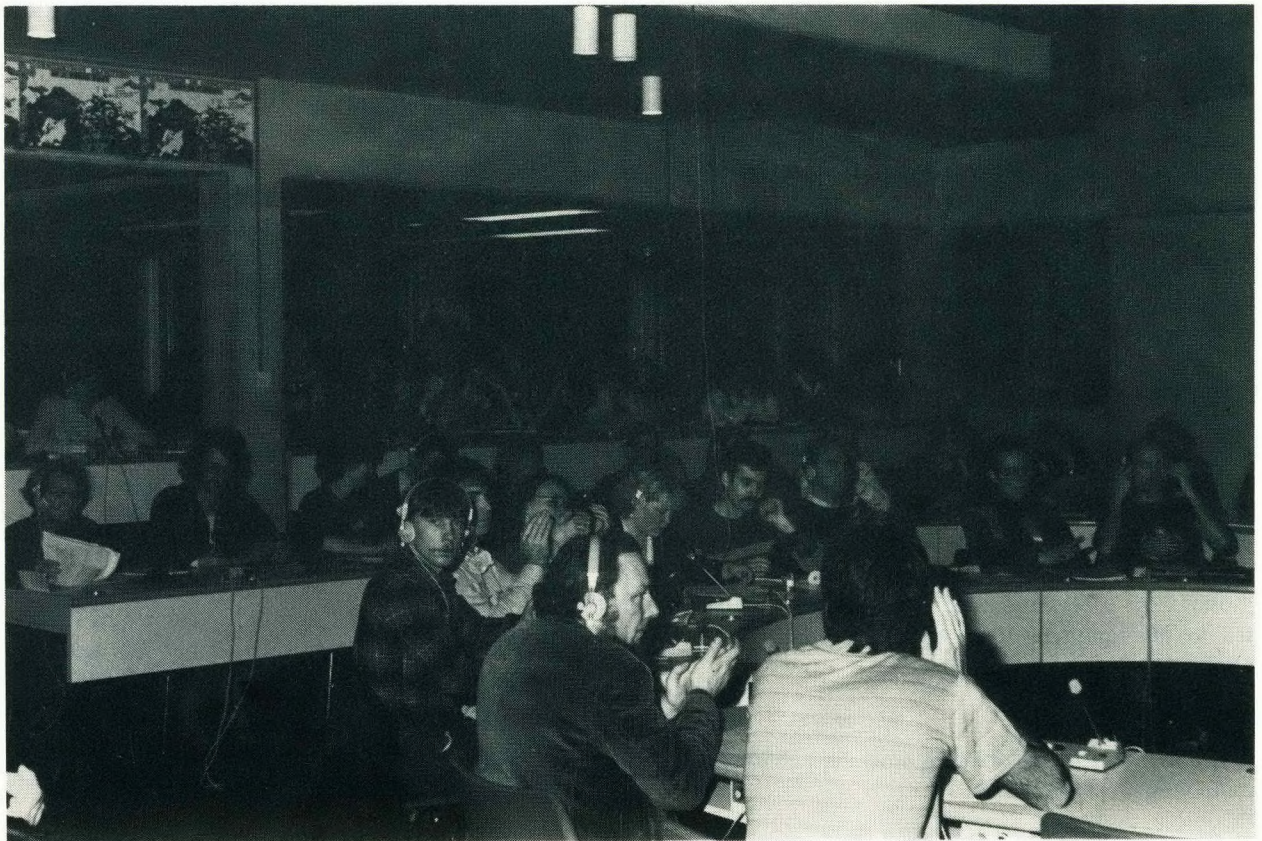


To allow the C.O. to act in accordance with the principles and values of non-violence, it is important to see the exercise of conscientious objection more widely than just through alternative service. It is arbitrary to offer someone the possibility to refuse military service but not the possibility to refuse other contributions to the military industrial complex and the ideology that goes with it. Therefore, conscientious objection should also be recognised as the right to refuse to pay that proportion of tax used for military purposes, and instead to contribute to some peace-affirming cause. Among other rights which should be recognised are :

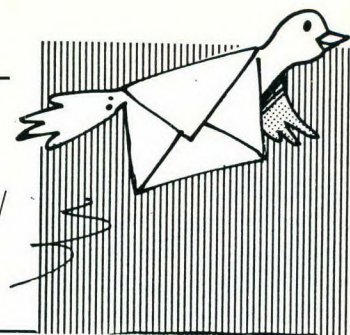
- the right to refuse a job in a factory engaged in arms productions or trade or in any other company linked with it (with no loss of social security benefits) ;
- the right for people working in administration to refuse to implement sanctions against people who actively oppose different aspects of militarism (tax refusers, military job refusers, etc.).

Summarising, conscientious objection applies to all forms of obedience to one's conscience, as one of the pillars of non-violent social defence. It is therefore not only a matter of young men who are under conscription, but of all people who are aware of growing militarisation and want to oppose the use of violence against persons or the principles of non-violence. Conscientious objection is the concern of all women and men who reject the system of military defence and do not want to limit this struggle to an alternative form of service, but who want to contribute to a more peaceful world by means of self-organised non-violent social defence.

As for reflections on defence, and certainly on social defence, Sweden is a leading country. It is one of the few countries where an official study has been made about non-military defence. From this study it can be concluded that social defence is, in the first instance, an important complement to the traditional military defence. Although this study is still to be updated, we think it is a first important step towards opening a discussion which ensures that the military machinery no longer has a monopoly on defence matters.



WORKSHOP REPORT 4
**SURVEY OF IMPORTANT DOCUMENTS/
STATEMENTS/DECLARATIONS
RELEVANT TO THE SYMPOSIUM**



1) *Conscientious Objection to Military Service in Europe*, a study submitted by the Quaker Council for European Affairs ;

Quaker Report, 2nd edition of 1984 available in English and French (from QCEA and Council of Europe) ; 1st edition of 1981 also available in German (from QCEA).

This report by the Quaker Council on European Affairs (QCEA) was first published in 1981, and at present provides the most comprehensive information on the legal position of conscientious objectors throughout Eastern and Western Europe.

