this point. He does not speak about non-violent action at all, but about violence that evokes counter-violence".

I want to read from his book also. It is page 233 of his book.

'Part of the problem of violence is the fact 30
that/..

that what may start out as a comparatively mild attack on the dignity of a person, perhaps through the curtailment of some civil right, provokes a reaction, an understandable reaction. If this action and reaction intensifies, as it has in the history of South Africa, especially as a result of apartheid, then you get what Don Melder Camara vividly describes as the spiral of violence'.

Now, nowhere is Prof De Gruchy talking about a non-violent reaction. 10

"Genuine non-violence is not part of the spiral of violence, and is in fact the only remedy for it.

Civil disobedience, referred to on page 44, 71, 125 of the SADF evidence, (that is SAP evidence) can be an action either of the 'not-yet-violent' or of the 'non-violent' kind. On the surface they may look the same, but the spirit in which action is undertaken can be significantly different and its outcome, when confronted with penalties, also significantly different. In India and the USA the followers of Gandhi and 20 Martin Luther King patiently persevered against the infliction of jail and death until they won Independence and Civil Rights respectively."

Mr Chairman, could I express the hope here that members of the Commission will see the film 'Gandhi' when it comes to our country, and if it can be taken further, if members of the Defence Force and the South African Police would also see this film, I think it would help us to understand the kind of action that is here being talked about, and the political integrity that goes with it. 30

"That/..

"That is (what I understand by) non-violence, and like Biblical love, 'there is no limit to its faith, its hope and its endurance' (1 Cor 13:7 NEB). In South Africa the 'not-yet-violence' of the 1952 ANC Defiance Campaign and the 1960 PAC Anti-Pass Campaign gave way to the present policies of these two bodies. Even then I suggest it is better that these methods were at least attempted, although their practitioners abandoned them due to very difficult circumstances. The Government and with it the SAP and SADF should be grateful that the SACC promotes non-violence of any kind. The cost of the alternative is 'thoo ghastly .. '.

The SAP evidence (page 103) refers to the decision of the SACC in 1979 to recommend 'withdrawal of co-operation with the State'. I cannot believe that the SAP did not get my paper on 'Positive Non-Co-operation' that arose out of this. (Annexe 104). But they make no reference to it. This paper indicates the spirit in which civil disobedience of the non-violent kind is undertaken." 20

I would like just to read the first paragraph thereof:

'The Justice and Reconciliation Division has been asked for specific proposals on implementing this resolution (that is the resolution on withdrawal of co-operation with the State). It should first be stressed that for Christians any specific non-co-operation with unjust laws should take place within a larger willingness to serve the best interests of the State and the common good. Then no 30

accusation/...

accusation of enmity, laziness, Pharisaism or anti-social behaviour can be justifiably made. Perhaps we can use the term "Positive Non-Co-operation".

"A good example of this kind of action has been the decision by numerous churches to disregard the Prohibition of Mixed Marriages Act. Such civil disobedience to one bad aspect of the law on marriage is different in spirit and intent from the wholesale withdrawal of all ministers of the churches from operating as marriage officers. The former is aimed at enabling the State to reform the law; the latter action could be aimed at crippling the State's whole function in that vital area of human life".

I just want to add here, Sir, that I use the term 'civil disobedience' because that is a common term and we know what we are talking about when I use it. The South African Council of Churches prefers to use the term 'Obedience to God'. The decision to go against the Mixed Marriages Act has been taken not from any desire to upset the governing authorities, but out of an obedience that the churches feel they must render to God. That brings me to the end, Sir, apart from four little paragraphs where there were just minor things in the SADF evidence that we wanted to refer to, to correct one or two facts, and one or two impressions. Regarding paragraph 35:

"Moll's sentence on 4 December 1979 was reduced from 18 to 12 months when it was confirmed. It is incorrect to say that 6 months of the sentence were conditionally suspended"

and I give the form, DD27 of the Record of Proceedings 30

of Ordinary Court Martial relating to that trial).

"Paragraph 53

Moll and Steele went overseas to observe and study non-violent action, and only incidentally the conscientious objection issue. There is no secret about my having facilitated this on behalf of the International Fellowship of Reconciliation (IFOR)".

I give the annexe of my letter promoting that, Annexe 106.

"The quotation from Moll's letter from Brazil (referred to in paragraph 53 of the SADF evidence) simply 10 indicates that he does not separate church life from the rest of life, including politics, as do so many who are Christians on Sunday and pagans for the rest of the week.

Paragraphs 55 - 57

That Yeats was influenced by the example of Moll and Steele in his decision to return to South Africa and face the consequences of refusal of service, is not evidence that they or anybody else incited him to that course of action. Nor does his employment 20 by an SACC affiliated organisation prove that the SACC incited him. Nor can he or the SACC be held responsible for a newspaper's choice of headlines!.

Paragraph 65(e)

The SADF evidence here is incorrect. The proposals in their Appendix AB were circulated for the 1980 Botha's Hill Conference. Paul Graham is from Durban as also is Archbishop Hurley and as was the then Bishop Russell who signed them. No such plan was ever adopted by these groups. The SACC was approached by 30

them/...

them, not vice versa, and they decided not to ask
for any affiliation with the SACC".

I thank you, Sir, for hearing me patiently, in a statement
that went into a lot of nooks and crannies.

THE COMMISSION IS ADJOURNED

THE COMMISSION RESUMES:

REV. R. ROBERTSON CONTINUES HIS EVIDENCE:

ADV. VON LIERES: Reverend Robertson, I would like you to turn to Annexure 11(1), that is the draft statement on the attitude of the South African Council of Churches to violence. Now, could you tell the Commission what the purpose of this document is at this particular stage?
--- Yes, the point it is at is that the document has been submitted to the Executive Committee of the SACC, they said this must be referred to the Member Churches of the SACC for any responses they want to make and any alterations they want to ask for. We have had responses from three or four churches and are in the process of amending this to accommodate the points raised by those churches. 10

So the document has been approved by the Committee on Justice and Reconciliation, that is the normal procedure?
--- No, it didn't actually go through that committee, it went straight from my Commission on Non-Violence to the Executive.

What year was this? --- This is 1981 I think, the police evidence refers to that. 20

Now could we just have a look at the content of paragraphs 5 and 6, I have some difficulty in understanding exactly what you are getting at. In paragraph 5 of this document - 11(1) - you say:

"The majority of the Member Churches and the majority of persons within those churches believe that violence is to some extent necessary - and may I insert here an (a) - in governing sinful human society - and I insert a (b) - that it may become necessary / ... 30

necessary in changing seriously unjust and
oppressive systems in society".

Do I understand correctly that it makes these two points?

--- Yes.

That in governing an element of violence is
necessary and that violence also may become necessary to
change a seriously unjust and oppressive system in society.
Was that the considered view of your Commission on Violence
and Non-Violence - that is the view you submitted to the
Executive? --- Yes, that is right.

10

So your Commission then in effect - and this is what
I would like to have clarity on - foresees the possibility
that violence may be necessary to change the seriously
unjust and oppressive system in South African society?
--- No, Mr. Chairman, not quite. My Commission in this
document is merely trying to set out what we understand
to be the views of the Member Churches and the people
within them of the SACC. This does not represent the
views of the Commission on Violence and Non-Violence. The
view of the Commission on Violence and Non-Violence is
that we must not give way to violence.

20

So your Commission then is in a minority situation
as far as the question of violence and the necessity for
violence is concerned? --- Yes.

How did you come to the conclusion that this was the
feeling of the majority of your Member Churches, did you
poll them or did you base it on documentation or what?

--- Yes, Mr. Chairman, we are in touch with quite a lot
of statements that are made by different churches and by
different people and this is our estimation of the

30

situation / ...

situation. From this document, this document is submitted to the Member Churches of the SACC and came back to us with their acceptance or rejection of sections of it.

So this document - excuse me for interrupting? --- And that is the sense in which we polled them, we have got their - PAUSE -

This document then reflects, at least in paragraph 5, the view of the majority of your Member Churches as your Commission understands that view to be? --- Yes.

And what was the nature of the reactions you have had 10 from the four or five churches in connection with paragraph 5 specifically? --- Yes, I haven't got the file with me here, but the main reaction to this paragraph was not to question so much (b) as to question the word "violence". The churches that responded chiefly here were the Church of the Province of South Africa and the Congregational Church, and they said: we want the word "force" there instead of the word "violence".

I see. Do you think it makes a big difference?

--- To them it does.

20

And to you? --- To the Commission on Violence and Non-Violence it doesn't and I could explain that if you wish.

If you want to you can? --- Yes, could I say, Sir, that we are at the point of debating with these churches whether the word there should be "force" or "violence", and this means making a distinction between the two. The view that my Commission holds, and they were unanimous about this, is that in fact the action that a state engages in - in the way of the states that we know now - in the use of weapons of death either for the maintaining of internal 30 order / ...

order or external defence, is violence and cannot be described merely as force. We distinguish between force and violence roughly in this way, that force has a limitation set on it - force that is not violence - has a limitation set on it by a concern and a care for the person against whom one is acting. We use force on our children but we do not use violence on them, if we love them that is, some people do batter their children. And just the whole issue here is that violence is regarded as necessary by the State in order to maintain the police force and violence is necessary to maintain the integrity of its borders, if that can be done. And that groups of people, the majority as we say here, accept this view that in some circumstances, likewise that violence may be necessary to correct seriously unjust and oppressive situations. 10

So we have to understand that when your Commission uses the term "violence" it excludes limitations set on the mode or manner in which the force is applied? --- Not entirely, because we would include in this the just war view. Now the just war puts limitations on the violence, but it is still violence to our way of thinking. 20

I see. Now the next point - could I just ask you, the second last line of paragraph 5 you say "that many believe that in South Africa we are involved in a situation of considerable violence of an institutional character and in a civil war". The involvement in a civil war, is that the opinion of the churches whom you have polled, or is it also the opinion of the Commission on Violence and Non-Violence or both? --- Yes, the churches that have come back 30

to / ...

to us - I am speaking now from memory - have not been troubled much about the civil war issue, I think they accept that that is what is happening here.

