



# Around Europe

Quaker Council for European Affairs

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## Peace Tax - The Legal Dilemmas

In the last edition of *Around Europe* we reported briefly the actions of the bailiffs in the UK against Peace Tax protester Robin Brookes. Here, we present further reflections on the issue.

It is important to look at the kind of reasoning courts tend to give for not finding in favour of peace tax protestors when they are taken to court by the tax authorities. They include:

- The judgements hold that the need of the State to maintain a uniform tax system outweighs the conscientious objection to the uses to which part of the tax is put.
- The judgements hold that in the absence of legislation which allows for the diversion of taxes away from military purposes, the courts have no power to rule for the peace tax protestors.

These arguments point up a number of important issues:

Firstly, this is not an issue of taxation and not one that can be resolved by the tax authorities. The tax authorities are there to collect taxes and they are not there to decide on the conscientious objection of tax payers to the uses to which their money is put. Nor do the tax authorities have control over the uses to which taxes are put. That is a matter for elected governments.

Secondly, judicial systems are not there to make law, they are there to uphold it. That means they can apply law so long as it exists. The fact that this is not that clear-cut an issue in legal systems based on precedence does not alter this.

Peace Tax initiatives have taken two different approaches; one is the personal protest of withholding tax, being taken to court by the tax authorities and being compelled to either pay or have one's goods seized or go to prison; the other has been to attempt to get legislative authorities to make laws which recognise conscientious objection to the payment of taxes for military expenditure.

The Peace Tax Seven, of which Robin Brookes is one, take the first of these two approaches and have taken this matter through the English courts

as far as it has been possible to do so. The most recent decision in their case in July 2005 was that the High Court turned down their application for a full hearing of their case. Put very briefly and simply, the Court took the view that this was a matter for the European Court of Human Rights which had made previous judgements in related issues and which the High Court in England would have to overrule in order to rule in favour of the Peace Tax Seven. The case of the Peace Tax Seven continues in order to exhaust domestic procedures. This is required for them to be able to take the matter to the European Court of Human Rights.

QCEA has taken the other approach, not because we disagree with that taken by the Peace Tax Seven but because we consider it necessary to put into the hands of the courts something that will allow them to rule in favour of peace tax protestors.

The Council of Europe, in 1967, passed a resolution which stipulates that Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms applies to conscientious objection to military service. QCEA has argued that the logical consequence of this is that Article 9 also applies to conscientious objection to the payment of taxes for military expenditure. The European Court of Human Rights has taken the opposite view.

Therefore, we are working towards a resolution being passed by the Council of Europe which would extend the 1967 resolution to the matter of taxes.

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## Peace Tax - The Legal Dilemmas

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So far, we have had discussions with other non-governmental organisations (NGOs) working on human rights issues at the Council of Europe and with some Members of the Parliamentary Assembly of the Council of Europe. One of their principal arguments against such a move is to say that there is no case law to support our approach.

But as is demonstrated so clearly by the case of the Peace Tax Seven, the courts take the view that there is no basis in law for them finding in favour of peace tax protestors.

QCEA is now planning to work with the Peace Tax Seven to ensure that we have developed

more support among NGOs and parliamentarians in Strasbourg for a legislative solution by the time the Peace Tax Seven case comes before the European Court of Human Rights.

We hope that this approach, which combines the protest and legislative dimensions, will lead to this vicious circle being broken.

For more information about the Peace Tax Seven, see:

[www.peacetaxseven.com/](http://www.peacetaxseven.com/)

For more information about QCEA's work on Peace Tax issues, see:

[www.quaker.org/qcea/peacetax](http://www.quaker.org/qcea/peacetax)

*Martina Weitsch*

## Transparency and Openness in the Council of the European Union

The European Ombudsman may not be the most well known of the European Institutions but the current incumbent, Nikiforos Diamandouros, has struck a blow for openness and transparency. On 4 October 2005 he published his findings in relation to a complaint from Elmar Brok, MEP, the Chairman of the Foreign Affairs Committee in the European Parliament.

In his complaint, Mr. Brok argued that the Council was in breach of its obligations under Article 1(2) of the European Treaty, which provides that decisions should be 'taken as openly as possible and as closely as possible to the citizens'.

The Ombudsman found that the Council, whose current rules of procedure allow public access to

meetings only in very limited circumstances, has no valid reasons for not amending those rules and was therefore guilty of maladministration in failing to make the necessary amendments in order to have more public access to meetings.

You can find out more about the ruling and the work of the Ombudsman generally at

[www.euro-ombudsman.eu.int](http://www.euro-ombudsman.eu.int)

The question now of course is what will the Council do about this? QCEA has written to Jack Straw to ask about the plans of the UK Presidency to react to this ruling. You may want to do the same or you may want to write to the Foreign Minister in your country.

## Nobel Peace Prize 2005 - 1000 Women lose out

The Nobel Peace Prize for 2005 has been awarded to the International Atomic Energy Agency (IAEA) and its Director General, Mohamed El Baradei. QCEA congratulates the Agency and Mohamed El Baradei on this award.