Partly due to changes in the conscientious objection laws in certain countries (France and West Germany), the QCEA, in co-operation with the Council of Europe, has produced an amended and up-dated version to this report. This can be obtained from *QCEA, 50 Square Ambiorix, B-1040 Brussels*.

2) *Macciocchi Report on Conscientious Objection in the European Community* ; European Parliament Document 1-546/82,

obtainable in all EC member states' languages, certainly in English, French and German from *European Community, Information Service, 200 rue de la Loi, B-1049 Brussels*

This report was endorsed by the European Parliament in February 1983. The resolution recommends among other things the provision for alternative service of equal length to that of military service, and supports the efforts to include the right of conscientious objection in the Convention of Human Rights. These resolutions were passed onto the European Commission, the governments and parliaments of the member states, and to the Parliamentary Assembly of the Council of Europe. The report contains the resolution, gives good background information and offers a comparative examination of the legislation of the member states. Several prior motions for a resolution and petitions that eventually led to the endorsement of the Macciocchi Report are also part of it.

3) *The Right to refuse to kill*, a brochure published by the International Peace Bureau obtainable in English, French and German from the *International Peace Bureau, 41 rue de Zurich, CH-1201 Geneva*.

Although first published in 1971, this brochure is

still highly valuable. It is based on an account by Séan MacBride who reasons for the cause of conscientious objection as a fundamental human right giving reference to the experiences of World War II, the Nuremberg Trials and the fact that in the nuclear age it is no longer possible to wage "just wars". Séan MacBride suggests that to refuse military service is not only a moral duty but a legal obligation provided that the international law is taken seriously.

The report also quotes several resolutions adopted by the Council of Europe and the UN General Assembly, the Nuremberg Principles, and texts which were adopted by certain Church conferences/committees, etc.

4) United Nations, Economic and Social Council/Commission on Human Rights/Sub-Commission on Prevention of Discrimination and Protection of Minorities : *Question of Conscientious Objection to Military Service*, report by Mr Eide and Mr Mubanga-Chipoya, E/CN.4/Sub 2/1983/30, published on 27 June 1983, reference : GE. 83-12375

This report can be obtained from the United Nations ; Palais de Nations, CH-1211 Geneva 10.

Not as up-to-date but no less important :

5) The declaration of the *World Peace Congress at Moscow in 1973* stating that : "The right to life also raises the question of the right to refuse to kill".

6) Text of the *World Conference on Religion and Peace, Kyoto*, 16-21 October 1970.

7) *Council of Europe : Document 2170* Report on the legal position of the conscientious objectors in the member states of the Council of Europe, 1967.

8) *Council of Europe : Document AS/Jur (28) 25*, "Legal position of conscientious objectors in the member states of the Council of Europe", presented by the Max Planck Institute for Comparative Public Law and International Law, Heidelberg 1966, republished 1976.

9) *United Nations* : 46/47 Commission on Human Rights, 34th session ; *NGO Statement on Conscientious Objection to Military Service*.

10) *NGO Report* to the European Parliament on conscientious objection as a human right, 1981.

11) *The role of NGOs* in developing alternative service for conscientious objectors to war and military service, Geneva 1983.

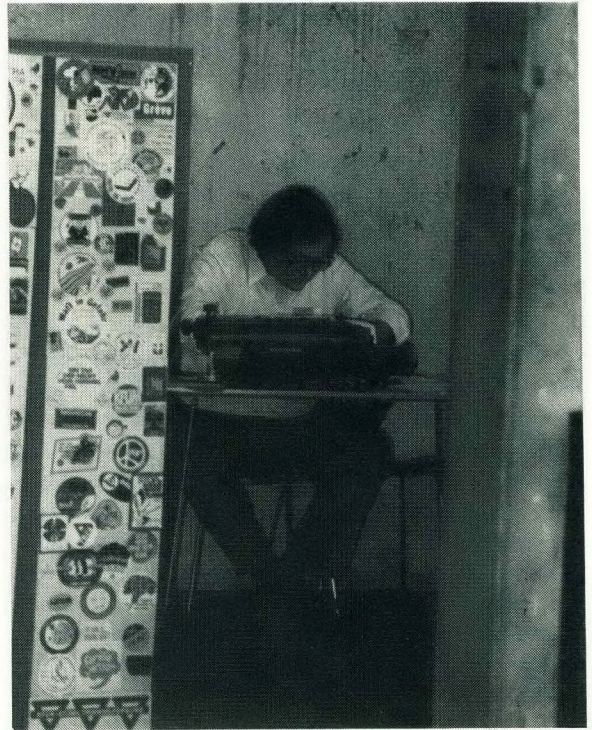
12) *Conscientious Objection to Military Service as a Human Right*, a background report prepared for the United Nations Human Rights Commission (UNHRC) by the Lawyers Committee for International Human Rights in conjunction with the QUNO, New York 1979.

13) *Bulletin of Peace Proposals, Volume 13, no. 3, 1982*: "Confronting the State: Conscientious Objection in Western Europe" by Collin Mellors and John McKean.

14) *The Review, December 1972*, International Commission of Jurists: "Conscientious Objection" by Schaffer and Weissbrodt.

15) WRI/SCI publication "*Le droit à l'objection de conscience en Europe*" ("The right to conscientious objection in Europe") by Hein Van Wijk 1977 (available from: *SCI European Coordination, Venusstraat 28, B-2000 Antwerpen, Belgium*).

Further: see bibliography of the Quaker report (1) and the comprehensive bibliography that is included in the International Peace Information Service "*Bibliography on non-violence*", March 1981, obtainable from *Kerkstraat 150, B-2000 Antwerpen, Belgium*.



INPUT BY MR. LEUPRECHT
Director of the Human Rights Directorate
ON THE ROUND TABLE DISCUSSION



The president referred to a speech ; I do not intend to make a speech. First of all, I would like to say that I am very happy that this conference takes place and that we can make not only an intellectual but also a financial contribution to it.

I would like to make a second remark, not in the spirit of be-of-service men, which would in this context be totally unbecoming, even if it were be-service men of human rights, but what I want to say is that personally I was strongly connected with this problem for a long time and I have seen that the texts of the Assembly of 1967 appear in your basic document. At that time I was the secretary of the Legal Affairs Ctee of the Assembly ; I was delighted to read in your document that the resolution of 1967 was said to be a celebrated text famous throughout the world. Of course you realise with me that in spite of this text, which has a reference value, things as they are described in your basic document have not basically changed, which proves that ideas, however good they may be, take a long time to come true, even in this institution of the Council of Europe.