And your Commission? --- The Commission on Violence and Non-Violence, if I may put at least my own view, I don't think we have discussed this question of civil war much, is that in fact all war is civil war ultimately, because it is man against man and that the national boundaries are not really the essence of the matter. But we speak of civil war because people in our present state of understanding 10 seem to take a civil war a little more seriously than they do a war beyond their borders.

I see. Now, your paragraph 6 basically says that the churches and persons who hold the view expressed in paragraph 5 are not quite sure where the boundaries are to be drawn?

--- Yes.

That is boundaries indicating the extent to which the State may go to enforce law and order or indicating the point at which revolutionary violence becomes condonable. Any reaction on that from the churches? --- Not 20 that I can remember I am afraid.

Right. Your paragraph 9 which says that:

"The SACC as a leadership group strongly supports and advocates non-violent pressure for change is preferable to war, even in obedience to God".

Any reaction to that, acceptance or rejection? --- Yes, I think they tended to play down the leadership group thing a little bit.

Of the SACC? --- Yes.

The churches did? --- Yes.

30

I see. Now, in paragraph 10 the statement continues and the essence of the statement is that: we - I presume you refer to the SACC and the members of the churches - "do not act courageously". What were you trying to convey with that statement? Does that mean you are not involved in sufficient non-violent action in the form of civil disobedience or non-co-operation to test the validity of the thesis whether non-violence can prevent a war or civil strife or what? --- Yes, just let me read the whole sentence. May I say that this is one of the sentences that also was questioned by the responses we got. But I think the meaning there as I put those words together and as accepted by the Commission, is that in fact we aren't courageous enough in putting ourselves in the way of danger. I would like the Commission to appreciate that we are not only speaking about civil disobedience, where in obedience to God one puts oneself in the way of some law of the State which brings violence then upon oneself in the form of a penalty, but also in the putting of one's body in the way of intergroup strife and in the civilian defence conception which I outlined in my evidence, for the protection of a community in a country that is under threat. I am not merely thinking of being courageous against the State when that has to be done, but being courageous for it as well when that needs to be done.

10

20

I am sorry, I didn't catch the last bit, you are not only thinking of being courageous as far as the State is concerned but? --- Being courageous against the State when that has to be done.

Yes? --- But also of being courageous for the State

30

when / ...

when that has to be done.

I see. Now when do you envisage a situation would arise when you have to be courageous for the State?

--- Well, I have given it in one of these paragraphs, where we asked the SADF in its proposals - well they are now formulated by the Naudé Committee - that the State should give the opportunity to pacifists to form a Peace Corps which would engage in situations of potential violence.

Now, you have told the Commission at the beginning 10
of your evidence that you are actually a pacifist and you occupy a minority view within the SACC. I take it that these majority views that are expressed here in connection with the application of violence and the time when violence may or may not be applied, they are completely foreign to the views you hold? --- Sir, I am not quite sure what is meant by the word "foreign" here. We understand this view of using force as the last resort, it is not foreign to us in that sense. We have a certain human sympathy with the fact that people either in control of the 20 situation or trying to change the situation, may for sometimes what seem to them very good reasons, want to use violence, but it is something that we want to try and change, to help people to be freed from this dependence on violence to get their way.

Now, is a pacifist according to the tenets of his belief, does a pacifist apply force or does he reject force or violence? --- Sir, he makes a distinction between force and violence.

Well whatever is the correct terminology there. In 30

other / ...

other words take yourself now, are you prepared to apply violence to a particular situation? --- Not if you call it violence but to apply force, yes.

Now force means violence with limitations? --- No, not violence with limitations.

Well you told us earlier that force if it is not used as a terminology, violence has a limitation attached to it and the limitation is determined by the concern and care that one has for those in respect of whom one applies such force? --- Yes. And I'll give the Commission 10 a definition if you wish, Sir, that distinguishes force from violence now.

Well let us just see whether we agree that the views reflected here as far as the use of violence is concerned, the majority view, is not your view? --- No. But we would like to emphasise the fact that my view is allowed to be propagated in the SACC.

Yes. Now, Reverend Robertson, do people who hold the pacifist view as you do reject the existence of armies or machines of war as a general tenet of their beliefs? 20
--- Yes.

You do. --- That was in the statement I read from the South African Fellowship of Reconciliation, and therefore they cannot take part in war - those were the actual words.

Well I asked whether you reject the existence of armies or war machines as a general tenet of your beliefs, war you reject, you have said that already, but now each country has an army or a war machine? --- Yes.

Is that acceptable, the existence of that army or 30
war / ...

war machine, is that acceptable to your tenets? --- Sir, what we are concerned with is what we ourselves are doing, and for us the weapons are not acceptable. We do that because of our understanding, in my case anyway, of the Christian faith. We do not lay that as a requirement on anybody else, I said that in one of these sentences, it must be about my paragraph 11, because other persons may not operate from the same beliefs, may not have..(Mr. von Lieres intervenes)

No, I quite understand that, I just want to get 10
clarity on the pacifist view, you say you reject or weapons are not acceptable. Is it not a logical corollary then that also those who are trained to man the weapons and to fire the weapons are not acceptable in the context either? --- We would like that they should give up those weapons and adopt the methods that we propose.

But now, my question is, those who are trained to man the weapons, in other words the soldier who is trained to kill, is he acceptable to you or is he not acceptable to you? --- He is acceptable to me, Sir. 20

But he is going to discharge the weapon or apply the weapon which you don't find acceptable? --- Yes, it is the weapon that is not acceptable but the person is thoroughly acceptable.

Even if he is an instrument in this case that is going to use the weapon? --- I don't quite get what you mean.

Well the individual soldier is trained as an instrument to use a weapon, take a gun. You have got a gun crew of six or eight, they have got to fire the gun, 30
without / ...

without them the gun can't be fired? --- Oh, I see what you mean, all right, he is the instrument that makes the gun work. Sir, we are concerned not with what - we are concerned with what people do, we accept what they are. I think if you refer to Annexure 101 - the yellow document in my pages here - and it is paragraph 3 on the page that is marked 101.2 on the basic principles, and it is under "four basic principles" item 3:

"No matter how deeply involved in unjust and violent systems people are, your goal is to pull them away from such systems not to attack them for wrongdoing". 10

Will that answer your question?

Yes, I think what you then say is you don't find what they do acceptable, but you accept what they are? --- I accept them, yes.

Would that be a fair summing up of it? --- Yes.

Now, you have made reference in this particular connection to Dr. Moulder likening the Defence Force to a brothel, and this is an analogy you used and perhaps we could just clear up this matter, it is paragraph 71 of your statement. You explained to the Commission, if I recall your evidence correctly that you were addressing a group of young people and the title of your address was: "Reforming the Army from within". --- Correct. 20

Could you give us an indication what year, what date this particular address was delivered? --- 1981, July.

To whom? --- To a conference on conscientious objection.

Was this at Botha's Hill? --- At Wilgespruit, Botha's Hill / ... 30

Hill was the year before that.

And the 1982 one was in Cape Town? --- Yes.

You attended all three of these? --- I attended them all.

You say this was a conference on CO? --- Yes.

Now, I get the impression that you blame the police for disclosing this particular portion of your statement. Is my impression correct? --- Not quite, I had asked that it should not be published.

But when you addressed the CO conference you published it yourself, in delivering your speech to these people? --- Sorry, Sir, by publication I mean putting it into print and circulating it. 10

But when you speak to more than one person - tell me how big was this conference at Wilgespruit, how many people attended it? --- It could be about 35 people.

And you addressed these 35 people? --- Yes.

You say they were young people? --- Most of them.

Most of them were young, and they had some doubts about the Defence Force? --- Yes. 20

Is that correct? --- Yes.

And you addressed them, and in your address you gave them this analogy that you took from Dr. James Moulder, and you described the Defence Force as being a brothel? --- Not, Sir, I made an analogy, and we will have to work through that if that is an issue.

Yes, well that is the essence of it, the Defence Force was described as a brothel and you explained to us that it was done because you are likening the brothel to an unjust world situation - that is what you told them 30

isn't / ...

isn't it? --- I would have to read the whole thing, Sir, to get the whole meaning.

Well, let us then look at the whole thing, let me first of all ask you before we look at the whole thing, do you deny that you likened the Defence Force to a brothel at this particular Wilgespruit conference on conscientious objection in 1981 or not? --- No, what I did, Sir, was to take the question of how one would reform a brothel from within instead of distancing oneself from it, and applied this as an analogy to how one would reform the Army from within. 10

CHAIRMAN: Well isn't that then tantamount to likening the Defence Force..(intervention) --- Well if it amounts to that then I accept that.

ADV. VON LIERES: Let us just very briefly have a look at what the nature of your address to this group of 35 people, of whom most of them were youngsters who had concerns about the Defence Force, consisted of. If you look at the first page of your address which runs into some seven pages, we will see in the second paragraph you explain to them: 20

"Our purpose here is to support conscientious objectors, and some of these conscientious objectors are non-combatants. Is there a positive role they can play? In other words can the Army be reformed from within?"

That was basically the title or the main thrust of your address. In the second part under the heading "The just war objector" you say it seems to you that the objection of most selective conscientious objectors would be met if 30

justice within the country's social system were secured. Could you just elaborate on this one, what do you mean if justice within the country's social system was secured?

