

keeping you in touch with Conscience and Peace Tax International - working for the right to pay for peace not for war

CPTI News

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International Conference at Woltersdorf

The Eleventh International Conference of War Tax Resisters and Peace Tax Campaigns took place in Germany - at Woltersdorf, just outside Berlin - between the 26th and 29th October. The full conference report is currently under preparation, meanwhile further information, including copies of press coverage, (and lots of photographs) can be accessed on the conference website www.peacetax-2006.com. For a summary report, and news of changes on CPTI's Board, scroll down to read the final statement of the conference. At the AGM of CPTI, which took place during the conference, a message was read from **Marian Franz**, the outgoing Chair, who was unable to be present because of ill health. A tribute to Marian from the CPTI Board was also read out. Sadly we now have to report the death of Marian Franz on 16th November. In remembrance of Marian, we reprint her message and our tribute below, following the conference report, and we also add excerpts from the e-mail she sent to CPTI following the death of her husband, Delton, in March this year.

More from the International Conference, particularly the country reports, in the next edition of CPTI News, but one very recent development in **Belgium** deserves immediate mention. On 22nd September the Court of Cassation - the highest Belgian court - overturned an Appeal Court decision on Jan Hellebaut's peace tax case, which has been running since 1999. The Appeal Court in Antwerp had ruled in 2003 that Jan's appeal had been lodged too late. The Court of Cassation disagrees; therefore the appeal itself will after all be heard, and the case has been transferred from Antwerp to Brussels. Jan is now waiting for a date for the appeal hearing.

Geneva - South Korea and Ukraine

In the "Concluding Observations" issued on 3rd November by the UN's Human Rights Committee at the end of its Autumn Session, South Korea was firmly instructed "to take all necessary measures to recognize the right of conscientious objectors to be exempted from military service". Currently, all declared conscientious objectors in South Korea face imprisonment, usually for eighteen months. Over the last decade, more than 500 conscientious objectors have been jailed each year, far more than in any other country. The Committee also called for improvements in the legislation covering conscientious objection to military service in Ukraine. Scroll down for a fuller report.

UK - a correction and news of some direct actions

The report on the Armed Forces Bill in CPTI News 3 was an simplification of a very complicated set of issues - perhaps an oversimplification - scroll down to read a letter which points out that we did not clearly distinguish between desertion and refusal to obey orders.

As with Major Florian Pfaff in Germany last year, Flight Lieutenant Malcolm Kendall-Smith had refused to obey an order on the grounds that the war in Iraq was illegal; he had not gone missing.

A few brave civilians took direct action against the same illegal war. The "Fairford 5" attempted to prevent USAF B52 bombers from taking off from Fairford in Gloucestershire in order to bomb civilian areas of Iraq. Trials of different members of the 5 on charges of conspiracy to cause criminal damage (to the vehicles servicing the bombers and the bombing mechanism itself) collapsed in September and October when the juries were unable to reach a verdict; retrials are expected in the new year. The 5 had argued that their actions were justified as they were attempting to prevent the commission of a war crime.

Two web sites carry further details:

<http://www.b52two.blogspot.com/>

<http://www.fairfordpeacewatch.com/iraqwarontrial.html>

Also interesting is the case of the "Motherwell 2". At the beginning of 2003 there was a brief flurry of press reports that two train drivers in Scotland, describing themselves as "conscientious objectors" had refused to take charge of a train loaded with munitions destined for the imminent invasion of Iraq. Then the story vanished from the newspapers. A quick google however "confirms" rumours of the sequel. An article on the "World Socialist Web Site" (wsws.org) reports that as they were the only drivers qualified to take that particular train, it did not go. Instead, the article claims, on its way to support the invading force the aircraft carrier Ark Royal diverted from Portsmouth to the Firth of Clyde, where under heavy security it was loaded with the munitions from the train, tediously ferried the few miles to the coast by a fleet of lorries. Rumour says that no action was taken against the objecting drivers.