A third remark on the European Convention on Human Rights : as you know, the European Convention refers to conscientious objection, obviously not entirely in the terms as you, and I, would wish it to be. It was drawn up in '49-50 ! You know that c.o. is referred to in the article banning slavery, bondage and also forced or compulsory labour.

There it is said in a third paragraph of this article that any service of a military kind in the framework of c.o. in countries having legally acknowledged c.o. or another service replacing compulsory military service is not considered as forced or compulsory labour, i.e. the Convention as it was written in '49-'50 leaves the choice to the countries to introduce or not conscientious objection.

The European Commission on Human Rights has a certain jurisprudence, but I do not want to quote it, because I believe the Convention, as it is, would sound rather shocking to your ears.

There are some positive aspects that can be found in it : e.g. in case of alternative service, no discrimination is allowed. But the Commission and the European Court on H.R. are of course bound to respect the limits of what is presently dealt within the European Convention.

So I pass on to the next item, which finally concerns your most important recommendation. That is to decide on an additional protocol to the European Con-

vention on Human Rights dealing with the right of people to conscientious objection. I tell you plainly that in my opinion, within the existing philosophy of the HRs, there is a right to c.o. It is not yet put into legal words, and personally I believe it is time to translate this idea into legal reality, as we have done before with other items. Besides, in a similar way, you see that in the disposition of the right to life the Convention as it was drawn up in '49-50, still shows the possibility of the death penalty under certain conditions. Now in the framework of the Council of Europe, and personally it makes me very proud, we have recently concluded the first international treaty on the abolition of the death penalty in the form of an additional protocol to the convention.

I would like to add that, in my opinion, if one wishes to change something within the framework of the Convention, the only realistic approach is the additional protocol. And I know that it is not very popular to speak of realism ; It seems unreal to me to think, for instance, of an amendment procedure to amend the convention, because an amendment requires the unanimity of the member countries. I do not think it is necessary to draw you a picture, but I know member-countries that would not agree. On the other hand, as it has been the case for death penalty, it would be conceivable to draw up an additional protocol that would be approved of by those countries already inclined to accept this first step towards the recognition of the right to c.o. And one could hope, as we do now for the death penalty protocol which would of course not be ratified now by certain countries, that such a protocol would start the ball rolling, being as it were the bad conscience of those countries that cannot yet sign or ratify it.

I am about to conclude now : I would like to say a last word about responsibility. You have said that we from this panel have responsibilities. This is true, but I must tell you that I attend a lot of meetings where the issue of human rights is discussed. This morning, I was present at another meeting ; the discussion was about the burning problems of immigrants and generally people are quite unanimous at this kind of meeting. We were told : you have a responsibility, you should do something. That is true, but I tell you quite simply we cannot do anything or almost anything without the support of the governments and, because we say, and I believe it is true, that we live in a democratic system, we must hope that governments can be influenced by the base.

So I believe that if you really want this conference to have a real and substantial impact, it will not be

enough to adopt a nice text, but there must be a follow-up. You know what to do, but when we speak of responsibility, I would like to say it does not come only from our side. Personally, I am ready to take up my responsibility so far as I am concerned, but I believe that

responsibility rests at least as much with you to give this conference a follow-up !

Mr. LEUPRECHT

GENERAL CONSIDERATIONS

Mr. ZANGHI CLAUDIO
Gen. Rapporteur COSY



1) Conscientious objection has a long and ancient history ; it raises the question of the protection of human rights, particularly that of the right to freedom of conscience, in the context of international law.

The problem is manifestly topical : national legislations are evolving ; the United Nations, the Council of Europe and the European Communities are giving it attention. The timing of the symposium is, therefore, most appropriate ; the fact that there was such a wide spectrum of participation representing so many different organizations strengthens the final document and gives it sufficient weight to be taken seriously both on national and international levels.

2) When a question of the nature of conscientious objection is being tackled within such a wide framework, the first priority is to specify the subject. The symposium confirmed that, besides the traditional conscientious objection to military service, there is a more general conscientious objection to all things military, to the divert or indirect preparation for wars and, ultimately, to any political action which is prejudicial to the realization and maintenance of peace.

These two concepts are not contradictory ; they can and do co-exist, but they require different approaches in order to be clearly asserted and upheld. Conscientious objection to military conscription is already incorporated in several national legislations ; it is also being followed by diverse international organizations. Actions must therefore take into account the juridical policy of each State, and be adapted to it.

On the other hand, conscientious objection of a more general nature is not yet recognized anywhere or even being scrutinized by State officials or non-governmental organizations. Consequently there is no possibility, as yet, to take judicial steps ; public opinion will first need to be aroused and consolidated by all legal means. The two methods are not mutually exclusive and can usefully be pursued side by side.

3) The symposium has followed this interpretation, and has given answers to both approaches. First, with the proposed Protocol, it requests that conscientious objection to military service be added to the recognized



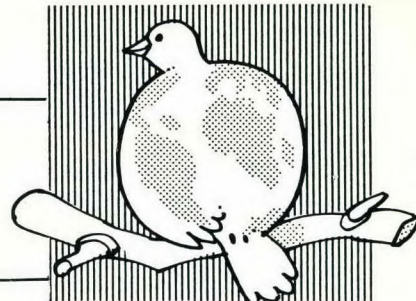
Human Rights and guaranteed by the European Convention. In the annexed memorandum, the basis of the considerations which led to the request are explained, and guidelines are given towards the minimum rules which ought to be incorporated into national legislations. The third part of the document, the actual report, gives the conditions for generalized objection and is a means of political action which reflects the unanimous views of the non-governmental organizations.

The two texts are realistic, asking on the one hand for an international action to grant conscientious objection Human Rights status, on the other suggesting a plan of action at national level in the form of a proposed model which could be followed by States wishing to alter their legislation.

4) The results of the symposium do not constitute a "conclusion" (the question of conscientious objection remains open), but they provide a common basis for both juridical and political action, whether on the national or the international level and whether short term or long term.