--- Yes, I think you get it in the next sentence:

"But assuming we had a just, egalitarian participatory society in South Africa, and Russia still wants our minerals, what then?"

But I would like to point out that as far as the previous paragraph is concerned you have only quoted half of it.

Yes, the first portion you have read already: I am 10
not an academic? --- No, not right at the beginning, the first paragraph under "the just war objector".

Oh you mean that sentence "they tend to speak less of the other requirements of a just war, for example, legality, the extent of force used, possibility of winning, the army's attitudes, methods etcetera"? --- Yes.

Is that what would happen if there was justice in the country's social system? --- No, the requirements for a just war are not only that it should be in defence of a basically just society, but also that the means used in its 20 defence should be according to the criteria of the just war and these are some of them.

I see. --- The legality of it, the extent of the force used, the possibility of winning, the army's attitudes and methods, and I was drawing their attention to the fact that the just war objector tends to focus only on the injustice in society, and does not also attend to the methods that an army uses, like obliteration bombing and that kind of thing.

I see. --- And that needs to be reformed in the Army 30

if / ...

if you are a just war objector, as well as the country being reformed.

So that just war objector could be used to reform from inside the Army those particular problems. Then you dealt with the total objector and civilian defence, and at the bottom of page 2 you make the statement that the CO objects to army service because he believes the Army's purpose or method or both to be morally wrong or perhaps politically or socially wrong? --- Yes.

We then turn to the top of page 3 and we find this: 10

"The recognition of conscientious objection is a step in the right direction by the State, but we still need to go on to resist war itself".

Can we accept that this phrase "we still need to go on to resist war itself" speaks for itself? --- That is my view, yes, it is not necessarily the view of the South African Council of Churches.

The position is even if the State recognises conscientious objection from your point of view further actions and steps have to be taken to prevent the situation 20 of war from arising? --- And also to try to bring war to an end.

Right. Now you say here a few lines further down:

"The vast majority of people, Black and White, reject the CO attitude as naïve, believing that one must have some way of defending or achieving freedom and justice".

This statement is based on what? --- Sorry, I haven't got the place where you are at.

Five lines from the top of page 3. On what is that 30 statement / ...

statement based, what information, facts? --- Mostly on my discussions with people.

So what you are saying here is that the CO attitude is a minority attitude according to the vast majority of the people and is regarded as being naïve on your knowledge? --- Yes, especially the prejudiced ones, Sir.

If we turn to page 4 then, at the bottom of page 4 we start with the role of the Chaplain and you quote extensively from a paper issued to Army Chaplains that was apparently issued in Ovamboland. In this particular portion on the Chaplain you conclude, you comment on these quotations at the bottom of page 5 where you say the following - fourth last paragraph: 10

"The conversion of the Chaplains' Corps to the more clearly Christian position of civilian defence would be a great achievement. That could take time in which case the positive non-combatant might provide alternative Christian ministry parallel to the Chaplains' Corps right amongst the men".

So you suggested there that the Chaplains' Corps could be converted to the Christian position of civilian defence. This would really be a position that the pacifist accepts as a possible form of defence, civilian defence? --- Mr. Chairman, could I point out that the word "conversion" here is in inverted commas, that has not been mentioned, and not to the Christian position of civilian defence but to the more clearly Christian position of civilian defence. I would not like to be exclusive on saying that is the Christian position and other positions are not Christian. 20

And then you go on to the brothel analogy and this is what / ... 30

what is recorded in this particular speech:

"I want to illustrate this with an analogy used by James Moulder when at an Executive meeting of the SACC he challenged the churches to withdraw their Defence Force Chaplains by asking: 'how can you appoint a chaplain to a brothel?'"

Then you explain this, you say:

"He assumed, pacifist as he is, that fornication and adultery are morally as wrong as killing and not justified in any circumstances. We found that his argument went awry because the just war people believe that killing is sometimes justified".

10

I suppose that to the majority of people a brothel is normally regarded as a den of iniquity, an immoral place?

--- Yes, Sir, it is not the kind of place, however, that I avoid, if I could just give a bit of indication here - I

see a smile - I work in Pageview or what is left of it, it has been Indian/Coloured people, a great mixture of folk,

and there have been a number of buildings there, one of them was called Sodom and Gomorra and my Church and I

20

have held services in these homes. There were women living there, applying their profession, we don't stay away from

them, we go there, they have been attending my church

services at times until they were removed to other parts of the city, with the removal of Pageview. If I can say

this also, one of these ladies said to me one evening

when we came there for the little cottage meeting: "You will have to excuse me, Mr. Rob, I am going at half past

eight, I have got a client coming". We said: Well, we'll offer a prayer for you before you go. So if I use an

30

analogy / ...

analogy like this I am not saying that these are people I despise, people from whom I want to stay away, people whom I want to criticise in a way saying: you are wrong. I am trying to say that what is being done there is to my mind wrong.

Is it not so that if the circumstances and the audience to which this address was delivered is considered, that there would be a vast majority of people who would infer from what you have said here that the Defence Force is morally unacceptable to you on the same grounds as a 10
brothel would be to the majority of people. Isn't that in effect the message you conveyed to the group of young people? --- I think that is what it says here. "He assumed - referring to Dr. Moulder - that fornication and adultery are morally as wrong as killing and not justified in any circumstances". That is what I believe, Sir, that killing is not justified in any circumstances, just as I believe that extramarital sex is not justified in any circumstances.

So that is the point you made to these youngsters 20
that the Defence Force is not morally acceptable, and this was your analogy? --- Words are being put into my mouth here, not that the Defence Force is morally unacceptable, but that the things that the Defence Force is presently required to do are morally unacceptable, and that we would like to convert the Defence Force to the methods of civilian defence which I set out earlier very carefully in the paper.

And this was conveyed to youngsters who had doubts as to whether they should do conscription or not? --- Well, to people who are wrestling with this issue. 30

It / ...

It serves, I want to suggest to you, as an encouragement to them to very seriously consider whether they should or shouldn't become conscientious objectors. Here is a respectable reverend who tells them that what the Defence Force does is morally unacceptable. What effect can this have on them otherwise than to seriously doubt whether they should comply? --- Well the whole tenor of the talk if you read it suggests that they should comply, they should go into the Defence Force. ↓

Let us have a look at that. The suggestion that 10
you make in connection with this is of course that reformation can take place from within. But how can you reform a Defence Force, I mean its fundamental purpose is to prepare for war, it has got to engage an enemy and destroy the enemy, how can you reform a Defence Force from within. How are you ever going to succeed in getting a Defence Force away from its fundamental function of being able to engage the enemy and annihilate it, kill it, I don't understand the logic? --- Yes, Sir, well that is why my talk is introduced with the words which I read into the 20
record, that what I say will certainly be incomplete, it may be inaccurate here and there and it will probably be inconsistent too. My aim is to let the imagination go a bit and to throw out possible lines of action for consideration. You know, Sir, I ask that this should not be considered as a statement of belief that one has hammered out over years and years, but as a talk trying to do just that, explore.

Allright. Then on the next page of your address which is page 6, you suggest what preparations under sub-paragraph 30

6, what preparation and equipment would help those who take the line of a positive non-combatant position, and you suggest that literature on civilian defence, you suggest preparation to counter indoctrination and propaganda - incidentally, may I just ask you here, Sir, this indoctrination and propaganda, by whom, who does this indoctrination and propaganda that should be countered? --- I give that in the next sentence I think: the waging of any war requires these measures, and I give as my authority for that Lloyd George, once Prime Minister of Great Britain, who said "in war truth is the first casualty". I am not saying who the indoctrination or the propaganda come from because that happens on all sides in war.

10

Well in this particular instance we are concerned with the chap who has got to do conscription in a government army, so would it be wrong to understand that this indoctrination and propaganda that you refer to here is that of that particular government? --- Allright, of that particular side, yes.

20

Then the next suggestion you have there is the preparation for possible disobedience on non-violent lines and we carry on, and that is basically in a very broad outline what your speech is about except that you make a suggestion that it would be very nice if all the CO chaps could land up in the Medical Corps or in the Chaplains' Corps, which could then possibly reform the Chaplains' Corps within. That was basically the content of this particular address?--- Let us just look at that bit that you are referring to there. Yes, Mr. Chairman,

30

in / ...

in terms of the Geneva Convention, I understand that both Chaplains' Corps and Medical Corps are in terms of the just war agreements, because that is what the Geneva Convention involves I understand, are non-combatant corps, and this I am not sure is the case in the SADF. I have friends who have been through the Chaplains' Corps, and one of them was the only one in this year who refused a gun. My son has served in the Chaplains' Corps, he has the same experience, that it in fact is an armed body. I have also pictures of the medics indicating that they are 10 carrying not side-arms but rifles, and it seems to me that even if we wanted to try and fit in with that Geneva Convention which limits the extent of warfare, we would need to do that kind of reforming of the medics and the Chaplains' Corps.

Yes, well that is a subject beyond my knowledge, but I understand that that is one of the problems as to whether those Conventions are applicable to the border wars or not, I don't want to go into that. Tell me, Sir, under whose auspices did this conference on conscientious objection 20 take place in Wilgespruit? --- Not under SACC auspices. There are in the country a few groups of people who because they know conscientious objectors, have gathered together to find ways of supporting these people during their ordeal, and these groups are - they are not even in an organisation, each group is on its own, they are in touch with one another and they organise a conference once a year.

Are these the groups in Johannesburg, Cape Town, Durban and so forth? --- Yes.

