

## **The Human Right of Conscientious Objection**

*In the context of the right not to be complicit in killings, we call for full legal recognition of the rights of conscientious objectors.*

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## **The NGO Working Group on Conscientious Objection**

presents:

### **The Human Right of Conscientious Objection**

Thursday, February 20, 2003  
777 United Nations Plaza

Moderator, Michael Hovey,  
Pax Christi, Executive Director of the Hague Appeal for Peace

Panel members will speak about experiences of conscientious objectors

in Korea: John Kim, Fellowship of Reconciliation  
in Colombia: Steven Ratzlaff, Mennonite pastor  
in the United States: William Galvin, Center on Conscience and War  
in Israel: Amit Mashiah, Courage To Refuse (Ometz Lsarv)

Cosponsors: (partial list)

Conscience and Peace Tax International  
Hague Appeal for Peace  
Fellowship of Reconciliation  
Pax Christi  
Peace Caucus at the United Nations

## **The Human Right of Conscientious Objection**

Michael Hovey:

Welcome everyone. Good afternoon. My name is Michael Hovey. I'm executive director of the Hague Appeal for Peace. And I'm also representing Pax Christi International as one of their representatives on the issue of conscientious objection.

I'm assuming that a crowd that shows up for an afternoon of discussion on conscientious objection doesn't need a lot of background in terms of remedial education on the subject. In many ways, because of the current situation in the world the issue of objection to war is much stronger than it has been in some time -certainly in the US, and, as we saw last Saturday, around the world. As far as I was concerned, millions of conscientious objectors appeared on the streets. The media doesn't portray it that way, but these were people who were opposed to war.

I'm representing, along with John Kim and several other people here, a relatively new group formed in the past year, called the UN Working Group on Conscientious Objection. Our purpose of getting together as representatives of different NGO's concerned about conscientious objection was to try to be a voice here at the UN for issues related to conscientious objection to military service as well as conscientious objection to the payment of war taxes. Although our organizations do things on behalf of conscientious objectors in different ways, we see our primary role as a working group at the UN as trying to keep this issue alive and in front of people who represent either organizations or nations at the UN. That's one of the reasons that we are hosting this event.

We have up here, along with me, four representatives of non-governmental organizations who will discuss experiences of conscientious objectors in different parts of the world. They are Bill Galvin from the Center on Conscience and War in the United States; Amit Mashieh from Courage to Refuse in Israel; John Kim from the Fellowship of Reconciliation who will talk about South Korean conscientious objectors and Alicia Miller from Mennonite Central Committee will be giving a report on the situation in Colombia.

I'm going to say a couple of words to introduce the topic and about why we called this program "The Human Right of Conscientious Objection." Beginning in 1987, and five or six times since then, the United Nations has passed resolutions; the first time by a vote and since then by consensus, recognizing the human right to be a conscientious objector to military service. Each resolution fine tuned the previous ones. The 1998 resolution of the Commission on Human Rights describes in some detail the agreed upon provisions. It's on the blue sheet provided on the literature table. Let me quote and summarize:

It recognizes that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives... It draws attention to the right of everyone to have conscientious objections to military service...It calls upon states to establish independent and impartial decision making bodies

## **The Human Right of Conscientious Objection**

to determine whether conscientious objection is genuinely held... It reminds states with a system of compulsory military service to provide alternative service to the community that is in the public interest and not of a punitive nature, both in the work itself and in the length of time served. It calls upon countries not to imprison people for conscientious objection. It calls upon countries to provide ~~for~~ asylum to people forced to leave their countries because of their objection to military service and war. There's also been a recognition of the problem of arbitrary detention for conscientious objectors: people who are repeatedly imprisoned for the same offense.

In terms of UN work there is established recognition of the human right of conscientious objection. The challenge is to take it out of Geneva and bring it to the countries that are still having problems in this area. The current agenda for the Commission is to get countries to send in reports of their best practices for conscientious objectors. Our working group has been dealing with that a little bit. We visited the US mission last year, for example, to encourage them to get in their report. So the current status is that regulations and resolutions from the UN recognize conscientious objection to military service. There is still the remaining issue of conscientious objection to payment of military taxes. There is much work to be done in general.

I myself became a conscientious objector after serving in the US Navy for five years and have been working ever since on issues related to this. I have been bothered that the term conscientious objection is a negative term. What am I saying I am for? I've taken to calling conscientious objection "personal disarmament". I made the decision to lay down my arms. I think we are recognizing that people have a right to personally disarm.