Claudio ZANGHI.

INTERNATIONAL CO-OPERATION



Report of the alternative workshop, involving conscientious objection organisations essentially oriented towards rank-and-file movements, held on 24 October 1984 in the afternoon, and on 25 October 1984 in the morning.

I. Solidarity action

A) Spain

Situation :

On 20 October 1984, the Spanish Parliament adopted a law on conscientious objection, which is considered as repressive by the conscientious objection movement (MOC) who rejects it.

The MOC has launched a campaign to refuse the effects of that law. On a particular day, still to be determined (probably 15 May), the signatures of those who are opposed to this new law, collected by then, will be handed in to the government.

Support and action :

All conscientious objection organisations shall be informed of the date of the action day with a circular letter from the MOC and shall be called for embassy action on that day (occupation, blocking, leaflet distribution, press work, etc).

B) Greece

Situation :

In 1977, a repressive law on conscientious objection was passed under the pressure of foreign powers.

There is not any specific conscientious objection movement in Greece as the basis for such a movement has still to be established. Our friends from Greece said there would be a campaign on that subject during next winter.

Support and action :

– To transmit all national information on the conscientious objection movement to our friends in Greece.

– To organise international pressure on the Greek Government (for instance to move the members of the European Parliament to act in that way).

– The SCI envisages and examines the possibility of a workcamp in Greece, in which at least one Greek conscientious objector would participate in the frame of an alternative civilian service. This aims at informing the public opinion on conscientious objection.

– Organisation of the “winter campaign” in Greece, with public meetings in Athens and Saloniki, and collection of signatures. Our Greek friends hope that all conscientious objection organisations will participate and bring their contribution to this “winter campaign”.

C) 15 May 1984 : European action day for conscientious objection (organised each year since 1982, according to a decision of a European Conference on Conscientious Objection, held in Copenhagen in 1981)



– Through the WRI, the various organisations should circulate, well in advance, the information on the actions foreseen for 15 May.

– The solidarity actions should be concentrated on the situation in Greece and Spain, while taking into account the situation in other countries too.

– Each organisation communicates the course and the results of the action day to the other organisations.

D) Hearing/Tribunal at the European Parliament

Basic idea :

The hearing/tribunal of conscientious objection organisations in the European Parliament aims to denouncing discrimination and persecution that conscientious objectors undergo (Turkey, Greece, Switzerland, Portugal, ...) and at making the members of Parliament and the public opinion aware of that situation. Therewith, the need for acknowledgement of conscientious objection as a human right, in the European Convention on Human Rights, and in the national legislations, should be put forward.

Procedure :

Letter to the fractions in the European Parliament, with the request that they would be willing to support the conscientious objection organisations, amongst others, as to adequate rooms, financial aid, ..., so that they can hold the hearing/tribunal.

All conscientious objection organisations interested in participating in the hearing/tribunal are asked to support this initiative.

NB : A meeting shall be held at 13.30 on Friday 26, on the second floor, in order to form a preparatory group.

II. Improving the communication structures at European level

In order to improve the information circulating between the rank-and-file conscientious objection organisations, and thus to allow common actions, it is necessary to use and develop the existing means :

a) continuous information exchange through the WRI London office. This means particularly that schedules of manifestations, action plans, situation reports, ..., arrive on time at the London office which will circulate them immediately among the different rank-and-file organisations. Therefore, good co-

operation with the WRI office is necessary.

b) Notwithstanding their particular atmosphere due to their official and

institutional character, the international meetings should be reinforced in the future, in the spirit given by this report.

PARTICIPANTS/TEILNEHMER/PARTICIPANTS

GREECE/GRIECHENLAND/GRECE	WRI section
ITALY/ITALIEN/ITALIE	Liga degli obbiettori de coscienza (LOC)
PORTUGAL	Cooperativa ARCO – IRIS
SPAIN/SPANIEN/ESPAGNE	Movimiento de los objectores de conciencia (MOC)
NETHERLANDS/HOLLAND/PAYS-BAS	Vereniging van Dienstweigeraars
SWEDEN/SCHWEDEN/SUEDE	Svenska Freds- och Skiljedomsförening
FINLAND/FINLAND/FINLANDE	Union of Conscientious Objections in Finland
FRG/BRD/RFA	Selbstorganisation der Zivildienstleistenden (SOdZDL)

CONSCIENTIOUS OBJECTION AND THE INTERNATIONAL MOVEMENT

MYRTLE SOLOMON
Président of the WRI



The International Movement of and for Conscientious Objectors is not solely or sufficiently constituted by the holding of seminars, courses or conferences from time to time which are open to a cross section of COs from various countries and to their national movements, extremely useful though these experiences are. The majority of COs still remain isolated within their own community and country and are sometimes, due to ignorance, even isolated from the national organisations unaware of the excellent services available.

The CO in eastern Europe and other countries where conscientious objection is not recognised is even less aware of the large and continuing number of COs elsewhere and the conditions under which they operate.

The International Movements concerned with the subject give an international perspective to conscientious objection to military service throughout the world and can act on behalf of all COs, but there is much room for improvement in the net-work. The existing national movements well-represented at this Symposium have their work cut out watching conditions 'at home', counseling individual cases, working on legalities, briefing their Ministers on reform, lobbying members of Parliament, helping the COs to have a sense of cohesion and purpose within the overall pattern and providing both moral and practical help to the politics of conscientious objection and the individual's position.

Existing International Movements can provide a valuable service to these overworked and under-funded national movements as well as to individual CO problems in such countries where there are no legal provisions, no CO movements functioning officially and where the very act is not tolerated by the State.

In such countries as do make provisions for the CO – good or bad – we can acknowledge a *toleration* within restrictive bounds but nowhere yet is the CO's position welcomed by governments as a positive act towards peace and disarmament with a new social and nonviolent perspective. It remains a minority view that can be contained by the State in the name of democracy, but one that must not be encouraged or made easy to fulfill.

Conscientious Objection to military service falls into two broad categories from the international per-



spective :

- a) as bridges between the individual, the national organisations and their governments with such international bodies as the Council of Europe, Euro-Parliament, the UN Commission on Human Rights, the UNO and UNESCO.
- b) towards the development from the single individual act to the collective – nationally, internationally and globally.