We will deal with them a little later on. Do you 30 consider / ...

consider the existence of a Defence Force - no, let me ask you this first, put it to you this way, do you feel that this country is under onslaught at this stage or not? --- Yes, I would say as I have said in my evidence that I compare Dr. Kistner's views and mine, that we are in the midst of a conflict created by the policy of apartheid which has been going on for a long time. That the country is under onslaught I take a very qualified view of that. My view is that there are forces, I mentioned it there: what if Russia still wants our minerals - which would like to take advantage of our divided internal state, our lack of peace, our lack of harmony, our civil war raging here - not raging developing here, and only to that extent are we under external threat. The external threat exists because we ourselves are divided.

10

Does it exist because we are responsible for it?

--- I think we are responsible for it, yes.

You don't think there are other forces at work that constitute the external threat which cannot be brought home to the apartheid policy? --- Yes, I mean human greed and so on and the greed that is built into our system is there in every country, and when people get a lot of power - and it is not just the Russians who are subject to this, nor just the Communists - they want to, you know, lay their hands on things. But our conception of how a country can deal with that kind of thing is embodied in that conception of civilian defence.

20

Let us just deal with the question. Are you of the view that apart from the civil war that you say is caused by the Government and its apartheid policy, are you of the

30

view / ...

view that there is another onslaught by foreign forces on this country, or are you not of that view? You have been referring to the Russians on a number of occasions, do you believe that they are in fact posing a threat to this country or not, or is the problem that the country suffers from only caused by the Government's apartheid policy? --- I think, Sir, in my previous answer I said that both these factors are there.

And which is the more important of the two? --- I would say that the internal one is more important, 10
because if people can be at harmony and peace amongst themselves they have a chance of dealing with the outside threats.

There was an article in the Star last night quoting the Pentagon review of Russian plans in Africa and the title of this article was "The Red Grip grows Tighter", I don't know if you perhaps read it? --- I read it, yes.

Do you share their view? --- I am very suspicious of the Pentagon, Sir, just as I am of the Kremlin. They belong to that category of propaganda and so on that is 20
essential for the waging of any onesided kind of conflict, and so I would not subscribe unqualifiedly to that.

Now, do you consider the Defence Force to be stumbling block in the liberation of the oppressed in South Africa? --- Oh my, that is a question with such wide ramifications, Sir, it might take a little time to answer. Could I just ask, are my views in this particular matter important for the examination of the South African Council of Churches?

Yes. --- Allright. Could you put the question again? 30

Do / ...

Do you consider the Defence Force to be a stumbling block in the liberation of the oppressed in South Africa?

--- My answer to that is no, the reason being that the oppressed, if they would adopt the methods that are advocated by Gandhi, Martin Luther King and others, would find that they are operating on a different plan of action entirely from the Defence Force.

Now, just two last questions on the Defence Force. What is your attitude on Blacks being engaged or employed or serving in the Defence Force. Do you think it is a good thing or a bad thing, do you find it acceptable or not? --- Well until the Defence Force is reformed either from within or from without, I would be happier if people weren't serving in the Defence Force. That is not my decision, they have to decide that and I am not going to say to a person who cannot see Christ and God as his defence and as his security in life, that I am going to take away from him what he thinks is his security. Jesus did not insist on His disciples giving up their swords before they came into His disciple band. When He healed the servant of a centurion and dealt with other people in military forces, He did not say to them: you must leave the service of imperial Rome, but in His life, in His action, in His teaching, He gave a demonstration of the Power of God and a way of living that makes reliance on these kinds of things unnecessary. And that is what I would like to do with my life. Now, I am sorry, I have lost a little bit of the thread of your original question, and if you would bring me back to it please.

Well, you have really answered it, I asked you whether / ...

whether ..(witness intervenes) --- Oh, about Blacks in the Defence Force. It is a matter immaterial to me whether there are Black or White.

Well you see the difference I wish to bring out is that these Blacks are volunteers not conscripts, do you find that acceptable? --- Well they are there in very small numbers, I would like the Commission to note, and let us remember that at the present time there is quite an economic pressure on the Black community and on the Coloured community, and I have no direct experience of this, but I have heard secondhand from a number of people saying the young Coloured people are particularly seeing the Army, because they have got no particular views one way or the other about the rightness or the wrongness of the thing, just as a job that they are prepared to go into in order to get pay and to survive.

10

Now you said until the Defence Force is to be reformed from within..(intervention) --- Or without.

Or without, you don't really like the idea? --- Yes.

And you stand by that? --- Yes.

20

Now, your General Secretary's attitude as reflected in a speech reported in the Rand Daily Mail on the 18th February 1981 is as follows: - the title of this press report is "Army Blacks viewed as traitors". It has a Port Elizabeth dateline and it says:

"Blacks in the Defence Force were regarded as traitors to the liberation cause, Bishop Tutu said in Grahamstown last night. The General Secretary of the South African Council of Churches said few were prepared to risk the ostracism of

30

their / ...

their fellow Blacks by wearing uniforms. South Africa as it was presently ordered was not worth fighting for and certainly not worth dying for, he told a packed student audience at the start of the Rhodes academic year".

Now, let me ask you, do you regard Blacks in the Defence Force as traitors to the liberation cause? --- I don't like talking about anybody as a traitor, I would rather talk about people as perhaps needing themselves to be liberated, to be liberated from the fear, the clinging 10
on to our own life and our own survival and our own things as being the most important part in life. This is in fact what Jesus Christ demands of those who follow Him. He says: If you want to be My disciple, you must deny yourself, take up your cross - be willing to die in other words, an ignominious and perhaps politically tainted death - take up your Cross and follow Me, and if you want to lose your life, at least if you want to keep your life you will lose it but if you want to lose your life for My sake you will find it. Now as a pacifist, Sir, I 20
would like to see what are called the liberation forces also set free from this dependence on violence as their means of achieving their goal, that is my own view. You can question Bishop Tutu I guess when he comes into this situation himself.

Now let us turn for a moment to your Commission on Violence and Non-Violence. You took over the position as you told us earlier in January 1979? --- Yes.

I just want us to get clarity on what this Commission is supposed to be doing. (LAUGHTER)--- That is a good one! 30

You / ...

You have already told us that in 1974 it was known as a study commission? --- No, a task force.

I am sorry, a task force and I want to jump from 1974 to 1977 now. According to the minutes of the meeting of the study commission held on the 10th May 1977, this is an official Council document, in paragraph 1:

"The task of the study commission was considered, present were Mr. Rees, Mr. Brown, Dr. Kistner, Mr. Moulder, Mr. Mthata, Mr. Lourens, Mr. Revelation 10 Ntula and Mr. Ngakane. The task of the commission was considered and it was agreed as follows:"

I read the first, second and third paragraph, paragraph 1:

"The commission agreed that its main task should be to study non-violent action as means of effecting change in state and society".

I take it when you took over you studied the minutes from when they were available? --- I must honestly say, Sir, that I can't remember coming across this minute, but I will have a look at it in time. 20

Well, you can have a look at it now.

CHAIRMAN: Perhaps you can do so in the short interval. We will adjourn for ten minutes.

THE COMMISSION IS ADJOURNED.

THE COMMISSION RESUMES:

REV. R. ROBERTSON CONTINUES HIS EVIDENCE:

CHAIRMAN: Have you studied the document, Reverend? --- Yes, I have had a look at it, Sir, and I must say it is the first time I have seen it, and I will give what I think are the reasons for that - I suppose this will be used as a 30 contributory / ...

contributory factor to show that the SACC's affairs are in a state of chaos. But this is headed "Minutes of the meeting of the study commission on change without violence", and the date is May 10th 1977. If you think back to my evidence, I said that from 1974 as far as I could gather what was in 1974 called the task force on violence and non-violence was a kind of ad hoc body, it went along as far as I can see in fits and starts, and only in October or post October 1977, the crackdown as some people call it, did it get set up as the study commission on violence and non-violence. So this was one of the intermediate metamorphosis stages of this particular group, and it is to me a group of people who are feeling their way on these things - I haven't had time to look through the whole thing - two of them who are staff persons, that is Mr. Tom Mthata and Dr. Kistner, are members presently of the Commission on Violence and Non-Violence, though because of their other involvements they are very seldom at the meetings. So I wouldn't like to say what the status of this particular document is. Now, let us get back to the question, and if Mr. von Lieres can just..(intervention)

10

20

ADV. VON LIERES: I think you can accept the status is something for the Commission to decide, it is an official minute, I may perhaps just put on record that this is a document made available by the Division of Justice and Reconciliation, it comes out of file A3.5.4.1. Right, now I put it to you that on the 10th May 1977 this commission agreed that its main task be to study non-violent action as a means of effecting change in state

30

and / ...

and society. You say you are unaware of this particular document?--- Yes. I hope, Mr. Chairman, that the Commission has got the reason why I am unaware of this, because that was not in the file of minutes, I have taken a note of the file and I'll go and check it when I get back there, but it was not in the file that came to me of the minutes of the commission that had been set up, I think early in 1978 actually because it was the World Council of Churches that responded to the October 17th crackdown and I took a bit of time, we took a bit of time responding to that response of theirs. 10

CHAIRMAN: Did you not when you assumed the post call for documentation to give you an insight into what the history was so that you could know on what basis you could work forward? --- Yes, probably I should have done that, I was a member of the commission itself during 1978, I was not the convener of it and I thought that I had picked up the threads then of what they were doing. And when I was asked to convene it in 1979 I then put out the statement which I have referred to in one of the appendices indicating the new line that I should that we should take. 20

ADV. VON LIERES: Incidentally, this particular document on page 4, item 5, deals with Dr. Kistner's document "Conscience in conflict - conscientious objection" and it says the following:

"The study commission discussed the publication 'Conscience in conflict' which is to be published soon. It is suggested that a statement of different denominations in the SACC on conscientious objection be taken up in the publication as appendices". 30

Now, were you aware of this document that was produced "Conscience in Conflict"? --- Yes, I have read through that.