Just this morning I had a phone call from a young American Marine Corps reservist whom I have been working with for the past couple of months and with whom I had lost contact. He had been going through the process of filing for discharge as a conscientious objector, had an investigative hearing, and was favorably received. So the next step was to bring his request to his commanding officer and then on to the Commandant of the Marine Corps for final disposition. He was being given support all along. And then the Marine Corps announced a stop loss order which means almost any administrative procedure including retirement or normal discharge was stopped. And then two weeks later we learned that his reserve unit in Minnesota was being sent to the Persian Gulf. Two weeks ago he was sent to New Orleans for final processing and he called me today. Not only are they abiding by the process but there are at least twelve other conscientious objectors there with him; he thinks more. They are treating them well and in fact he reported last week that one of the sergeants, after grilling him a bit, said to him, "I think that 90 percent of the people in the Persian Gulf wish they had the courage that you guys are demonstrating in standing up against war."

So that's a bit of good news. When we have a President who thinks those of us who oppose this war are nothing but a focus group, it's nice to know it's an awfully big focus group.

## **The Human Right of Conscientious Objection**

Now we'll begin with Bill and I've asked each speaker to speak for ten minutes and I'll give them a polite nonviolent warning when their time is just about up and that should leave us with plenty of time for questions and discussion with all of you.

Bill Galvin:

Hello. Its good to see you all. My name is Bill Galvin and I am on the staff at the Center on Conscience and War which is an organization that was founded in 1940 by churches who had worked really hard in the late 30's to ensure that conscientious objection was written into the law in this country. They formed the organization that I work for to monitor that and to be an advocate for conscientious objectors.

A lot of people don't know that during World War One thousands of conscientious objectors ended up in jail and a number of them died in jail, at least seventeen of them that we know of, mostly from abuse and neglect. Some of the stories are horrendous. I've read detailed accounts. That's why churches got organized in the thirties when it looked like the country was gearing up for another draft for war. The main churches that worked for that at the time were the Mennonites and the Quakers and the Brethren. They were also helped by the Methodists. They were the ones who led the organizing effort.

When the law was passed in 1940 that said conscientious objectors could do alternative service as a civilian that benefits the country rather than going into the military - that was significant. That was probably the most progressive CO law in the world at the time. It was the first time that we know of that the option of alternative service to military service was written into law. The way the draft law is written it says that if you are a conscientious objector there is no authority to draft you. Under the law it is clearly established. The law was passed fifty years ago. It was cutting edge then. The United States has slipped a lot since then. That law still exists. Selective Service procedures that deal with conscientious objectors are currently not being implemented even though they are in effect. If the draft starts in this country, people will have a very small window of time to actually file their claim. A week or two. And then they'll have an additional ten days to document their claim. And the Selective Service system says this is adequate. As somebody who has gone through it, I know it is not adequate.

I have been at this work a long time. I am a Vietnam era conscientious objector myself. I've been involved with the Presbyterian Peace Fellowship and I used to work for the Central Committee for Conscientious Objectors. I've also been on the board of the National Campaign for a Peace Tax Fund for many years working to extend the protection for conscientious objectors to paying for war. We would still pay all our taxes but our tax money would go to nonviolent and life affirming causes and not to the military. That is still a bill proposed in Congress and it is slowly, but steadily making progress. That's a change we are hoping to see.

## **The Human Right of Conscientious Objection**

In terms of how the US currently deals with conscientious objectors, the law says CO's have this right. There is no conscientious objection to registration and that is part of the problem. People are forced to either register or not register and the penalties for not registering can be severe even though nobody is being prosecuted: people are denied federal financial aid, federal jobs. The more recent thing now is that you can't get driver's licenses. If you think about this - you can't even buy a train ticket if you don't have photo ID. And since it's the Motor Vehicle Administration that issues the photo ID (even if you don't get a driver's license) - you get your state or county issued photo ID, it goes through the same agency - and if you don't register for the draft you can't get that. So there are severe consequences for conscientiously objecting to registration.