Readers of *Around Europe* will however remember that we reported in our September 2005 edition of a project which had nominated 1000 women, each of whom had made a significant contribution to peace, as representatives of all the thousands of women who strive for peace, for the Nobel Peace Prize 2005. We share with the initiators of this project their disappointment, as, like them, we had hoped very much that the 1000 women would be

recognized for their untiring and courageous work in the cause of peace.

The work of this project is not lost, though. There is now a book (to be published on 21 November 2005) and a set of 1000 cards which can be purchased. The cards, because they can be exhibited very simply and without a great deal of technology required, are a particularly useful tool to highlight the immense contribution which women make to peace in many parts of the world.

For further information about the project, the book and the card set, visit:

[www.1000peacewomen.org](http://www.1000peacewomen.org)

## A New Force in European Parliamentary Democracy?

Is it too soon to start talking about the next European Parliamentary election? It's not going to happen until 2009 and that is a long way away. But if the aim is to have a new force in that election, a force that has a European focus rather than 25 national ones, then maybe 4 years is not long enough.

The new force in European parliamentary democracy calls itself Newropeans, the first trans-European political movement with no national level. This sounds like another step in European integration, the loss of national identity and sovereignty and even a step further than federalism, but is it? Let's stop for a minute and look at what this new organisation is saying:

What do politics look like in the current European Parliament? Members of the European Parliament (MEPs) are elected on a national basis, i.e. each Member State has a set number of MEPs. They are put forward in the elections by national parties. It is therefore entirely logical and understandable that much of the debate during the campaign - if there is any at all - runs along the lines of national political issues. European politics is way down the list of priorities.

In the European Parliament the MEPs from each country then come together with MEPs from other countries and group themselves into a number of political groups. These groups are very influential in terms of who is the spokesperson on various issues and what positions they take on key issues they decide on, but they don't have a group wide agreed manifesto nor have any citizens voted for the group position. This is, in any event, the assertion of Newropeans. But are they right?

Well, yes and no. They are certainly right with regard to the majority of the political groups at European level. The group to which this does not apply is the Greens/European Free Alliance. They had a European manifesto for the 2004 election on the basis of which their candidates in each Member State campaigned. But given that this group has only 40 (or less than 6%) out of 732 seats, there is still quite a bit of scope for bringing European Parliamentary democracy into the limelight at a European level.

Newropeans base their approach less on issues and more on the issue of democratic accountability and transparency itself. Or so they say in their manifesto:

The movement is therefore conceived as being a "catalyst", allowing the transition from a post-war EU built by administrations and national parties into a democratic EU where the citizens and peoples are the motors of the major European decisions, served by a genuinely European competent and effective political class, anchored in the values of democracy, justice and openness to the world.

Newropeans see themselves as a time-limited movement which may run out of an objective at the point when all political parties have European identity so that European election campaigns focus on European issues.

Why is that so? In their words: 'because the EU is too important to be left in the hands of national parties and of bureaucrats'. And who can argue with that?

At the moment, Newropeans is seeking members who wish to help it build and shape the movement. More information about Newropeans can be found at: [www.newropeans.org](http://www.newropeans.org)

For those who see a democratic deficit at European level and want to do something about it, this may be one avenue to pursue.

### Online European Peace Directory Launched

QCEA is pleased to announce the launch of the European Peace Directory. The Directory is available to access on the QCEA website at: [www.quaker.org/qcea/peacedirectory](http://www.quaker.org/qcea/peacedirectory)

The European Peace Directory, searchable by country or topic, is an online resource for all those in Europe who are working for peace and want to find out who else in Europe is working in this field.

Information for groups interested in signing up to the European Peace Directory is available on the QCEA website at: [www.quaker.org/qcea/peacedirectory/signup.htm](http://www.quaker.org/qcea/peacedirectory/signup.htm)

The directory costs nothing to join and is free to access.

If you have any feedback or comments on the European Peace Directory please contact the QCEA Office.



## News in Brief

### Call to Action against Poverty

The Global Call to Action against Poverty (GCAP) is an international campaign made up of many groups and organisations working towards economic justice and poverty eradication around the world. GCAP is campaigning for more and better aid to poor nations, debt cancellation, and trade justice rather than free trade. They are calling for national strategies to fight poverty and work toward the United Nations' Millennium Development Goals [www.un.org/millenniumgoals/](http://www.un.org/millenniumgoals/) that are sustainable, transparent, democratic, and accountable.

GCAP is staging White Band Days all across the world to publicise this message. These days are intended to correspond with international events and conferences focused on economic and trade issues. The next White Band Day will be on 10 December, international Human Rights Day, before the 6th World Trade Organisation

Ministerial Conference being held in Hong Kong from 13-18 December.

Check out [www.whiteband.org/Lib/about/about/News/actlocally/AllRegions](http://www.whiteband.org/Lib/about/about/News/actlocally/AllRegions) to see what is happening in your country and how you can be involved.

### New Commissioner for Human Rights of the Council of Europe

On 5 October 2005, Thomas Hammarberg, currently Secretary General of the Olof Palme International Centre in Sweden and a former Secretary General of both Amnesty International and Swedish Save the Children, was elected new Council of Europe Commissioner for Human Rights by the Organisation's Parliamentary Assembly. He will take up his post on 1 January 2006. He succeeds Alvaro Gil-Robles, the first Commissioner for Human Rights, who was elected in 1999.

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