Did it accord with your views? --- "Conscience in Conflict" is as I understand it an effort on the part of Dr. Kistner to set down the whole issue of conscientious objection through the history of this country, and the different strands of thought on violence, non-violence and conscientious objection, and I couldn't, without qualification, say that it accords with my views, it is a large document and I think when Dr. Kistner gives evidence he will indicate that it was not published and it was very much a study document. 10

Now, on page 17 of your statement to the Commission, you refer to this document, inter alia, and you right at the top question the correctness of the police quotation of Dr. Kistner's statement when you say: "By implication the resolution justifies the aim of the liberation movements etcetera, is similarly a questionable deduction but it should be noted that it refers not only to.. 20

CHAIRMAN: No, "it refers only to the aims".

ADV. VON LIERES: "..it refers only to the aims and not to the methods and anyway I have not been able to find it in the reference given for that quotation". Now, let me deal with that immediately. On page 1 of the document "Conscience in Conflict" the third paragraph reads as follows:

"By implication the resolution justifies the aim of the liberation movements which intend overthrowing the present power structures of the Republic of

South / ...

South Africa".

The fourth paragraph:

"The same conclusion can be derived from the way in which the resolution compares the struggle of the present liberation movement in Southern Africa with the liberating struggle of the Afrikaans Republic in the first and second wars of independence.

The SACC National Conference states: 'That we have justified the Afrikaners resort to violence (or the violence of the imperialism of the English) or claim that God was on their side, it is hypocritical to deny that the same applies to the Black people in the struggle today'". 10

So in fact this quotation appears on page 1, paragraph 3 of this particular document. Now, incidentally, being a member of the South African Fellowship of Reconciliation did you assist Dr. Kistner in providing information on this factor on the South African Fellowship or was it written by the time you saw the document the first time? 20

--- Mr. Chairman, if I can just go back and say that the police reference given to that quotation was page 22 and I looked at page 22 about five times and couldn't find that thing, I didn't think to read through the whole document again to find that one quotation. I think it is just a minor error there but I just noted it. Now, I did not assist Dr. Kistner in formulating this document, as far as I can remember I didn't know Dr. Kistner in those days, and he I think would not have known of me and would not have thought to contact me for material in preparing it. 30

Just / ...

Just tell us, where did you see this document for the first time? --- That I cannot remember, but it was early on in my job on the study commission on violence and non-violence.

You know that there is a chapter on the South African Fellowship of Reconciliation? --- Yes.

And you also know that Dr. Kistner refers to the Reverend Blaxall? --- That is correct.

Who was the secretary I believe? --- At one time, yes.

At one time of the Fellowship, and he also refers 10
to the fact that the Reverend Blaxall - this is on page 15 of the document - "was involved in a Court case, was found guilty of being in possession of two banned publications, of having aided the activities of banned political organisations, namely, the ANC and the PAC, for whom he had allegedly handled large sums of money. The South African Fellowship of Reconciliation on this occasion dissociated itself from its general secretary, Blaxall was forced by the SA Government to leave the country". That is what he says. Is that correct according to your 20
knowledge? --- Yes, I know very well of Dr. Blaxall's case, I was in East London at the time and I don't know that the Government forced him to leave the country. They were in fact to my mind very lenient with him, he received a six month sentence, he spent one night in gaol, he was gassed in World War I so he had only one lung left and he was an old man at that time and the Government parolled him after one night in gaol. He then, my impression of it was, he decided to leave the country. I was one of those who had the task of persuading him also to leave the Council of the 30

International Fellowship of Reconciliation.

Now, in paragraph 40 on page 15, you refer to this particular document of Dr. Kistner's and you say that the resolution - "the evidence of police attempts, by selecting passages from Dr. Kistner's writing, to give the impression that the Resolution was motivated by a desire to fulfil the role expected by the liberation movements and to undermine the strength and morale of the Defence Force to those movements' advantage. This is a misunderstanding of what he says as the first quotation on page 43 indicates". You say: "the desire was to find an alternative method of contributing to justice in South Africa". Now let me refer you to page 22 of the document "Conscience in Conflict", the second paragraph. It says here:

"The resolution of the SACC on conscientious objection has thus to be understood as a response to the expectations of the liberation movements".

Those are the exact words used there.

"It is not in the first instance concerned about justice to be done by Government to conscientious objectors, but rather encourages South Africans to consider whether they should in view of the injustice institutionalised in South African society, choose the path of conscientious objection. In this respect the resolution differs essentially from previous efforts of the SACC and other organisations with regard to the recognition of conscientious objection by the authorities. The resolution is meant to make members of the SACC aware of the confrontation

between South African churches and the State. It is meant to enhance the credibility of their concern for justice in the eyes of the liberation movements".

I do not wish to enter into an argument as to interpretation with you, I am just putting this to you, it is the Commission's function to decide what the position is.

CHAIRMAN: Well, you are free to comment on what has been read. --- Well, I have tried to do so in that paragraph of mine, 40, that a response to the expectations of the liberation movements does not necessarily imply doing what they expect. If I respond to the expectations of the questions I am being asked and I give an answer that is unexpected, I have still responded, and in my paragraph I have tried to show that the kind of response that Dr. Kistner draws as the meaning of that 1974 resolution is a different response from the one that the liberation movements expected. 10

ADV. VON LIERES: You have already told the Commission that you cannot recall when you saw this document, but can you recall where you saw the document? --- Yes, I think in the room that Mrs. Kistner occupies where all these things are kept. 20

You see this was the one document that the Commission obtained from an outside source, it was not in the Council's files on this particular subject? --- Well, that is my recollection of where I came across it.

Now, we were dealing before we had these excursions with the Commission on Violence and Non-Violence. Now in September 1978, the 8th in fact, you were present at one 30

of / ...

of these meetings, it was yourself, Reverend Palos, Dr. Moulder, a number of ladies, and on that particular occasion what the Commission discussed followed on - I read from paragraph 3.2:

"The need to co-ordinate concerned groups and to build up a library and resource centre".

Now this I take it was connected with conscientious objection? --- Without seeing the minutes, Sir, I couldn't say that but our purpose in these libraries has not been specifically conscientious objection.

10

Well, perhaps I should have put the question with a bit more background to you? --- Usually in the proceedings of our Commission on Violence and Non-Violence, the agenda usually deals first of all with general issues of violence and non-violence, and then later on with conscientious objection specifically.

In this particular context, paragraph 3, which I have read from, deals specifically with conscientious objection, it says here:

"Dr. Moulder reported on the winter school lecture programme on the war and conscientious objection which he had given at Wits, and stated that most of the lectures had been recorded and would be put onto cassettes. Regret was expressed at the low attendance especially on the part of church members".

20

Then he carries on:

"It was felt that attention should be given to the reasons why some youth are resistant to call-up, and investigation of the reactions and feelings of those who have done military service, and the

30

dissemination / ...

dissemination of lectures. Then discussion followed on the need to co-ordinate concerned groups and to build up a library and resource centre".

It is obviously connected with the question of conscientious objection. Do you agree with that? --- Well I think you should let me see the whole thing if I may.

Have a look at paragraph 3.2 please? --- Yes. Mr. Chairman, this was September 1978, I was not chairman of the Commission at that time, it indicates here that Mr. Palos was in the chair. Oh, here we are, the libraries 10 that I set out to build up are not this library mentioned here, this simply says "to build up a library and resource centre". And nothing came of that resolution as far as I know until I got cracking on it on the wider non-violence issue.

Could we just spend a minute on the support groups to co-ordinate concerned groups as it is put here. These concerned groups I take it these are groups concerned with the question of conscientious objection? --- The groups that now are known as support groups for conscientious 20 objectors did not exist at that time, they came into existence at the end of 1979, the beginning of 1980. So that the groups that are being talked about there are any vague group that these people who were present at that meeting happened to have known about.

Right. Now, I don't know how good your memory is but you have seen that you attended this meeting, I just want to put it to you that in paragraph 3.1 on page 4 the following decision is noted:

"The aim of this commission should then be how to 30
help / ...

help in the formation of groups committed to non-violence".

Do you accept that? --- Yes.

Then your Commission was also involved in the supply of regular and up to date information on known detainees which should be passed on to prison chaplains. This is recorded in a minute of the meetings of the Commission on Violence and Non-Violence on the 14th June 1979, do you recall that? --- Yes.

That is after you have taken over? --- Yes.

10

You were also concerned in the making available of audio-visual programmes in connection with human awareness, do you recall that? --- Mr. Chairman, these are good ideas that we had, I can't say we have got very far with the audio-visual material.

Could I just ask you perhaps for clarity's sake, the detainees that you were concerned about, which were these? --- These are persons detained without trial.

Under one of the security laws? --- Yes.

And then in this same minute it is recorded that your request that the word "study" be rejected from the commission's title was accepted and it now becomes the Commission on Violence and Non-Violence, and the point which I believe you made earlier is that sufficient study had taken place already, it was now time for some non-violent action? --- Sir, I wouldn't put it in that kind of sequence, the point is that there is a longstanding debate, I suppose it is about as old as the Christian Church itself, or at least as old as Constantine, as to whether Christians should be totally non-violent or whether in certain

20
30

circumstances / ...

circumstances violence might be necessary or even, going a little further, might be justified. That debate has gone on around the world. It was on when World War II was on, what was to be done about Hitler, Bonhoeffer was one of the men involved in this debate, the World Council of Churches had put out study documents on it, and we just felt that that debate had been - enough had been done on it, and what was needed now was not, if people were to see any validity in non-violence, then they needed to see it in action rather than trying to be persuaded intellectually 10 by documents.