Staying on the Firth of Clyde, but moving right up to the present, one final brief item. Another direct action to prevent a greater crime. "Faslane 365" started on 1st October. The aim of the action is to block for an entire year the road access to the Faslane nuclear submarine base, primarily in protest against the renewal of the Trident missile system, the UK's so-called "independent nuclear deterrent". Peace groups from all over Britain have booked the dates on which they will take responsibility for the blockade. Once again, there seems to be a press blackout. Do watch out for, and spread, any news which emerges as the year progresses.

USA / India

A quick update on the report in CPTI News 3, about the Bill which would authorise the United States to supply nuclear technology to India in violation of the Non-Proliferation Treaty. (As a non-signatory of the Treaty and as a state which has exploded a nuclear weapon, India is debarred from receiving any nuclear technology.) On 16th November the Bill, with strong bi-partisan support, was adopted in the Senate by 85 votes to 12 - and that despite the fact that two Indian firms have recently been blacklisted by the US Government for transferring missile technology to Iran!. A timely reminder that on some issues it is not just Bush's Republicans who are out of step with the rest of the world.

A new style for CPTI News

This is an experimental edition, produced in the light of formal and informal comments received at the Woltersdorf conference. (All participants at the conference have been added to the distribution list, but may of course unsubscribe by a simple e-mail.)

No logo. If you have never seen this newsletter before - and you were not at Woltersdorf - your computer had probably rejected the earlier issues as spam because of the attached image. But it is also much easier to produce as text only.

Auch auf Deutsch!! Irene Auerbach has volunteered to translate into German. So German-speaking subscribers are for the first time receiving a German edition. We hope to be able to continue with this, so if we have guessed wrong which language you would prefer to see the newsletter in, just drop an e-mail to news@cpti.ws

More frequent. No, the fact that the October issue has been followed by one in November does NOT mean that CPTI News is now appearing monthly! But the hope is that its gestation period (which previously averaged nine months, like that of some other species!) can be reduced.

Therefore each edition will carry fewer reports and (in principle) be *shorter*.

But also *in two parts*. Some subscribers have complained that the newsletter is too long. But others have welcomed detailed information which they would otherwise have missed. So this first part of the newsletter now consists of a brief round-up of what we have to report. However this is followed by fuller details and/or extended quotations for the benefit of those who want to read more about particular stories. Not everyone will want to read every article in the second part, which follows below. This month, as it happens, we reprint some quite lengthy items, so by accident the newsletter as a whole is if anything longer than usual;

future editions should be much shorter.

Feedback on all these changes - or anything else - very welcome, as is any material for inclusion in future editions. The address, as always, is news@cpti.ws.

FINAL STATEMENT OF THE 11TH ANNUAL CONFERENCE OF WAR TAX RESISTERS AND PEACE TAX CAMPAIGNS,

which took place in Woltersdorf near Berlin from 26-29 October 2006.

The topic was: War Tax - Responsibility - Peace Tax.

The participants reiterate their conviction that it is impossible to create peace through war and the use of violence. The responsibility of each of us is indivisible; war leads to the loss of humanity. Human beings are free to reject military violence. Therefore no person shall be compelled to participate in military violence, directly or indirectly. The participants hope that with every conscientious objection to serve with a weapon or to pay the military share of taxes, the total military potential for violence will decrease, and that with every euro spent on peaceful projects the military budget will shrink and more justice and peace will become possible.

The Conference deplores in the strongest possible terms the desecration of graves in Afghanistan by German soldiers. This is yet another demonstration of the danger to soldiers of becoming cruel and insensitive. The Conference demands an end to military action in Afghanistan and the deployment of civilian peace-keepers who have been trained for such purposes for a number of years.