I want to focus on the conscientious objector in the military. This is a more urgent issue right now. In 1962 the Department of Defense implemented regulations that provided for the discharge of conscientious objectors. There is no law in the US that requires conscientious objectors to be discharged from the military. Military policy is based on the draft law. If people go through the process and stick it out the whole time, as long as the military doesn't interfere with the process, they have a good success rate of getting out. The problem is that the process takes six months to a year. And during that time the person is in the military and required to follow all lawful orders. And if they refuse orders they may lose all their veteran's benefits, and they possibly face court martial. If they get court-martialed, the processing on their conscientious objector claim will cease. And they may end up being a convicted criminal under US law. This becomes a real problem for a lot of people. There are those who, once their heart has changed about being part of the military, do intentionally say "I can't do this any more" and refuse to cooperate. There are others who do their best to cooperate and have their attempts thwarted. I'll give you two examples.

In the 80's when Leslie realized she was a conscientious objector she could no longer cooperate with military law. She refused to wear the uniform. They would not let her wear civilian clothes so she sat in jail wrapped in a sheet. Because she didn't have clothes on she was not allowed visitors. That included her chaplain and her legal counsel, initially. She eventually did get legal counsel. She eventually got out, convicted, and got a bad conduct discharge.

Anita got out just a year ago. She wrote the best CO claim I have ever read. She got recommendations for approval throughout the process and she has this six months to a year to wait for her claim to be processed. She's a very nice person. She's doing her job to the best of her ability while this is going on. And then one day she gets brought up on charges that she was being sarcastic because she was being nice. She had a choice. She accepts the punishment or she declines it, in which case she might get court-martialed. If she gets court-martialed her whole CO application gets thrown out the window. She ended up accepting the punishment. She then found out that her conscientious objector application had been approved and her command found out that it was approved the day they brought these charges against her. They didn't tell her that it had been approved for several weeks so the entire point was to try to get her to do something that was going to undermine her claim. These are very real issues that happen every day to people in the US

## The Human Right of Conscientious Objection

military.

Before closing I want to mention two important things. Remember, we said, conscientious objection is military policy. It is not the law. During the Gulf War they suspended all processing and if you were a conscientious objector you had to go to war and then apply, (IF you had the opportunity once you were there). Or you could refuse orders. Those were your only options. There were at least 26 conscientious objectors jailed in Camp Lejeune in the Marines. They were beaten. They were harassed. The horrible things you think don't happen in this country happened. They happened to thousands of people who were conscientious objectors during the Gulf War. One of the things we are working on right now is to get a law passed by Congress that says the military can't just suspend this human right at will.

The other is that something different is happening this time around. It has something to do with how unpopular this war is. This time there are also stop loss orders. So far we don't know of any conscientious objector claim that's not being processed. So far everybody that we know of who has been asked to be given rear detachment and not deployed has been granted. Its may be because of the world focus on this that the administration is afraid that if they have public resisters in the military it will blow wide open. One guy thought he was getting out as a conscientious objector and then his claim was turned down. He announced a press conference for last Monday morning and he was given his discharge papers that morning. Things are a little different this time so far. But that is part of the problem. It's so arbitrary and it could change at any moment.

Michael Hovey:

We'll go through each speaker with your indulgence and then at the end have questions. I'd like to introduce Amit Mashiah, from Israel and from Courage to Resist.

Amit Mashiah.

Hello. Good afternoon. My name is Amit Mashiah. I come from Israel. I am thirty years old. I'm a commander in the Israeli Army. I serve in an elite unit in the Army, I've been commanding soldiers for the last twelve years and I've been fighting in those years in Lebanon and the West Bank and in Gaza strip. In Israel, when you are eighteen, you go to the Army. Everybody does. That's the routine. And you serve for three years as a professional soldier in compulsory service and after that if you don't sign for another period - I personally signed for another six months because of the unit I was serving in - but after you finish your compulsory service, you go out and you will serve for the next twenty years in Reserve Service. Personally I am summoned for some thirty to fifty days a year to Reserve Service, with my unit to serve in all kinds of missions, usually in the occupied territories.

A year ago along with five friends we established Courage to Refuse which is a movement of

## **The Human Right of Conscientious Objection**

officers and commanders in the Israeli Army who have been fighting all those years and are now refusing to serve in the occupied territory. So in a discussion about conscientious objection I represent a perspective that is a bit different I think for two reasons. The first one is that we are not conscientious objectors to the military. You called it personal disarmament. Well we carried our weapons for a long time and we still insist on our right to serve in the Army and in our units in the military. We are refusing to serve specifically in the occupied territories and once given an order to go there we refuse and are being sent to prison for a period of about a month and then sent home and then summoned within six months for another reserve service and go to prison and so on and so forth. So they call it selective refusal.