I'll come across it later - I have got a document here in which you say sufficient study has been done and some action must now take place. --- Well it is not the one I have on the actual - PAUSE -

It doesn't matter, we'll reach it later, it could be the same one that you have referred to. Incidentally, it was during this period also in 1979 that you became involved in some civil disobedience activities in your own right, I am referring to the Naidoo incident. Now, I 20 don't wish to discuss the Naidoo incident with you because I understand there is a Supreme Court case pending in that connection, is that correct? --- Well I don't know what is happening there, Sir, I think we are going to be legal shortly, because Mr. Pen Kotze has said the Indians can now have that area, and we will just hear how much action there is from the people in it, and it looks like it is almost a fait accompli.

Well could we just tell the Commission that your activities surrounding the Naidoo's were connected with a 30 protest / ...

protest under the Group Areas Act for the eviction of the Naidoo's who had been staying in an area zoned for Whites. They were put out of their house and they then put up a tent on the pavement and you joined them in another tent where you stayed for some six weeks? --- Yes.

You were commended by the Executive of the SACC for that in one of the Executive minutes, and eventually you were charged in the Magistrate's Court but a point of law was taken and the matter was referred by the Magistrate's Court to the Supreme Court, and I think at this stage 10 there have been about 11 remands or something, is that correct? --- Yes.

That is the one experience. --- Mr. Chairman, may I just come in here and say that this action was not a protest, it was an action of support for those people who were on the pavement, had their furniture there and needed my company, my ministry as a Christian minister and my care in helping them to look after their things. You won't find that I use the word protest very much.

In connection with the Naidoo incident you received 20 some considerable newspaper coverage. I refer for example to a report in the Rand Daily Mail of the 9th March 1979, which has a title "Priest in vain bid to stop eviction" and it is reported here as follows:

"A clergyman threw himself in front of Department of Community Development officials and workman yesterday as they forcibly removed the evicted Naidoo family's possessions from their tent camp in Mayfair, Johannesburg. The Reverend Robertson, who spent nearly six weeks sleeping in a tent next 30

to the family, told the police 'you will have to arrest me before I move'"

I don't wish to read the whole thing, does this more or less reflect some of the occurrences there? --- More or less is the operative word there, Sir, with respect to the reporter from the Rand Daily Mail. I did not throw myself in front of police, I simply gently moved into the way - non-violently. (LAUGHTER)

Did you offer your person to have violence afflicted? In any case this matter was also reported in Ecunews Bulletin 8 of 1979 on page 8, and I don't think because of the pending matter I wish to deal with that any further. But then, Sir, you were also involved in another matter and that concerned the question whether posters should be affixed to certain houses, and I understand that in this connection in fact you had communicated your intention to the Department of Community Development? --- Beforehand, yes. 10

And they then wrote you a letter in which they told you that such conduct wouldn't be tolerated, and that they would institute a prosecution against you if you were to affix these posters or placards to the walls of these particular houses. Is that more or less correct? --- Yes, not only myself, Sir, there were six of us involved, and we must say that the Department of Community Development or the police whoever was responsible were very kind to us and they only prosecuted me. 20

These six of you, was that connected with "Actstop" in any way? --- No.

In fact, I have got the letter that Community Development / ... 30

Development wrote to you on this matter. It appears to be undated but it was also produced out of the files of the Council and it was marked Dr. Kistner's A3.4.2, it is addressed to you, Sir, and it says:

"I refer to your letter dated 2nd August 1979 and direct your attention to various sections of the Communities Development Act of 1966 and impress that should any posters be erected or fixed on any property belonging to the Community Development Board, criminal proceedings will immediately be instituted against the persons concerned.

10

The posters that have been pasted against the buildings must be removed within three days from the date of this letter, failing which criminal proceedings will be instituted".

Now apparently nothing happened and you were subsequently prosecuted for malicious injury to property and received a fine of R50 which I understand you haven't paid till today? --- Actually I have paid it, Sir. What happened was that the Sheriff or the Messenger of the Court came round to take away the television set that I haven't got, and rather than put him to that trouble I paid the fine and the little collection fee that goes with it.

20

And then perhaps a third activity comes to mind and that is you were one of the fifty-four priests who marched on John Vorster Square in 1980? --- Again, Sir, we would like the word "procession" to be used instead of "march".

So, could I say that you have been a living symbol of non-violent action, what you advocate? --- I would admit, Sir, to being less than I would like to be, I feel that I

30

fail / ...

fail in many aspects of carrying out what I think I should do. Could I mention, Mr. Chairman, in this connection, the investigating officer mentioned that I was commended by the South African Council of Churches for camping on the pavement with the Naidoo's. I was also commended by the Presbytery of Johannesburg of the Presbyterian Church, which is one of the grass roots bodies of the Presbyterian Church, so they were pretty well of the same mind on that issue.

Yes, the commendation by the Executive Committee 10
is to be found in their minutes of the 6th to 7th March 1979, document 828 before the Commission on page 3, paragraph 10, in which the following is recorded:

"The Executive commended the courage and initiative in which the Reverend Rob Robertson had engaged himself on behalf of the Naidoo family that had been evicted from a house in Mayfair to the SACC Member Churches and their parishioners as an example of non-violent action where intergroup and Christian solidarity is shown". 20

--- May I come in here, Mr. Chairman, and say that these three instances are all of them - of course they have come to the newspapers because they are instances of what I regard as intervention or opposition to the violence that the State is doing to people at a point where I feel that I have to act. If the Commission were able to meet people who live on the corner of where I live in Mayfair, they would know that that is not the only intervention that I do, that we have street fights on our corner there, it is a rough place, Mayfair, and many times, not once or twice but perhaps 15 or 30

20 times in the years I have been there, I have intervened in sometimes drunken brawls and sometimes very sober fights right outside my door, rather than call the police as the people have sometimes asked me to do, so that my concern to put in practice the non-violence that I try to propagate is not directed simply at the State, it is directed at the violence even of people whom the average person would dismiss as a drunken sod.

Now, if I could perhaps lift out one or more activities as recorded in the minutes of your commission, 10 you also were responsible for the establishment of an action group to protest the demolition of houses in Pageview, is that correct? --- Yes, this was not set up by the Commission on Violence and Non-Violence, this was, it more sprang out of people who knew me from my congregation which happens to be in Pageview. But it is one of the things that the commission has taken an interest in.

Then it is also reported in the same minutes that the Non-violent News was seen as a useful means of circulating ideas, and a gentleman Kgotla Legotlo 20 volunteered to assist you with its production? --- He never did, Sir, he turned out to be, I think, there for another purpose.

Was it agreed that your newspaper "Non-violent News" was a useful means of circulating ideas on non-violent action? --- Yes, Sir, that was part of the purpose of it. If I can go back a little bit, the annexure here that I didn't read the whole of, had this conception that when I took over that commission we should no longer fuss and argue with people with words and statements and 30

documents, but we should try and share the news around the country where non-violent actions were taking place so that people would pick up the idea that in fact this is a valid way for Christians to act in our difficult and violent circumstances.

And just to be quite clear on this, these decisions to be involved in non-violent actions were taken on the clear understanding that certain of them may in fact involve illegal action. In other words you could take certain non-violent action knowing in advance that you would contravene one or the other law? That was accepted?

10

--- Yes, I think, Sir, any person be he Christian or non-Christian, who has any moral basis to life, has to make that decision.

No, that is right. --- The Israelites in Egypt had to decide whether they were going to throw their children into the river in obedience to the king's command.

Did this pamphlet "Non-violent News" exist at the time when you took over or did you start it up? --- No, I started it.

20

What was the initial production? --- The initial number?

Yes? --- I think it was 125, but I am guessing.

It is up to 400 now? --- It is about 400 now. I am willing to add anybody else.

Then I would like to refer you to the minutes of the Commission on Violence and Non-violence of the 22nd November 1979, paragraph 3, where you had a discussion, you were chairing this particular meeting and in paragraph 3(b) it is noted:

30

"Movements of spontaneous non-violent resistance to institutional violence (e.g. bus boycotts, Northern Transvaal removal resistance) are being defused by wellmeaning persons when it would be better if the non-violent content was increased and the action carried as far as possible towards real change.

And (c):

"That civil disobedience (e.g. the Fattis and Monis boycott) was probing the possibilities and the limits of legal tolerance in various areas, and that greater tolerance is part of the new image of government".

10

Now, could I ask you, was this a deliberate campaign or a deliberate action or actions that were taken in order to test government's tolerance? --- Mr. Chairman, none of the actions described there are actions which I or anybody else on this commission initiated. If I guess correctly it is near the beginning of the minutes of that meeting, it might be a good idea if I saw it, if you wouldn't mind just letting me have it in the meantime, and one of the early items that we have on our agenda when we have finished with apologies, minutes and all that stuff and arising from the minutes, is a discussion on current issues of violence and non-violence. Yes, here it is.

20

It is at the bottom of page 1, paragraph (c)?

--- After "arising from the minutes" comes "discussion" and we discuss what is happening in the country as regards violence and non-violence. At the last meeting we discussed the nuclear threat which now applies to South Africa, we

30

discussed / ...

discussed the Gandhi film and we discussed something else, I can't remember what it is. Now here were people discussing these kind of actions in different parts of the country, and it looked to us as if in the case of Fattis and Monis boycott for example, civil disobedience was probing the possibilities and the limits of legal tolerance in various areas. That is not saying that this was our purpose, if that is what the question is.

Invariably, Reverend Robertson, if the discriminatory nature or the unjust nature of the legislation that regulates society is such that remedial action is called for one decides to react in a non-violent way, one knows in advance that one's actions may have an illegal content? --- Yes.

10

Were any lessons learnt out of this testing of the legal tolerance of the Government which you applied at a later stage, if any? --- Sir, I am just pointing out that we did not apply this testing, we are simply saying that what has happened is that people, whose motives we may not know - and civil disobedience by the way can be both of the not yet violent type and of the non-violent type - but that people were in fact doing this, and that to be tolerant to it seemed to us to be part of the new image of the Government.

