

Workshop 6

The Problem of Freedom of Conscience in the Process of a possible European Constitution

Led by Wolfgang Ullmann, attended by some 10 participants

Report: Jan Birk, Bart Horeman

1 What do we expect, what do we wish to happen in the EU in defence matters

Defence and foreign affairs are as yet national matters in the European Union (as defined in the Maastricht treaty). However, many European politicians talk about the necessity to have a EU military defence, which seems to be in contradiction with the Maastricht Treaty. Besides that, a common EU military defence would meet a number of obstacles, such as the nuclear weapons of France and Great Britain and the neutrality of Austria, Finland, Ireland and Sweden.

At present there is no European constitution. The European Charter has freedom of conscience in article 10, but there is no mention of conscientious objection to military service or to military spending.

The prime aim of the European Union is the concept that war should be excluded as a means of politics within Europe – not, as generally assumed, economic wealth. This is something many politicians seem to be forgetting, so we must make efforts to remind them.

The members of the workshop agree that because of this the EU therefore cannot accept war as a means of politics outside Europe.

2 How can we give support to our intentions at national level?

The main obstacle in achieving a law on conscientious objection to military spending is that parliament fears it is losing its budget-right. It must be noted however, that this fear is strange, because if parliament decides to allow specific tax regulations, it is a case of parliamentary freedom and not one of restriction of its rights.

Moreover, there are quite a number of examples in which parliaments have already accepted specific tax regulations: e.g. in Italy there is a “culture tax” for those who are opposed to pay the church tax.

Another argument is that if parliament has the right to influence individual choices by making specific tax regulations (e.g. that investments in “green” funds are tax exempt), why should not the individual have the right to influence government spending via the tax system.

The central issue is whether conscientious objection to military service is of equal importance as conscientious objection to military taxes. For us it is, but many politicians do not agree. We stress the importance to link the ‘right to freedom of conscience’ with the ‘right to life’.

Therefore we think that the following four cases are of equal importance:

- conscientious objection to military service,
- conscientious objection to the use of tax money for military spending,
- conscientious objection to the use of tax money for abortion,
- conscientious objection to the use of tax money for the death penalty.

So it is these four cases, and not an unlimited list.

3 Are there possibilities to connect our intentions to the EU treaties and the future EU “constitution”?

First, we should try to change the existing call for security in a call for peace. At present the conception of the European convention sees Europe as an area of “Freedom, **security** and right”, whereas this should be “Freedom, **peace** and right.”

Secondly, we should recall to the EU-people, that the fundament of the EU is not the pursuit of wealth, but the pursuit of peace, of a Europe without war.

Thirdly, because in the present EU charter there is only the right to freedom of conscience, we should ask the European Parliament to adopt resolutions in which conscientious objection to military service and to taxes used for the military are accepted as an immediate, direct consequence of the right to freedom of conscience.