"Conscience and Peace Tax International" (CPTI) introduced the study "Military Recruitment and Conscientious Objection: A Thematic Global Survey". We were not surprised to learn that to this day, rich men can still buy themselves out of military service, and that the right of conscientious objection is still not honoured in several countries. We were, however, surprised to learn that e.g. in Switzerland any man who does not perform his military service has to pay 2% of his income till the age of 40 – so alongside many indirect taxes there are also direct military taxes.

Seven British citizens who refuse to pay taxes for military purposes – "the Peace Tax Seven" – are in the process of bringing their cases to the European Court of Human Rights. The Conference assures them of their full support. And so at the invitation of "Conscience UK", the 12th International Conference on War Tax Resistance and Peace Tax Campaigns 2008 will take place in the United Kingdom.

We heard from other continents, particularly from countries where armed conflict is linked with severe human rights violations, Nepal, Colombia, Eritrea and the eight other African countries where wars are currently going on. We were urged to defend everywhere the right to conscientious objection to military service, to support the granting of political asylum to objectors and deserters. The Conference supports the initiative "International Law Campaign" (Aktion Völkerrecht) started by students from a secondary school in Heidelberg, as well as the "Manifesto against conscription and the military system" from the Gandhi Information Centre in Berlin.

Marian Franz, departing Chair of CPTI, was given heartfelt thanks for her many years of work. The Board of CPTI having reached the end of its period of service, the General Assembly elected a new Board for CPTI. The new Chair for the next four years will be the former treasurer, Pedro Otaduy from Spain. Hannelore Morgenstern-Przygoda, Germany, is Deputy Chair. The day-to-day work will continue to be entrusted to the experienced hands of Dirk Panhuis from Belgium, and the new treasurer is Alan Gamble from the USA. They are joined on the Board by Robin Brookes (one of the Peace Tax Seven, UK), Ricardo Esquivia (Colombia), Angelo Gandolfi (Italy), and Carla Goffi (Belgium).

MARIAN AND DELTON FRANZ

As reported above, we have just heard of the death of Marian Franz on 16th November. At the CPTI AGM the following message from Marian had been read out:

Dear Friends,

As chair of CPTI I had very much looked forward to being with you today and chairing the meeting of the CPTI general assembly. This was to be a very special trip for me. My son was going to travel to Germany with me. There is little in life that I have looked forward to more than our international conferences.

Those of us who work on behalf of those victims who suffer the first-hand costs of military violence share a special bond. That bond ties us together not only in our work but in the deep and genuine affection for each other.

I feel this special closeness with you this weekend. I am aware of your concern for me, and your prayers and your hugs, and am so grateful for them. A difficult and unfortunate cancer is separating us for now.

I am so proud of CPTI's achievements. Working with and for CPTI has been thrilling, I give to each of you my love and wish the greatest blessings of the universe on your continued efforts. If we keep our focus on the victims of military violence, we will grow.

With sincere love and appreciation. *Marian Franz.*

Marian and CPTI (prepared for Marian's family by the Members of the CPTI Board, 16th September 2006, and read out in tribute to her at the CPTI AGM.)

Marian was there at the birth of Conscience and Peace Tax International, in 1994 at Hondarribia in Spain, at the Fifth International Conference of War Tax Resisters and Peace Tax Campaigns. Indeed, when the idea was first mooted at the Brussels conference two years earlier she had been among those who were enthusiastic about the possibility of an organisation to lobby at the international level - just like she herself was already doing to such good effect at the United States level for the National Campaign for a Peace Tax Fund. As Vice-Chair of the CPTI Board from the outset, and Acting Chair from 2004, Marian lovingly watched over what she would call this "baby" as it grew into a toddler then a child; it was Marian who initiated the crucial decision to apply for accreditation to the United Nations as a non-governmental organisation, and it was thanks to Marian's typical persuasiveness in presenting our case to the NGO Committee in New York that in 1999 CPTI was duly granted "Special Consultative Status" with the UN Economic and Social Council. Strongly driven by her faith and her principles, Marian is one of those who feel that the purpose of life is to leave the world a better place than she found it. She is a persuasive and, on the subject of Peace Tax, unstoppable speaker. The story was once told as a joke of the Congressman who had told her to be quiet - everyone knew that no politician could silence Marian! While her eloquence can spur others to action, she also stands out as an intensely practical person; a realist with a clear sense of what is and is not possible, whose steady hand on our Board inspires confidence; an idealist who nevertheless understands the practical worlds of fundraising and politics. Her highly-tuned political sensitivity makes her an excellent lobbyist, working away in a patient, calm, yet determined and effective manner. But this skill reflects also her charm and humour - and a sensitivity in personal relations which has been invaluable on the CPTI Board. Marian is always clear in her own position, but alert to even small irritations, she takes great care to canvass the views of others and tries hard not to exclude either opinions or persons. So it is often she who suggests the inclusive language to accommodate all viewpoints.