20

Yes, the only point I want to make here, Sir, I accept what you say about that for the purposes of this question, the way the thing is formulated here it says that civil disobedience was probing the possibilities and the limits of legal tolerance, that is what it says? --- I think you would find if you looked at subsequent minutes, you will

30

find / ...

find that there is no follow-up from that, no lessons learned.

Allright. Then on page 2 there is perhaps a discussion on the South African Council of Churches' National Conference on withdrawal of co-operation, and it is recorded here that it was voted that within the churches there is increasing resistance to this kind of proposal - referring to withdrawal from co-operation: "the accent is on co-operation with the new stance of the Government. There is need for non-violent action even if only by small groups to demonstrate that it is not a negative way of acting in any situation". Now, would you would say that the reaction or the resistance by the churches to the suggestions of action by your commission were based on a belief that the churches had that the Government is in the process of effecting change? --- Yes, I think that is related, I don't think - again, it is the kind of thing I would like to look at, Mr. Chairman, but rather than take your time with that, does it say all the churches?

No. --- It simply says "within the churches", it is just a strand in feelings that we find particularly in some sections of the White community, the Black community as far as we can judge is not so impressed by the reforms.

In a document which is marked A3.5.4.1 obtained from the files of the Division of Justice and Reconciliation dated 20th to 21st February 1979, and headed "study commission on violence and non-violence" - this is your first document that you prepared, you say:

"Having taken over the responsibility for the work of / ...

of the commission from the Reverend Palos, I wish to outline my understanding of its purpose to ascertain whether the going out committee approves".

Now the first point that is made here is:

"The J & R division of the SACC itself arose as a response to the programme to combat racism, and that likewise this commission - that is the Commission for Violence and Non-violence - arose as a response to the WCC paper entitled 'South Africa's Hope - what price now?'"

10

Was that your view of the position at the stage when you wrote this particular document? --- That was my view, yes.

Now just one other point here, in sub-paragraph (3) you say that:

"Non-violent action involves danger to the actionist. It sometimes means breaking the law purposely and publicly and informing the authorities of this intention so that the maximum openness and trust can be maintained".

20

Then you say that in order to foster this type of action - in sub-paragraph (4) - you must know who the people are who are willing to act non-violently, you raise a question of communication with the people, and you raise the question of information resources and finances, and this is the circular you sent out to test response. --- I am not sure that a circular was sent out.

I am sorry, this is directed to Justice and Reconciliation Committee for approval, my mistake.--- Mr.

30

Chairman / ...

Chairman, perhaps I could come in and just give an example of how that openness which is spoken about in the portion you have just quoted in fact does establish trust. In this matter of posters in Pageview, over the whole Pageview issue and its removal, the little group that I was concerned with were continually asking the local Department of Community Development for an interview on the matter. We were continually refused that interview. We notified them, as the Commission has already heard, before we went into this what I would consider very minor 10 kind of action, that we were going to do this, they responded as given here, and after that we were offered two interviews. In other words the Department of Community Development was not more closed to us as a result but more open, and that is the way we try to work.

In your minutes of your commission for the 11th September it was reported to the committee by Dr. Kistner that non-violent action had not enjoyed popularity at the last National Conference, but the recent central committee meeting of the WCC had urged that more work be done in 20 this area? --- Yes.

Do you recall that? --- Yes.

Then you deal with conscientious objection and you refer to a workshop that was held in Natal in July, and you say:

"It was noted that the report of the workshops was not yet in print and that support groups in Durban, Cape Town and Johannesburg would continue to function independently but with liaison between them".

Now can we just have a look at these support groups - at the 30 relationship / ...

relationship of the SACC with the support groups. Now at the first meeting in Natal, one of the considerations - well let us first have a look at the strategy that these support groups considered at the meeting at the workshop on conscientious objection in Natal in July. You attended that particular meeting? --- Yes.

And the strategy that was discussed there appears on page 2 of the document, "Proposals for and organisation for conscientious objection" is the title of the document. Under "strategy" it says:

10

"South Africa is currently engulfed in the Government's total strategy. While the tactics of oppression have become more refined and tactful there has been a corresponding advance in ruthlessness. South African is not a Western democracy and action should be formulated accordingly".

And in paragraph 2 under "strategy" we find:

"Accordingly, the strategy of the CO movement will have to deal with the problems experienced by the movement itself but in such a way as to both maximise its potential and minimise the amount of damage it would suffer from a Government clampdown. What is required to achieve this is an effectively co-ordinated decentralised movement rather than a formal organisation. In a sense it could be called an informal movement sufficiently structured to ensure effective action and loose enough to permit shared responsibility".

20

Now, could I ask you, what created the fear that Government would clamp down on an organisation for conscientious

30

objection / ...

objection? --- Could I first say, Mr. Chairman, about that particular document - well it gives it more status that it needs to call it a document - but this was submitted by, as far as I remember, a few people to that meeting, and was not accepted as a programme, you know, anyway it was not accepted as the programme. Yes, I am not afraid of these things, Sir, I operate very openly, but it is impossible to live in this country without realising that Government does in fact take steps under security legislation against organisations that it may not favour. We have seen a large number that are banned, I have been in two of them, I have been a member of the Defence and Aid Fund which was banned in 1966, and a member of the Christian Institute which was banned in 1977, I am just trying to think what will happen to me in 1988, Sir, and this experience of laws which are at the discretion of a Minister, not under any judicial process, forces any organisation which takes up a cause and is unpopular as that of the conscientious objector to look at this issue.

I see. Let me turn to page 3 of that same issue, here we have a proposal to constitute a CO organisation as a sub-committee of the SACC, then we have the disadvantages of connection with the SACC and the advantages of connection with the SACC, and one of the disadvantages is the SACC suffers a notable lack of credibility amongst the White public. "Because of its Christian nature the SACC could easily alienate conscientious objectors who are not Christians. Because of the sensitive nature of the CO the SACC would face an increasing risk of its activities being

curtailed / ...

curtailed by the State". The advantages of connections with the SACC: "if offers a strong framework for the effective operation of the CO operation as a body dedicated to the realisation of justice in the sphere of CO, centralisation of the CO issue in the SACC will obviate unnecessary duplication of effort; the CO organisation would have more and better resources at its disposal and the SACC will acquire a vehicle for concretising its concern with the CO issue in a meaningful action". The proposed structure that was produced shows the SACC as the co-ordinating instance with the support groups and sub-committees in Johannesburg, Cape Town, Durban, as feeding into the SACC? --- Yes. 10

That is what the suggestion was? --- No, there were two suggestions - yes, the suggestion was not adopted, that is what I said earlier on in answer to the first question.

What was adopted? --- That we would simply let these groups function on their own and make what contact they wanted to with other groups. 20

And in your "Non-violent News" that you issue you regularly advertise the addresses of these support groups, who the contact people are and what facilities are available there? --- I think that I have done that twice in the years 1979 to the present time.

Well, let us see. --- I mean I don't deny doing that, Sir, because it is important that a person in Cape Town should know that there is a group that he can contact if he wants to discuss and to find out where he stands in the conscientious objection issue, that there are people he can 30

chew the issue over with.

In fact a decision was taken that your news sheet is so occupied with non-violent news it should get a more general character, and not concentrate so exclusively on conscientious objection? --- I am not sure of the nature of that question, I would like to hear it again.

I'll deal with that later. Let me put it to you first, in your "Non-violent News" of February 1980 you describe Moll and Steele as follows:

"At the moment Moll and Steele are the cutting edge of the tiny but very significant effort to stay of military totalitarianism in White South Africa".

10

Right? --- Yes.

Do you recall that? --- Very much.

So you considered these two gentlemen as being very important in giving momentum to the whole conscientious objection movement to increase the number of conscientious objectors? --- No, Sir, that may be implied in a sense in what is meant by cutting edge, because a cutting edge usually has more in the way of a solid blade to back it up, but the point of that sentence is that here are two men who are standing in the way of this country enforcing a law which says: whether you like it or not, whatever your conscience says, you have got to be in the Army. And that is what I mean by military totalitarianism.

20

Right, now some examples of your news sheet advertising these conscientious objection groups, these support groups, are to be found in the May 1980 news sheet where you say: you can keep in touch with the following

30

local/ ...

local groups that concern themselves with conscientious objection and the alternative forms of National Service, Cape Town - you provide the details - Durban, you provide the details, Johannesburg you provide the details, that is May 1980. The next example is November 1980, here two extra cities have been added to the list, namely, Port Elizabeth and East London. Again you give the particulars of where these people could be contacted.

You also set out incidentally in the same one, November 1980, where the libraries on non-violence are to be found. Then in the second quarter of 1981, Sir, in paragraph 3, you invite whoever reads this thing to join a CO support group, and you say here amongst other things these groups help to see that Charles is not forgotten by the authorities or the public. Persons to contact are - and you set out Durban, Cape Town, Pretoria, the

particulars of the CO support group in that particular area. Incidentally, you also invite them to attend the CO Conference at Wilgespruit. Then you also advertise, for example in 1982, the annual CO Conference that was to be held in Cape Town. So I would suggest to you that the publicising of the addresses of these contact groups - I have given you three examples there, you have mentioned two? --- I would say it is near enough, Mr. Chairman.