When it comes to our refusal to serve in the territories I feel like I come here wearing two hats on my head. The first one is my personal decision. After long years of soul searching doing all kinds of things in the occupied territories I have decided that I cannot do it anymore. That the price that it takes from me is too high and I cannot be two people anymore, one in uniform and one who is not.

But the decision to establish a refusal movement, that is focused on refusing to serve in the territories is a political decision aimed at a very specific goal - to bring to an end thirty five years of immoral occupation. On the personal aspect Courage to Refuse is for me the best support group for soldiers who have been carrying the scars for many years. But our existence enables many soldiers and officers in the Army to leap over crucial steps on the long journey to refusal. The Army is a very big thing in Israeli society and refusing to serve at a time that is considered by most people a time of war is a very difficult decision.

But the second aspect, the political aspect of Courage to Refuse, is not less important. We are recruiting refusers to our movement. Actively. We are provoking the government and provoking the military by recruiting refusers. We are all young people who have been serving for about ten years in the military. We all are considered to be the best sons of our nation. We are the ones Israel was very proud of until a year ago. We all come from top units in the military. We all lead soldiers. Most of us are decorated officers and commanders and we have a lot of field experience and we all come from the main stream. There are no radical left-wing activists among our movement. We are just people who have been doing that for a long time and realized that what we do has no connection whatsoever to the long term security of Israel. Or let me rephrase that. It has a connection. It damages Israel's long term security. The moral price that we are paying is just unbearable. So we decided not to do it. It is not as if we will be able to recruit enough refusers to prevent the army from fulfilling its missions in the territories.

But we are demoralizing the occupation. We are coloring it black. People in Israel got very used to talk about "the conflict" and what is going on in that twilight zone as a "situation." A reality of three point five million people living with no basic human rights under house curfew most of the time became "a situation." So we are now humanizing the occupation. We are just telling about what we saw. We are telling about the women who miscarry at the roadblocks. We are telling

## **The Human Right of Conscientious Objection**

about the faces we killed. We are coloring the occupation black and the people in Israel cannot ignore us for that reason. So this is basically Courage to Refuse.

One more thing about conscientious objection. There is no conscientious objection in Israel. Israel does not acknowledge conscientious objection. Israel cannot acknowledge conscientious objection. I think the most impressive organization Israel has managed to build in its fifty four years is the military and for a very good reason. Israel is a very small country in a very hostile zone. It always needed a strong military in order to survive. But what happened along the years is that we forgot that the military was supposed to serve the country and today it seems like there is a small country around the big military and the country is serving the military. If Israel would allow conscientious refusal it may be a very dangerous track for many people to avoid serving in the military especially today when most Israelis don't feel that what they are doing in the territories is crucial for the safety of Israel. They feel like they are doing it for perpetuating the settlement project that is Israel is responsible for in the territories. So for that reason Israel does not acknowledge conscientious refusal.

There are five hundred and twenty-two refusers in our group which is not as small as it sounds, given a small reserve force. We all come from front units. We are about two percent of the combative reserve forces. So Israel cannot allow something like that and the military is trying to present us as if we are not a movement, as if there is no phenomenon of refusal. They say it is about specific disciplinary problems. We went to the Supreme Court asking them to acknowledge conscientious refusal and they refused.

There are about eight compulsory soldiers who are conscientious objectors and they have been in prison for a long time. Their status is different from ours. They belong to the army now for a few years. One of them is already serving seven months and the rest are serving about six . And we still can't see the end of it.

The country is trying to put pressure on them to declare that they are mentally not healthy, that they have mental problems and that is why the country is willing to excuse them from the service if they give such a declaration but they refuse and insist on being conscientious objectors and that is why they are in prison.

Michael Hovey

What Amit just said about a different form of conscientious objection is a good point to keep in mind. In the United States we tend to talk about conscientious objection as total objection to military service partly because, just as in Israel, our legal system does not recognize the possibility of legally becoming a selective conscientious objector. There are these different forms: to oppose all military service and all war or to oppose a particular war or particular actions within a war. On the back table is an encyclopedia article I wrote several years ago that goes into some detail about these distinctions and looking at pacifism, the just war tradition in the different traditions and more.



## **The Human Right of Conscientious Objection**

Now we will hear from John Kim.