The purpose of these liaisons is at all times in pursuit of justice and a total acceptance of CO as a right for those on whom conscription is imposed.

a) CONSTITUTIONAL MEASURES OF ACTION, PERSUASION AND PRESSURE :

A few long-established organisations commit a major part of their work to the matter under discussion and have made valuable contributions to legal reform, education for peace, nonviolent resistance and nonviolent

defence, putting pressure on national governments and aiding the research and data needed by the above mentioned bodies (a) when the matter has been under their consideration.

The International Movements are better fitted to undertake this task than single national movements. Thus, such religious bodies or organisations as the Quakers, the International Fellowship of Reconciliation, War Resisters' International, Amnesty International, International Peace Bureau and Service Civile International have all played a consistent role in helping to raise and clarify the issue with essential documentation. To this list must now be added the more recently established Euro-Bureau for COs whose sole objective, unlike the others, is to gather documentation on conscientious objection in the European scene.

Historical background in recent years shows that the CO issue has been regularly raised through the persistence of such movements and dedicated individuals resulting in extended dialogue :

- 1) Resolution 337 (1967) by the Consultative Assembly of the Council of Europe on the right of conscientious objection.
- 2) The UN Commission on Human Rights (repeated Sessions)
- 3) The European Parliament Resolution (February 1983)
- 4) The Resolution adopted by the General Assembly of the UNO on the status of persons refusing service in military or police forces used to enforced apartheid. (Dec. 1978)

Two factors have deepened the stance of the CO in recent years. The fact that there has not been a war in Europe while conscription continues almost uniformly in spite of the nuclear threat ; the increase of militarism into society from childhood onwards while a sharper awareness of the need for disarmament grows.

This build-up of armaments at the expense of the Third World, the famine, excessive poverty and oppression of millions of people has led the CO into a different era and in even greater need of the internationalism of his/her position.

In addition the CO is aware that calls for nuclear disarmament should they ever be agreed, must not be at the expense of an even greater build up of so-called conventional weaponry.

This level of work will continue, but two points should be noted. It has to be remembered that the International Movements rarely receive State grants for their work and that funding this work has become increasingly difficult. Secondly, although it was considered a conservative breakthrough when the above-mentioned motions and recommendations were adopted and in the case of (ii) and (iii) with specific and detailed measures

of reform, *few national governments have respected* these recommendations and there have resulted no changes in constitutional law or common action among the nations concerned.

Nevertheless, the International Movement has been alert to the *opportunity* given by these Resolutions and recommendations in their *own* dealings with national governments, petitions and pressures on Ministers, parliamentarians and also to such countries whose governments to date have made no provisions for CO. These are tools for reform and for raising an awareness – but such pressures have yielded a disappointing lack of serious interest. The Symposium will no doubt discuss ways and means of still further developing this level of work.

b) GRASS-ROOT WORK :

In the transnational area we find a greater measure of success and service which the International Movement can more easily give and achieve.

Background :

Ranging from support from individual hardship cases, the daily work of national CO organisations to campaigns for reform and above all to creating an understanding of the purpose and meaning of CO, the International Movement has a good record. They have the contacts and support of the national movements ; they have the links with the pacifist and disarmament movements, with training in non-violence and a vast experience in war resistance at all levels. They hold an international perspective and can work objectively, i.e. the situation for CO in Greece, Spain, Portugal or Switzerland is distinctly worse for example than in Belgium, Holland or Scandinavia, but all national anomalies can be treated with equal consideration. In no country are there grounds for satisfaction – all have discriminatory or punitive tendencies and in some cases the laws have been tightened. The right to refuse to learn to kill has not yet gained moral and political recognition, nor that it is a contribution *to* society and not a blemish on society.

Thus – the CO today, although not a numerical threat to the militarisation of nations, represents a call for conscience and sanity.

The CO today, whether involved in alternative civilian service or as a total resister, is committed to serving society in a totally different way to that of the military.

The International Movement is there to transform the individual act of faith and determination to a transnational level – education for peace in its widest sense, the study and practice of nonviolent defence, the socially useful tasks of building a peaceful society.

CURRENT TASKS BY THE INTERNATIONAL MOVEMENT :

The political and moral purpose of war resistance

coupled to the Human Right to refuse to learn to kill gives the momentum to a broad campaign ranging through :

Conferences and seminars, enabling national groups and individual COs to assemble together, share problems and experiences, compare status and provisions, training for nonviolence, frequently lead to

Regional Campaigns organised by one or more of the Internationals or through co-ordination of national movements in broad regions, i.e. francophile (Switzerland, France and Belgium) or northern (Germany, Netherlands and Scandinavia).

Widening national campaigns : the world-wide appeal for participation and solidarity. The necessary information and calls for action can be quickly spread throughout the CO and peace movements in Europe and the USA by the International Movement ensuring an informed response in many parts of the world.

Special Campaigns. These are usually focussed on Embassies, governmental establishments, Ministers etc., the two best known are : —

May 15th European Conscientious Objection Day. Originated in Germany, now supported by CO groups from northern Europe, the Netherlands, Belgium and France. Actions concentrate on discriminatory alternative service and treatment of COs in various European countries, specific examples of punitive measures.

December 1st Prisoners For Peace Day

This is initiated by the War Resisters' International — a long-standing commitment. It has a world-wide perspective and is supported by war resisters, women and men, young and old, in many parts of the world, including such countries as do not impose military conscription. An Honour Roll of prisoners' names and addresses is printed and circulated throughout the world to anti-militarists.

Emphasis is put, but not exclusively so (by the organisations taking action of demonstration), on those COs who have refused military service in countries that have as yet no provision for recognition of a CO status or where laws are particularly punitive as well as those total resisters whose conscience has prevented their accepting the alternative service provided by the State. Thousands of cards in solidarity are mailed to the prisoners from many parts of the world.

Both these campaigns offer a dual opportunity to bring witness to the governments concerned through the offices of the related Embassies ; equally important to bring educative information to the public to schools, universities and youth clubs as to the purpose and meaning of conscientious objection and desirable alternatives.