Okay. Now, what I want to suggest to you, Sir, is this, that not only does the nature of the discussion at the workshop on conscientious objection in Natal indicate that it was decided to have a loosely woven linked conscientious objectors' support group effort in the country, but in fact you as the chairman of the Commission on

Violence and Non-Violence, would see that the matters are orchestrated, centralised and distributed, and one of the instruments you used in that particular process was the Non-Violence News that you published three or four times a year. --- PAUSE

Your position, if I can put it to you differently, your position was you would advertise the availability of these support groups, you would keep in close contact with them through workshops or visits or conferences, and you therefore made it known where they were operating. 10

So you may not have had a formal organisation, but it was an informal organisation and at the centre of this informal organisation there you sat. Would you like to comment on that? --- Yes. Sir, I wish that I could have the Commission along to one of the meetings of these groups, because then the Commission would see in fact how tenuous is the contact between them. The word "close" contact used in the question is not really a reflection of the position. I would be, I guess, glad if that contact were closer. We have sometimes asked these groups to share with one another letters and 20 news of what they are dealing with and discussing in their own meetings, and the response hasn't been great at all.

But there is no official organisation there, the advertising that I have done of these groups amounts to three mentions in Non-Violence News of which I have produced since 1979, in four years, that is four times a year, 16 issues of Non-Violence News, and if it were a great effort to orchestrate and organise these groups I should think that much more would have been done by me if that were the case. My understanding of the situation is that in fact because I 30

am in this job in the South African Council of Churches, and because the South African Council of Churches has as its Member Churches most of the churches to which these young men belong, but not all by any means, that therefore I should be in touch with these groups, and when I go to Cape Town or Durban - well, I have never been at a meeting of the Durban group, I have been at I think two meetings of the Cape Town group, I am a member of the Johannesburg group so I am always there, but I am not the chairman of it, I am not even on the committee that runs it. I have no say over what these groups do, and the things that I tried to mention in my evidence are an indication that there is in fact in this country a general concern arising about the conscientious objector, and that this is not orchestrated in the sense that someone has to stir it up and get it going, it is there.

10

Could I refer you to the 1981 CO Conference report: ways of supporting a CO - apart from all the possible ways that you support the CO it says in paragraph 4:

"Keep in constant communication with Rob Robertson and try to give him help in this matter".

20

--- Yes, we put that in, Sir, because it wasn't happening, and we thought it would help - paragraph 4 isn't it?

Paragraph 4: support through contact with SADF authorities, No.7. --- Yes. Now, Mr. Chairman, this document I am not sure if it is before the Commission or not, is it an appendix? Yes, it is an appendix to the evidence of the SADF, and it runs to four pages, each page of which I would estimate has got about 15 suggestions on it, so that is 60 suggestions all told of how you can

30

support / ...

support a conscientious objector, one of them mentions me, and it mentions me in connection - this is why we have to see these quotations in their context - it mentions me in connection with contact with the SADF authorities. Now these groups know that I am a person who had considerable contact with the SADF on this matter, with the Naudé Committee, submitting proposals to them as given in my evidence, and so item 7 under No.4 says: "Keep in constant communication with Rob Robertson and try to give him help on this matter" and 10 the matter is contact with the SADF authorities. Now that does not relate to the whole running of an organisation or a movement, it simply means that our contact with the SADF authorities - I should at least be aware of what is going on.

The 60 points that you mention are really to be found under five headings, the first heading is: how to support the CO himself, and it sets out 12 different ways in which you can do it? --- Yes.

The second is how to support the CO's family, and it 20 sets out 14 ways you can consider. The third one is to support CO through publicity in the churches, and it sets out 12 points how you could do that, including amongst others get the church heads to take up contact with the Defence. The next way of support is to obtain publicity in the secular media, and here about 22 different methods are suggested, and the next point of support is to have contact with the Defence Force authorities and there some 11 points are mentioned how one can achieve contact. The next theme is how to support CO by using Parliament? 30

Through / ...

--- Through Parliament, not by using it.

Through Parliament, yes, it says: write to your MP for example, have special contact with Nat MP's. Consider sending petitions to Parliament, etcetera. The next one is support through overseas contacts for conscientious objection and here various overseas organisations are mentioned, Amnesty, Pax Christi, Mennonites, overseas churches are to be asked to write to the Government expressing their concern, use overseas contacts to help exiles, get passports etcetera..(witness intervenes) --- Mr. Chairman, may I mention there that the last sentence that has been read out is one of those corrections that was made to this and this was deleted. 10

Item 3? --- Item 3.

"Ask overseas contacts to make person to person calls to Charles and other CO's in DB" - and so forth. In any case these are modes and methods to keep the focus on conscientious objection which would include Parliament, overseas support, the secular media, the Church, the individual conscientious objector, his family, etcetera, etcetera, and in this context you are mentioned as a person with whom these support groups should keep contact? --- Mr. Chairman, the point is being said that this is to focus attention on conscientious objection? 20

Yes? --- That is not what the document says it is about it says: ways of supporting a conscientious objector. I don't know if there is a clear distinction between that but there is a distinction in my mind, that our concern is for these persons who are obeying their conscience and 30

find themselves in prison for it, and we have to offer these kinds of ways of support. That may well focus attention on the conscientious objection issue, but the purpose is not to focus on that issue, the purpose is to support these people.

Allright. Now, further to demonstrate your commission's interest in these support groups, we find in the minutes of the Commission on Violence and Non-Violence, dated 19 March 1981 in paragraph 6, under the heading "groups", we find in Johannesburg, we find Cape Town, where it is recorded: 10

"The CO support group continues strongly but war and peace is not so active".

Port Elizabeth - the convener reports on his visit there and the subsequent formation of a group for non-violence; Durban, a group which now deals with CO and non-violence and Pretoria, the convener reports on the possible formation of a group in Pretoria. In other words, I am suggesting to you that you were monitoring the process of these support groups constantly, and that is why the existence of well-being of these support groups are reflected in the minutes of the Commission on Violence and Non-Violence. I mean 20 similarly in the next minutes dated 18th September 1981, Sir, in paragraph 7, we find the groups in the various centres listed again, Port Elizabeth, Cape Town, Durban. In paragraph 8 we find a long minuted report on conscientious objection, and for example (b): the Johannesburg group is working on a counsellor's manual. The point is that you were monitoring on your own minutes, I want to suggest to you, you were monitoring the process - the progress rather 30 that / ...

that these groups were in fact making. Do you have any comment on that suggestion? --- Yes, Sir, there is no problem about that, it is our business, my business to know what these groups are doing.

It is part of the non-violent action that you are charged with, isn't it? --- Sir, I don't engage in non-violent action because I am charged with it, I do it from my heart.

No, your commission - I don't mean a criminal charge, I mean that is the function of your commission? --- No, Sir, 10 I understand you well.

Allright, that is more or less your commission and the activities of your commission, and then I would just like to ask you one further question, has the SACC or your commission in any way whatsoever pronounced on the recruitment for the ANC? --- Not to my knowledge, but it may have.

Did you not think it may be a necessary thing in view of the existing state of civil war? --- Sir, my concern in the SACC has been because recruitment for the SADF is 20 compelled on persons by law, and the concern has been to achieve some understanding in the law of the dilemma that these people face. The African National Congress does not have a conscription process, this is mentioned in my submission here. In fact I can recall a statement made by Major Craig Williamson, it must have been I think in relation to the trial of Barbara Hogan, that the ANC did not compel its members to take part in the violent aspects of its work. Now he said that from within the Security Police. It is a volunteer thing there. Now, if you want 30

to / ...

to have my own views on this, I would refer you to a statement I made on the Section 1(21)(c) of the Defence Act, it is Annexure 7(1). Now that consists of, in my file here, four pages. The first is a letter addressed to the chairman of the Select Committee on the Defence Further Amendment Bill, and here I set out why it will be difficult for me to comply with Section - with that section when it comes into force. The second page is an acknowledgment from the Houses of Parliament, from that secretary, in receipt of my letter. The third is a photocopy of my rather illegible writing of a statement that I made to my congregation, which was Sterling Presbyterian Church, on the 3rd November 1974, and the title is "Thou shalt not kill", and I have given the transcript of it, and I would like to refer the Commission to the second last paragraph, and the last sentence of that where I say:

10

"I have pleaded with men in the African National Congress not to take up arms in their struggle, and I must now make that same plea to you".

20

I just want to ask you this one last question. We know that the individual who receives training in the ANC really becomes a lifelong conscript, once he wishes to leave he is eliminated, we have got these historical case studies available. The SACC has not considered addressing the ANC in connection with its liberation army and the question as to whether it should desist from violence, apart from your personal view, to your knowledge? --- I have not registered that. But could I just say that I would question carefully the evidence that in fact those who cease to be

30

soldiers / ...

soldiers in the ANC are eliminated in the manner that is described, that to me is part of this web of truth, half truth and propaganda that you get around any war.

Thank you, no further questions, Mr. Chairman.

ADV. UNTERHALTER: Reverend Robertson, just one question, you had offered to the Commission to define the difference between the concept of force and the concept of violence. Will it take some time to do it, or is it a matter that is readily available and you could communicate it to the Commission now? --- A couple of minutes, could I do that? 10

If anybody wants to write it down, I would say that subjectively, that is as I do it being the subject, subjectively, violence is force used with hatred or indifference. If I don't care about the person or if I hate them, and I use force on them whether it is psychological force or physical force or other forms, then I am doing violence to that person. But on the other hand force can be used with love and with care, and that is the kind of force we use upon our children, it is the kind of force that I use upon the people who are fighting 20

outside my house. That is subjectively, that is as I view the action. But there is another side to it and that is that objectively violence is force that is used to cripple or destroy human life. Violence objectively is force that is used to cripple or destroy human life. I may think that I am doing it with love and with care, but my child may be able to come back to me and say: what you are doing I experience as violence, you are in fact crippling me, whether it is physically or psychologically, or you are destroying me. That is the definition I offer. 30

Those are the only questions, thank you, Mr.

Chairman.

CHAIRMAN: Thank you, Reverend. The Commission will now adjourn until tomorrow morning at 09h30.

THE COMMISSION IS ADJOURNED.