John Kim:

Hi. I am John Kim. I am serving as the UN representative for the Fellowship of Reconciliation. I have my own profession, which is as a lawyer. So this is my volunteer work, here. I originally come from South Korea. I was born there and I came as an immigrant. I am now a US Citizen and I also served in the US Army. So I have an interesting background as you see.

About South Korea, I would say that South Korea is one of the worst countries that do not recognize conscientious objection at all. It has bad practices because of the militarism, the Korean War, the military dictatorship in the 60's, 70's, 80's. Now the country is opening up and becoming more democratic. Under President Kim Dae Jung, this topic of conscientious objection is now being discussed and debated within South Korean society and particularly the civil society. So it is a good development, I think.

The number of conscientious objectors that have been imprisoned in South Korea over the years starting from 1939 are estimated to be about 10,000 people. You know Korea was once under Japanese rule until 1945. So during that time, I think there may have been some Koreans also refusing to serve in the Japanese military and because of that they were imprisoned. And then after 1945, there was a big clash of contending political groups between the right-wing groups and the socialist groups and nationalist groups. If you sided with one group you were attacked by the other groups.

When the South Korean government was established in 1948, there was a big resistance against the South Korean government from grassroots groups because establishment of the South Korean government itself was seen as a betrayal of the national desire to unify the country as a whole. So many people rose up against the Syngman Rhee dictatorship. One good example were people living in Jesu island in the southern part of South Korea. They rose up in arms in 1948 even before the establishment of the South Korean government. They were opposing the separate elections taking place in South Korea. The South Korean military went into the island and killed anywhere between 30 to 60 thousand civilians and resisters. It was like a guerrilla warfare going on in that island.

And then after the establishment of the South Korean government this resistance movement continued in the south. Some people fled to the mountains and became guerrillas. Another good example is within the South Korean military itself. One of the battalions that were sent to suppress the resistance movement in Jesu island in 1948, they refused to go there to suppress these people. They rebelled against the government authority and they were suppressed, had to flee to the mountains and became a guerrilla movement. There is a long conflict about the right to live in your political thought that has been suppressed extensively.

## **The Human Right of Conscientious Objection**

Right now there are about 1640 people in jail because of their refusal to serve in the South Korean military. About 1600 of these are followers of Jehovah's Witness. About 600 followers of these people are sent to jail every year in South Korea. These followers refuse to take up arms. They are charged with disobedience to military orders.

There are some other people who are refusing to serve based on their political beliefs and conscience. The other groups are now the followers of Buddhism. There are Buddhist monks who are refusing to serve in the South Korean military.

Let me give you an example of these resisters. One is Mr. An He Yung. He grew up in a Jehovah Witness family. His father and his elder brother were also jailed for three years after having rejected military service. Mr. An received three years imprisonment for his refusal. Here is a family where the father and the brother went through the same experience of going to jail for refusing to serve in the military.

And then there is Mr. Oh Tae Yang. He was drafted in December 2001. Because he was a Buddhist he refused to service in the military. He said that Buddha stood for nonviolence. He said, "Harming or killing another person in war or learning to use guns would violate my religious and moral beliefs." He is right now in the court to challenge the South Korean law that refuse to recognize conscientious objection. His case is going through the court system now and it will be very interesting how his case will be decided by the Supreme Court of South Korea.

The South Korean draft system started in August 1949. Its called the Military Service Law. Since that time, all men aged 18 to 40 who are not physically handicapped are subject to the draft. They had to serve anywhere between 2 or 3 years depending on whether they served in the Army or the Navy. If you serve in the Navy you had to serve three years. Right now military service is for 2 years and 2 months. South Korea has one of the largest armies in the world. Right now there are more than 600,000 men in uniform. They have also have reserve forces as in the United States.

North Korea seems to have a voluntary military service, but I doubt if you can refuse to go into military service. Its very questionable there too.

In the past these people were tried by the military court. But because of the protest movements rising up in South Korea, the government has changed its policy and now these people are tried by the civilian court. Usually the penalty was three years imprisonment, but now because they are tried in civilian court, their sentences are coming down, like maybe one and one-half to three years.

South Korea has a law discouraging any groups trying to organize this kind of resistance to military service. Article 114 of the South Korean criminal code says: People who organize groups for objecting to military duties or tax payment will be punished by fifteen years in imprisonment. Its a very tough law. South Korean police has been investigating the web sites that promoted this

## **The Human Right of Conscientious Objection**

resistance, that provide counseling or assistance to help the resisters.