THE WIDER CONCEPTION OF CONSCIENTIOUS OBJECTION

This development has grown particularly in Europe and the USA and is closely linked to the growth of war resistance throughout the world. It is a result of the failure of disarmament negotiations, the rightful fear of nuclear war, the escalation of armaments, the arms trade and military intervention. Thus it became necessary that the International Movement broaden its conception of CO in to the sphere of industry, science, weapon and chemical research and all aspects of the militarisation of our societies. Conscientious objection to paying war taxes ; to receiving university grants for military research ; military education in schools ; the role of women in all the above ; the farce of civil defence against nuclear attack.

It should be constantly borne in mind that the onus of refusal should not rest solely on the young male or female conscript. Women, young and old, have equal responsibility to demonstrate their conscientious objection, particularly parents, as do thousands of older ex-COs who have finished their personal experience as well as teachers, scientists, engineers, researchers and those who manufacture the tools of death. The demand for socially useful work and for peace education research is the basis of their conscientious objection to militarism.

CONCLUSION

It was noted earlier that conscientious objection to military service is not the sole work of the international movements. Each of the international bodies mentioned have a special function and different priorities, responsibilities, *in addition* to their service to CO. For example, the IPB (the oldest European based International) is renowned for its work on peace and disarmament with particular reference today to the UNO ; IFoR for its work within and outside of the Churches throughout the world, their 'Third world' campaigns and negotiations in eastern Europe ; the Quakers for their in-depth studies and practice of reconciliation and mediation on social, political and racial issues ; the SCI for their well-respected voluntary aid schemes across the world.

I can only speak with authority on the work of the War Resisters' International and the services they are prepared to give in the context of this paper and because of its close focus on CO since its inception in 1921. The WRI grew out of the experiences of COs and their families in World War I at a time when it was not possible to imagine that military conscription would develop and continue after WWII. On the other hand, nor was it

possible to anticipate the progress that has been made regarding *attitudes* towards objectors of conscience and the development of a highly organised alternative civilian-type service. Nevertheless, in 1984 the situation is far from ideal and the amount of work needed from national CO movements is both demanding and excessive. It is not the purpose of this paper to make comparisons nation by nation but merely to stress that the WRI is sensitive to the different needs that will make progress, ranging from the needs of the total resister to progressive reform in such countries that are rated today as 'reasonable'. There is urgent need for legal improvement particularly in the *nature* of alternative service, its duration and the ways and means devised by governments for judging conscience.

When campaigning for a common basis among nations it is important not to base requests on the lowest common denominator in order to attempt to meet obstruction or reluctance from governments which hitherto have offered limited or no legislation for COs, such as Switzerland, Greece, Spain or Portugal. Demands should be clear and fair. The situation is of course far worse elsewhere — in South Africa, Central and Latin America, east European countries where even a modest breakthrough would be welcome. Nevertheless, the climate of opinion among COs today is that which should guide our work.

The CO who opts for an enlightened form of alternative service or those who oppose military conscription as such and choose the hard path of total resistance ; in most countries the option in any case *does not exist* and a CO is faced with exile or long terms of imprisonment. Refugee status for COs except in a limited form for South Africans does not exist. Gt. Britain during World War II and afterwards during their period of national service is the only known country that made provisions for the status of a total resister but this 'tolerance' does not extend to COs from abroad.

The climate of opinion today, both by the militarised nations and many CO organisations has not yet reached a position ready to challenge the right of conscription to military service as such, as promoted by the WRI. The major part of the immediate work ahead concentrates on the development of a just solution which tends to lead to a more constructive form of alternative service, preferably not under governmental or military control after the initial legislation.

It is the job of the International to aid this process and it is hoped that this Symposium will give its encouragement to help improve this valuable existing network.

Myrtle SOLOMON
(Chairperson WRI)

PRESS RELEASE

26 OCT 84

During the symposium on conscientious objection held in Strasbourg, under the auspices of the Council of Europe's European Youth Centre, the problem of the new status of conscientious objection in Spain was discussed.

On this occasion, the Spanish Deputies Mr. Del Pozo, Renau Dolores and Mr. Martinez, who were invited by the organisers, gave necessary guarantees regarding the application of the new law voted by the Spanish Cortes. They promised to communicate the Memorandum, the draft protocol and the conclusions of the Symposium to the other Spanish deputies as well as the Ministers of Justice and the Presidency and the Ministers of Foreign Affairs and Labour. At the same time they demanded that the texts receive an official translation into Spanish in order to facilitate their diffusion.

The Deputies were overjoyed that the Symposium was taking place and hoped that a similar initiative would be taken soon in Spain.

In addition to this, they formally promised to do all that was possible to insure that the right to Conscientious Objection be included in an additional Protocol to the European Convention on Human Rights.

In respect to the National level, they declared themselves favourable to the application of a law with a progressive character in accord with the "Macciocchi" Resolution of the European Parliament (7 feb. 1983)

See on page 51

SUMMARY OF THE SPEECH BY MR. MARTINEZ

Representative of the Committee on Culture and Education
of the Parliamentary Assembly
of the Council of Europe



Mr. MARTINEZ, Socialist member of the Spanish Congress, member of the Parliamentary Assembly of the Council of Europe, and as a former representative of an international youth organisation well acquainted with the European Youth Centre, brought greetings to the participants from the Parliamentary Assembly, and particularly from his Committee on Culture and Education.

He stated the interest in the subject on the part of the Parliamentary Assembly, and of the (new Spanish) Secretary General of the Council of Europe.

A substantial number of parliamentarians, if not all, were following the symposium with interest and sympathy, though only a few parliamentarians had the chance to talk with the participants. Accordingly, an urgent task was to improve the means of communication between young people and politicians. Social action, i.e. pressure on politicians for useful ends, was such a means.

In this sense, Mr. Martinez thought the memorandum was "clever" and a success in both preparatory work and symposium proceedings.

While he found that the report was "rather a reader" full of useful, if not unanimously shared reflections on the topic, he committed himself to pushing the draft Protocol in the relevant political circles. The composition of parts of the final document was for him a good example of a strategy which he described as "feet on the ground, and eyes on utopia". Mr. Martinez found two main ingredients in a definition of conscientious objection: conscientious objection as a human right, linked with human rights in general; and conscientious objection as part of the struggle for peace, which to him was the more important aspect.