Marian's young and joyful spirit brings vital energy wherever she goes; her warmth and competence also bring tranquility. She knows not to demand too much of others, but has the gift of "affirming", of sending the little message that makes each of us feel that our own efforts are appreciated. Even across an ocean, we have all appreciated her gentle but firm leadership, but above all her dedication to the task in hand. In 2004, Marian had insisted that she become only an interim Acting Chair; this had seemed to reflect her usual strategic thinking, and probably the overlap with her continuing role as Executive Director of NCPTF. In retrospect, however, perhaps she already had an inkling of the problems to come. It was only when her husband Delton died in March this year that we all learnt the full distressing story of his long decline. Throughout this, and latterly throughout her own illness, she has never been distracted from her responsibilities at CPTI, and is a person we can always rely upon.

In the words of Bertold Brecht: "There are people who fight sometimes: they are good. There are other people who fight for a long time: they are better. There are other people who fight all their life: they are indispensable." Marian: there can be no doubt that you have been one of the indispensable people. For the first time since 1986 an International Conference in Europe will gather next month without you. We will all deeply miss you, but the inspiration of your example will continue to drive CPTI forward.

E-mail sent to CPTI by Marian, 13th March 2006.

I want you all to know that my husband passed away on Monday, March 6. You knew him only when I referred to him as "my husband." Now I would like to introduce you to who he really was and what he really did. I hope you read this. --- Marian.

To this message, Marian attached the press release issued by MENNONITE CENTRAL COMMITTEE, an abridgement of which follows.

Delton Willis Franz, 73, the former director of the Mennonite Central Committee Washington Office died March 6 after a lengthy illness. His life work centered on peace making and race relations.

At the peak of the civil rights movement and protests against the Vietnam War in 1968, Franz came to Washington, D.C. from Chicago to open the new MCC Washington Office. He served as MCC's primary liaison to the U.S. government, bringing the concerns of MCC workers and partners around the world to policymakers on Capitol Hill. He retired in 1994 after 26 years as director.

"For him the first move of political action was always to clarify and deepen the church's understanding of issues of justice and peace," said John Stoner, former MCC U.S. Peace Section director. "The second move was to witness that understanding to the powers in Washington."

Once in Washington Franz "worked tirelessly for the most inclusive definition of legal conscientious objection, so that no person, whatever their religious persuasion or lack thereof, was denied the right to refuse to kill people," Stoner said.

Under Franz the Washington office broadened the Mennonite voice to government to include civil rights, international peace and justice issues and human rights. Franz was a founding member of Churches for Middle East Peace, a coalition of 20 religious groups. He attended the Oslo agreement signing ceremony at the White House in 1993. He also focused on U.S. policies toward Latin America and traveled widely throughout the world. Franz married Marian Claassen in June 1954. After pastoring for a year in Kansas, the two moved to Chicago to attend Mennonite Biblical Seminary. Franz was pastor of Woodlawn Mennonite Church on Chicago's South side from 1955 to 1968. He and his wife were active in the Civil Rights Movement of the 1960s.