In recent years the South Korea civil society formed a group called Korea Solidarity for Conscientious Objection (KSCO). This group has been agitating for change in the South Korean law. They are asking for immediate release for all prisoners of conscience. Also to stop criminalizing these resisters. Also to stop all discrimination against these conscientious objectors .

Under the current law once you are convicted of refusing to serve in the military, that criminal record remains with you and you cannot get any job with a government agency or private company. So that's another hardship imposed on these people.

In 2001 Amnesty International came to South Korea to investigate this matter.

They issued a statement saying that this is a violation of human rights and asked the South Korean government to change the law. And this matter was also brought before the UN Human Rights Commission in Geneva in last year's session, but so far the South Korean government is refusing to change their law.

Michael Hovey:

Thanks John. Alicia Miller from the Mennonite Central Committee...

Alicia Miller

Hello. It is just by chance that I get to be here today to speak for Steve Ratzlaff, a Mennonite pastor who went on a recent trip to Colombia. The conscientious objection movement in Colombia is actually how I developed my passion for working in human rights and social justice.

When I went there as a teenager was when they were pursuing legislation to make any seminary student be a conscientious objector so they wouldn't have to go into military service and then the following year after I was there, it was passed into law, which I am going to talk about when I read his report. So that was the beginning of my interest in this work.

Although my parents did help out in Vietnam. I was so proud that we had an FBI tap on our phone because my parents were helping conscientious objectors. Well this is the story I heard.

This is a report from a recent trip to Colombia, written by Steve Ratzlaff:

"A group of fourteen Mennonites, a Catholic and a member of the Church of the Brethren, returned last week from a two week learning tour to Colombia, sponsored by the Mennonite Central Committee. All but a few of the participants on the tour are conscientious objectors to paying for war. The purpose of the tour was to learn more about the causes of violence in Columbia and what

## **The Human Right of Conscientious Objection**

role US tax dollars play in that struggle; as well as to stand in solidarity with the churches and peace and justice advocates there. The two things that stood out in our visit were that the churches are strong amidst persecution and there is a courageous spirit of conscience working in the midst of Colombian misery and despair.

A few years ago, through the efforts of the Colombian Mennonite Church and other advocates of conscientious objection, a statute extending the right of conscientious objectors to military service was enacted into law in Colombia. However, it exempts only seminary students. Prior to this effort the only people exempted from military service were Catholic seminary students. Now conscientious objector status is available for all seminary students. It is only one step in the goal of gaining conscientious objector status for all people of conscience in Colombia but advocates there consider it a big step forward.

Due to the recent increase of violence in Colombia, the state government has begun to propose raising taxes specifically to pay for the war against insurgent groups. The US government already supports the war through Plan Colombia to the tune of nearly one point three million dollars each day. But the government of Colombia feels that more is needed and has proposed specific war taxes on property and perhaps a sales tax as well.

While we were in Bogota, we were privileged to attend a war tax resistance conference sponsored by human rights and women's groups and advocates of conscience in Colombia. It was a beginning discussion of whether people should resist paying for specific taxes for war. A plan of action for the Colombian situation was presented and discussed. It was a moving and hopeful dialogue on the effects and possible consequences of conscientious objection to paying for war. I will never forget one woman's pledge of "Not one man, not one woman, not one peso for war."

Several of the members of the Learning Tour were able to share their own experiences of conscientious objection to paying for war in the US as well as to speak about the experiences in the United States of proposing legislation that would extend the right of conscientious objection to taxpayers. In the US, The Religious Freedom Peace Tax Fund Bill that would so recognize conscientious objection to paying for the military has been introduced in the US Congress for twenty-five years and has the support of several dozen Congress people. Other countries have begun similar legislative campaigns.

The discussion was an exercise of courage and determination on the part of human rights workers and people of conscience in this war-torn nation. It is a logical extension of the work of conscientious objectors to military service in Colombia. It is hoped that it will lead to a larger recognition of the rights of conscience in a nation that is presently gripped by the horrors of war.

In a nation where human rights are almost nonexistent because of the civil war that is raging, there is a vibrant and courageous contingent of advocates of justice and peace and conscience. Many of

## **The Human Right of Conscientious Objection**

them are under threat of death but continue to work tirelessly for an end to the violence in Colombia and to create structures that will guarantee human rights and conscience. They need the support of the international community in their efforts. Our presence there, while doing little to change the environment of violence, did prove to be an encouragement to them in their struggle. We must continue to find creative ways to stand in solidarity with people of conscience in Columbia."