In this respect, he wanted to make some personal points, some of which he formulated as questions for reflection:

- Were there links between the problems of a deserter from an army engaged in aggression, the participation in a national liberation struggle, as in South Africa or in Latin America, and the aims and virtues of pacifism?
- Was it worth defending democracy against fascism?
- and, with reference to Poland and Nicaragua, was it worth defending national dignity against imperialism?
- With reference to his home country, he was glad to state that the Spanish were able to say today:



"We struggled against oppression", and this – in respect to conscientious objection – brought three improvements:

- a. they *now* had the freedom to express their demands;
- b. a law had recently been passed to improve the situation of conscientious objectors; and
- c. there was the guarantee that even the critics of this new law could engage in a dialogue with politicians and law-makers, and be listened to.

Ending his speech, Mr. Martinez congratulated the organisers and participants on their work and stated that he was full of hope. He formally took note of the colloquium's conclusions and repeated his commitment to press for their implementation. Differing from Mr. Zanghi, whose summary of the symposium he praised however, he thought it necessary and possible for the Parliamentary Assembly to push if the Committee of Ministers was to move. To this end, there was double work to be done in and by the Parliamentary Assembly: there was the necessary reporting of information back to the national parliaments, as well as the pressure on the Committee of Ministers.

Since the content of the draft Protocol to the European Convention on Human Rights was so important, the overall aim was "to get it adopted".

This, to Mr. Martinez, was first the responsibility of the conscientious objectors themselves, and secondly that of their friends in the European Parliament, the Parliamentary Assembly, and the Council of Europe. And not for nothing, since their struggle for the right to conscientious objection fitted into the overall struggle for peace, human rights and progress.

SOME COMMENTS

"This unique meeting was a clear step forward towards the full recognition of conscientious objection as a fundamental Human Right."

Brian Stapleton

"Dialogue was lively and profitable as youth and age strove to work together for a more peaceful future."

Brian Stapleton



"Speaking from a purely organisational point of view COSY (as insiders started to call the symposium), hardly knew discordant notes. The difficult nuts to crack at the Symposium itself were more matters of politics and content."

Hans Weening

"The participants worked very hard, both in the workshops and at their own initiative. They were committed to make the conference work and they took everything seriously."

Reinoud Doeschot

"The meetings of the organisers (usually in the evenings) didn't help solve organisational deficiencies and frictions. The meetings were a funny ... mixture of political and practical issues."

Reinoud Doeschot



"I think that the significance of the conference was the fact that it was held. It was an important first step."

Reinoud Doeschot



"The symposium was hard work and thoroughly worthwhile. I had the opportunity to share the UN side of the issue with people working on a personal level, as well as with other international issues workers"

Judith Baker

"Being one of twelve women amongst about a hundred men is what I remember most strongly about this symposium. As women, we wanted not only to support the right of men to refuse military service on grounds of conscience, but to widen the concept of conscientious objection to include opposition to militarism and the arms race in all its forms."

Helen Wollaston

("There were legal experts and other experts, as well as grass root organisers and CO's. This attempt to integrate different levels of discussion was according to me one of the main merits of the event.")

Myriam Keustermans



COMMUNIQUE FROM THE COSY
TO THE SPANISH GOVERNMENT

The participants in the symposium on conscientious objection, promoted by the European Youth Centre, declare, in the face of the recent enforcement of a law on conscientious objection in Spain, that :

- The spirit and the contents of this law are far from being a full acknowledgement of the right to conscientious objection ;
- The text of this law is in contradiction with the resolutions adopted on that subject by the Parliamentary Assembly of the Council of Europe and by the European Parliament ;
- This symposium intends to express its solidarity with the Spanish objectors in their opposition to this law and in their fight against it.

Dienst am Menschen

Kriegsdienstverweigerung – ein Menschenrecht

Symposium des Europarates

Europäische Zeits. No. 1/85
Mit der Entschließung 337 anerkannte die Parlamentarische Versammlung des Europarates im Jahre 1967 „als logische Folge der in Artikel 9 der Europäischen Menschenrechtskonvention garantierten Grundrechte“ das Recht, „aus Gewissensgründen oder tiefster Überzeugung“ den Kriegsdienst zu verweigern. Zehn Jahre später sprach dieselbe Versammlung sich in der Entschließung 816 dafür aus, dieses Recht als Menschenrecht fest in der Menschenrechtskonvention zu verankern.

Das Europäische Parlament verabschiedete im Februar 1983 – basierend auf dem sogenannten Macciochi-Bericht – einen Entschließungsantrag zum Thema Kriegsdienstverweigerung, in dem es seine Mitgliedsstaaten und die Parlamentarische Versammlung des Europarates an diese Entschlüsse erinnert und dazu auffordert, die Rechtsprechung in den einzelnen EG-Mitgliedsstaaten einander anzunähern. Der Ersatzdienst, so stellt das Europaparlament dabei fest, dürfe „nicht als Bestrafung angesehen werden“, solle „im Dienste des allgemeinen Wohls vorrangig im sozialen Bereich erfolgen“ und „die Dauer des

„normalen Wehrdienstes, einschließlich der militärischen Übungen nach der militärischen Grundausbildung, nicht überschreiten“. Das Europaparlament kommt darüber hinaus zu dem Schluß, „daß kein Gericht oder Ausschuß in der Lage ist, das Gewissen des einzelnen zu überprüfen.

Noch immer werden Kriegsdienstverweigerer in den meisten europäischen Ländern diskriminiert. Selbst die Bundesrepublik mit ihrer liberalen Gesetzgebung für Kriegsdienstverweigerer bleibt hinter den vom Europaparlament beschlossenen Prinzipien zurück.

Von einer einheitlichen, gerechten Behandlung von Kriegsdienstverweigerern ist Europa noch weit entfernt. Die meisten Kriegsdienstverweigerer müssen schwierige, Willkür Tür und Tor öffnende Anerkennungsverfahren durchlaufen. In der Schweiz, in Griechenland und der Türkei sitzen Kriegsdienstverweigerer gar hinter Gittern. In vielen Ländern droht der Zivildienst mehr und mehr vom Zivilschutzgedanken durchsetzt und damit in das militärische Gesamtverteidigungskonzept integriert zu werden.