"I think that what I recognized, and what people of that community recognized was that Delton was a very compassionate person. That compassion was the deepest driving force of his life," said Vincent Harding, his co-pastor from 1958 - 1961. "And what we were doing was something that did not have any models,"

Harding said of their work together as pastors at Woodlawn, an inter-racial church. "At any point I felt he was trying always to be both straight forward and gracious and open in our working together." Harding recalled how Franz's openness to exploring the situation at Woodlawn was what helped create the circumstances for multi-racial leadership in the church.

Franz and Harding were two of a group of five men, three white and two African-American, who traveled together to the southern states in 1958 and eventually met Martin Luther King. "They were very exciting years and I think we saw that some things were possible that many people thought impossible, with people coming together from very different backgrounds and finding some common ground," Harding said.

Marian and Delton are survived by a son and two daughters and two grandchildren. All associated with CPTI send their heartfelt condolences to the family on the double blow which they have suffered this year. But it is in character that the last word has to be with Marian herself. Her farewell e-mail to the Board of the National Campaign for a Peace Tax Fund in the USA, whom she served as Executive Director for 23 years until 2005, closed as follows:

"My mother lived to age 93. My father lived until age 101. Until a few months before he died, he was still on the farm, taking care of himself. I had expected a long life also. I would have enjoyed more years, but a different course is laid out for me. I have been especially comforted by the book, Psalms for Praying by Nan C. Merrill. She rephrases the Psalms to present God as our lover, our beloved.

I am most thankful for your continuing concern and support. I can feel your prayers.

With love and deep gratitude, *Marian*

HUMAN RIGHTS COMMITTEE CALLS FOR ACTION ON CONSCIENTIOUS OBJECTION IN SOUTH KOREA AND UKRAINE

The Human Rights Committee met in Geneva for its 88th Session between 16th October and 3rd November. During the Session, the Committee considered reports, submitted in accordance with the International Covenant for Civil and Political Rights, from four States - Honduras, Bosnia-Herzegovina, Ukraine, and Republic of Korea (South Korea).

Conscientious objection did not feature in the dialogues with the Governments of Honduras and Bosnia-Herzegovina - both now have all-volunteer armed forces and there were many other important human rights issues. (One of the representatives of non-governmental organisations in Honduras who made the trip to Geneva to brief the Committee was however a woman who had participated in the 1994 hunger strike which had helped persuade the government to scrap conscription.)

Ukraine defused criticism by announcing plans to "professionalise" its armed forces from 2010. This did not however blind the Committee to the weaknesses in its current arrangements, and in Paragraph 12 of their Concluding Observations (UN Document CCPR/C/UKR/CO/6) they observe "While the State party has announced plans to convert its armed forces to an all-volunteer basis, the right to conscientious objection against mandatory military service should be fully respected. Conscientious objection has been accepted only for religious reasons, and only for certain religions," and recommend **"The State party should extend the right of conscientious objection against mandatory military service to persons who hold non-religious beliefs grounded in conscience, as well as beliefs grounded in all religions."**

The situation facing conscientious objectors in South Korea is one of the worst in the world. For full details consult the evidence submitted to the Committee by the Korean non-governmental organisation MINBYUN (Lawyers for a Democratic Society), and by CPTI itself, by going to the website of the Office of the UN High Commissioner for Human Rights (www.ohchr.org) and following "human rights bodies" -> "human rights committee" -> "sessions".... (Sadly, direct links to UN websites usually fail.). In its Concluding Observations (UN Document CCPR/C/KOR/CO/3/CRP.1) the Committee pulled few punches. Paragraph 17 states:

"The Committee is concerned that: (a) under the Military Service Act of 2003 the penalty for refusal of active military service is imprisonment for a maximum of three years and that there is no legislative limit on the number of times they may be recalled and subjected to fresh penalties; (b) those who have not satisfied military service requirements are precluded from employment by government or public organisations and that (c) convicted conscientious objectors bear the stigma of a criminal record (art.18).**The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service. It is encouraged to bring legislation into line with Article 18 of the Covenant. In this regard, the Committee draws the attention of the State party to its General Comment 22 para.11 on the right to freedom of thought, conscience and religion."**

It is hoped that among the "views" on individual cases reached by the Committee in the same session will, by co-incidence, be one on the case brought by two Korean conscientious objectors in 2004. Because they have to be shared with all parties, these "views" take longer to be made public. Watch this space!