Michael Hovey:

Thanks, Alicia.

We'll thank you all very much for excellent presentations. We have, believe it or not, an hour to spend in discussion and questions. If you will raise your hand, I'll be happy to call on you and you can make a brief comment or question and we will see where this goes.

I mentioned to Amit just before we began that about a month and a half ago, when the news came out about the ruling of the Israeli Supreme Court denying recognition to the selective conscientious objectors, I wrote a letter to the New York Times and it was published. I noted that selective conscientious objectors, especially, but I think it is true of any conscientious objectors, try to serve as the proverbial canary in the coal mine in our societies.

We are the people who warn our loved ones, our compatriots, that there is poison in the air and that there is a poisonous atmosphere that we are living in and to try to serve a warning that it is time to change. Its time to change the policies whether its in a particular situation or in the different situations such as we have heard about here.

There are many ways to characterize conscientious objectors. But I think that's one that's helpful to think of.

So are there any questions?

Member of the audience:

I like to ask Mr. Galvin. Are there any ways to register as a conscientious objector when you register with the United States Selective Service at eighteen?

Bill Galvin:

Not in any way that Selective Service will currently recognize. There are things people can do to get on record as a conscientious objector. They can write it on their registration form. They can send back a letter when they get their acknowledgment from Selective Service and send it certified mail, return receipt requested and keep copies. So you can document a statement of conscientious

## **The Human Right of Conscientious Objection**

objection. But Selective Service will not enter that into their computer or in any way make a record that you have registered as a conscientious objector. Its up to you to keep the documentation but it is a useful thing to do for people who feel compelled to do that.

Member of Audience :

I am just trying to feel my way through this situation as well. We are very interested in terms of the United States "No Child Left Behind Act" This recent legislation, as most of you know, mandates military access to school records. As NGO's, we are beginning to consider the fact that the State Department just signed the optional protocol on Children in Armed Conflict which forbids recruitment of people under eighteen into the armed services. There might be a conflict here . They haven't ratified the Convention on the Rights of Children but they signed the optional protocol. The US State Department says that they don't see that it conflicts with their ability to recruit under eighteen and according to the No Child left Behind Act they have really good access to school records. We are impressed with the work of the American Friends Service Committee and the Central Committee on Conscientious Objection in trying to educate students on their rights before they sign the papers. This is through the Delayed Enlistment Program where recruiters go into schools and get children under eighteen to sign delayed enlistment papers so when they become eighteen they will actually be recruited. Some Students then change their minds and would like to get out of the Delayed Enlistment Program. The military is making it very difficult for high school guidance counselors and others to present alternatives and guidelines for these students.

I wanted to speak to you about getting information to children under eighteen - children as recognized by the convention on the Rights of the Child and other legislative bodies - before they enter it. I know the military would not like to see this happen. We feel that the route is through the schools, especially through the guidance counselors to see this information is presented so there are alternatives and children know their rights.

Alicia Miller :

I recently came from Indiana where we have been organizing this fall against war and making connections with different peace groups. We talked with Veterans for Peace in Indiana about going into the schools, maybe on the same day that they have a job fair or school fair . They would get the same opportunity that military recruiters had to be there too. That was an idea we threw around; I don't know if they moved forward on it, but it was something that Veterans For Peace there was excited about, getting the same access to present that case at the same time as the recruiters.

Bill Galvin

There have been about a half a dozen court cases around the country of peace groups trying to get the equal access as the recruiters have.

## **The Human Right of Conscientious Objection**

We - (a generic we here) - have been successful in all those cases. It doesn't necessarily mean you will be right there next to the recruiter. They have said certain areas are public forums, like bulletin boards and they can't restrict access to them based on content and the courts have said that if they do have recruiters in the school that creates a public forum on the issue of military enlistment and they cannot bar other groups to talk about that because they don't like what they are going to say. So that's been established in the law. But you should also know that the No Child Left Behind Act has two separate provisions that are both pretty bad. One is that when any military recruiter asks a school that is getting federal funding for a list of students - like name, address and phone number - ~~and~~ the school is obligated to turn that list over to the military recruiters. But the law also says that they are supposed to notify the parents and the parents or the students have the right to opt out. The military recruiter doesn't tell that to the school; the school has to look up the law for itself to find that out.