Mehr als hunderttausend junge Menschen verweigern jährlich den Kriegsdienst (genaue Zahlen gibt es nicht).

Im Mai letzten Jahres schuf die dänische Regierung die gesetzlichen Grundlagen, die es Kriegsdienstverweigerern erlauben, in Organisationen der Friedensbewegung ihren Zivildienst abzuleisten und anerkannte damit, „daß viele Kriegsdienstverweigerer Tätigkeiten verrichten möchten, deren Ziel die Förderung des Friedens und der Verständigung zwischen den Völkern ist“ (Macciochi-Bericht, Seite 20). Nur wenigen Kriegsdienstverweigerern bleibt bisher das Recht vorbehalten, statt des regulären Zivildienstes einen – allerdings um vier Monate verlängerten – sogenannten Freiwilligendienst im west-

lichen Ausland und in Ländern der Dritten Welt zu tun. Die Entschließung 337 der Versammlung des Europarates aufgreifend, erwähnt der Macciochi-Bericht diese Möglichkeit ausdrücklich und als beispielhaft.

Parlamentarische Initiativen erfolglos

Um den verschiedenen parlamentarischen Initiativen auf europäischer Ebene mehr Nachdruck zu verleihen – 17 Jahre nach Verabschiedung der Entschließung 337 ist das Recht auf Kriegsdienstverweigerung noch immer nicht als Menschenrecht anerkannt –, um auch indirekt auf die Gesetzgebung in den einzelnen Ländern Einfluß zu nehmen, veranstalteten verschiedene europäische Jugendorganisationen in Zusammenarbeit mit dem Europäischen Büro für Kriegsdienstverweigerer und dem „Europäischen Jugendzentrum“ des Europarates Ende '84 im „Europäischen Jugendzentrum“ in Straßburg ein Symposium unter dem Titel: „Kriegsdienstverweigerung: Ein Menschenrecht. Dienst an der Menschlichkeit.“

Über 100 Teilnehmer diskutierten zusammen mit europäischen Experten und Politikern in Podiumsdiskussionen und Arbeitsgruppen die verschiedenen rechtlichen Aspekte der Kriegsdienstverweigerung, Aspekte der Ausgestaltung des Zivildienstes und Fragen der verstärkten internationalen Zusammenarbeit. Dabei ging es auch um die Frage, inwieweit Formen des gewaltfreien Widerstandes und der sozialen Verteidigung in den Zivildienst integriert werden können.

Friedrich Wolf

ASBJØRN EIDE Senior Fellow, International Peace Research Institute, Oslo

Conscience and schizophrenia

The recognition of conscientious objection to military service as a human right was called for by over a hundred young representatives of European organisations involved in this question, at a symposium held recently at the European Youth Centre. These young people, many of whom have experienced the difficulties of being a conscientious objector, drafted a protocol on the right of conscientious objection which they would like to see incorporated in the European Convention on Human Rights. One of the experts attending the meeting, co-author of the 1983 Report on Conscientious Objection to the United Nations Commission on Human Rights, here argues that the duties that the state may impose on the individual must not conflict with the basic values on which the integrity of human conscience is founded.

Governments today are faced with an increasingly serious dilemma. They continue, more or less as before, to pursue military policies based on preparation for war, whilst at the same time actively supporting initiatives in the international institutions aimed at prohibiting all use of force, except in self-defence against an open, armed attack. In the same international fora, they also express the need to promote education for international understanding and peace.

These governments have also been active in adopting international human rights instruments by which all states commit themselves to respect, protect and fulfil the human rights of individuals and groups.

We can clearly see, therefore, that governments are actively encouraging a vision of the future featuring a global community based on solidarity, collaboration and human dignity beyond the borders.

The conscience of the individual in regard to the basic values of society is a precious gift indeed. Through parental influence, private and public education, and through religious or humanist reflection, these basic values are transmitted—and the most basic of them all is the immorality of taking the life of another person. If awareness of this particular point is no longer fostered, society is likely to become cruel and barbaric. The right to conscience, therefore, is a basic concept in human rights, together with freedom of thought and religion (Universal Declaration of Human Rights, article 18; European Convention on Human Rights article 9; and corresponding provisions in other international texts).

Obviously, people are entitled not only to hold a conviction but also to act in accordance with it—otherwise this right would be an empty one. This is also foreseen in these international instruments, such as the Universal Declaration, article 18, according to which the individual is entitled to manifest his conscience in teaching, practice and observance.

And yet the freedom to act in accordance with one's conscience is not unlimited. Society must be able, through state legislation, to put limits on certain acts or to impose certain duties, even when these clash with a person's conscience. But such limitations or duties must not be in conflict with those most basic values on which the integrity of the human conscience is founded.

The right to life

The right to life, the most basic concern of human civilisation, is the first right mentioned in most of the international human rights instruments (Universal Declaration, article 3; European Convention, article 4, etc). In our culture, the biblical command "Thou shalt not kill" is seen as fundamental, and for other religions and humanistic teachings it is of equal importance.

To what extent, therefore, shall a person be obliged to participate in killing, or preparing for it, when it runs counter to his or her basic conviction?

True pacifists refuse to kill under any circumstances, and it seems impossible to reconcile the imposition of a duty, on pacifists, to kill other persons with this right to conscience.

But what about other attitudes to the right to life? There are many who, while adhering to the basic respect for the right to life, find that there are exceptional circumstances in which armed force can justifiably be used. They feel, however, that it should be limited as far as possible, and the development of their conscience on this point will depend on a number of influences. Some of these stem from the very efforts made by governments, when participating in the organs of the international community, to outlaw the use of force or to prohibit certain means and methods of warfare.

If an individual, in forming his or her conviction with regard to the basic question of when it is justified to participate in the killing of others, takes these international prohibitions into account, this stance should be respected under the human rights system.

Legality of the use of force

As an illustration, I will outline some developments in modern international law which have an impact on the legality or otherwise of the use of force:

— *the prohibition of the use of force except in self-defence* (the UN Charter, article 2.4).

If armed force is used or prepared for use to attack other countries, to intervene militarily in other countries, to occupy or annex the territories of other states, this would be contrary to international law and a conviction of an individual not to participate should be respected.

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