UNITED KINGDOM

LETTER: DR KENDALL-SMITH TRIAL AND ARTICLE 8 SHOULD NOT BE CONFUSED

To the Editor

Conscience and Peace Tax International News

Dear Editor

Thank you for mentioning, in the October 2006 issue, in your section about developments in the UK, the Armed Forces Bill 2006, now approaching its final stages and the trial by Court Martial of Dr Malcolm Kendall-Smith.

In a lot of media reporting and even in the Debate in the House of Commons there has been confusion between the military offences of refusal of a lawful order, for which a

maximum term of ten years imprisonment is proposed, and going absent without leave, which in war time may be defined as desertion. As you correctly report a maximum punishment of life imprisonment is proposed for those who go absent to avoid particular postings.

However the offences for which Dr Kendall-Smith was tried and is now appealing against conviction were refusal of legal orders. In reality it was only one offence because he was given five separate orders to report for training for deployment to Iraq. Each of these orders was given by his superiors in the full knowledge that he would refuse. He had made clear his position that he was convinced that the war in Iraq was illegal so any order to participate in that war was an illegal order which it was his duty as a Commissioned Officer to refuse. He also considered that the nature of that war was such that under International Humanitarian Law it was his duty as a Doctor of Medicine to refuse.

He had however made clear he wished to continue his service in the RAF and requested any other posting. He had been hoping for a posting to the Falklands when he received the order to return to Basra for a third period of service in Iraq. He then submitted in writing his resignation which was not granted.

At no time has Dr Kendall-Smith even been accused of absence without leave or desertion. I am sure that someone as committed to the RAF as Dr Kendall-Smith must have been upset by reports that have confused the issues raised by his case with the debate about clause 8 of the Armed Forces Bill 2006 which is about defining certain forms of AWOL as desertion and liable for extreme punishment. Clause 8 appears to be aimed at the rising numbers of those who have not openly refused an order but have gone absent without leave since the commencement of the Iraq War.

Correlation does not necessarily imply causation. However the Government response of specifying motivation to avoid particular postings as a reason for extreme punishment, suggests that, in the case of the relation between rates of absence and opposition to particular wars, it does.

Gwyn Gwyntopher

AT EASE voluntary counsellor

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ABOUT CPTI NEWS

CPTI News is the occasional e - newsletter of Conscience and Peace Tax International, the United Nations accredited non - governmental organisation (ngo) which works for recognition of the right to have a conscientious objection to taxation for military purposes. CPTI News is compiled by Derek Brett, CPTI's permanent representative at the UN in Geneva, who takes personal responsibility on behalf of CPTI for any inaccuracies or other shortcomings.

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How to give: In the USA and Canada Make out your check to "PTF for CPTI" and send it to: CPTI, in care of NCPTF, 2121 Decatur Place NW, Washington, D.C. 20008-1923, USA. (The Peace Tax Foundation (PTF) is a registered non-profit 501 (c) (3) organization)

In the rest of the world (no cheques, please!): Send payment either by bank transfer to Bank van De Post, (agency: Diestsesteenweg, Kessel-Lo) to the credit of Conscience and Peace Tax International, Bruineveld 11, 3010 Leuven (Belgium): IBAN (International Bank Account Number): BE12 0001 7098 1492. BIC (Bank Identification Code): BPOTBEB1, or by International Postal Money Order (IPMO): At your local post office in any country you can send an IPMO in euros to CPTI. Outside the euro zone this method is usually cheapest.