The military has a right to come in to recruit. This something we can use to counter the military because in most schools in this country military recruiters are in the school regularly, almost weekly or daily in some schools, while your average college or employer sends someone in once a year if that. The law says the same access, that means once a year for the army too.

Member of Audience

Part of the problem is that military recruiters are salesman and they have quotas.

Military recruiters have used intimidation against the students who want out get out of the delayed entry program and told them they don't have the right to get out.

Also in some schools they say that if you opt out of having names sent to the recruiters sometimes this means you have opted out of having your information send to colleges as well. All sorts of misinformation.

Bill Galvin

In case you encounter students who wish to get out of the delayed entry program, which is the military's version of Buy Now and Pay Later: unless you have reported for active duty for training, you are not in the military and you don't have to go and it is very easy to get out. That is something we deal with every day. You are right, the recruiters will lie to you and tell you otherwise.

Member of Audience

Are there countries where you can be a conscientious objector and have alternative service? They could be a model.

## **The Human Right of Conscientious Objection**

Michael Hovey

As of 1999, according to a report submitted to the Secretary General, there were 37 countries in the world that had conscription and provision for conscientious objection including alternative service. In the encyclopedia article on the table in the back of the room, Ethics of Conscientious Objection, the listing from 1999 is included. War Resisters International has more recent information about this.

It varies. For example right now the United States doesn't have mandatory conscription but we have provision for conscientious objection, if it's opposition to all war, not selective conscientious objection. But different countries have different regulations. The current request before member states of the United Nations is to submit a report to the Office of the High Commissioner for Human Rights Office on the best practices of their country regarding conscientious objectors. Our NGO Working Group on Conscientious Objection in New York hopes this information can be used to go to other countries to show them how some are doing it. Our experience as NGO's over the past twenty years has shown that when we were able to go to delegates at the Human Rights Commission or to embassies or governments with examples of how some countries dealt with conscientious objection, often they were pleasantly surprised to find out that there was a way to deal with some of their questions.

For example, many people were worried about the issue that Amit raised that people tend to equate military service with patriotism and love of country. This is true of many countries. They don't recognize that there are other ways to serve and love their country and community. So their ear tells them that when someone says: "I can't do military service", they are not reading it in terms of moral issues about killing, or something like that. They are hearing, "This person doesn't want to serve their country and there is something wrong with that - you should be able to serve." We provide the example of alternative service in the different forms that it exists. For example in the United States the law is on the books. In Germany, I think, well over 50% of draftees choose alternative service opportunities, not only within their country, but internationally. There is an active program in Israel.

Amit Mashiah

There's an active program in Israel?

Michael Hovey

For German conscientious objectors.



## The Human Right of Conscientious Objection

Amit Mashiah:

Oh! For German conscientious objectors.

(Laughter)

Michael Hovey

They are a varieties of ways. I emphasize a positive approach to describing conscientious objection and seeing it as a positive influence in society. My own position is what I call personal disarmament. As a military veteran I maintain publicly I am not anti-military. I am anti-war. I look for alternatives to war. I think it an important distinction. And we need to respect each other. Its not always that a panel discussion on conscientious objectors has an Army Commander sitting on it. I think it is important to stress there are different paths to the same destination.

Amit Mashiah:

I would like to add something , regarding the objection that my movement is representing in Israel and I represent here. We don't see our refusal as a different way of contributing to our society. We see our refusal to serve in the territories as a fight for our country. It's about fighting for what you think is best for your country.

We came to believe after many years of serving in the territories that this is something aside from the moral aspects regarding the Palestinian people, which are terrible. This is something that Israel cannot continue because it puts in grave danger Israel's long term security.

There is a conflict in Israel: whether Israel should be a Jewish country on all the land of biblical Israel. That means it will not be a democratic country because you have 3.5 million people who inhabit the West Bank and Gaza. Or should Israel be a Jewish and democratic country on part of the land . And this is the dispute that we have with the settlers in Israel, with an orthodox messianic group, who interprets Zionism in a very different way.

So we see our refusal today and our declaration of our refusal and our willingness to go to prison every time as a fight, continuing the fight we are fighting for our country from the age of eighteen. There is also the moral aspect of serving in the territories: the things that I personally will not do anymore. But if I was convinced that the Israeli Government today is determined to reach a peaceful solution with the Palestinians that will eventually include evacuation of settlements and withdrawing to the line of '67 borders in Israel, I would go back to the territories probably and bite my tongue and just go back there and do that job until a peace process would be achieved, as difficult as it would be. But today our refusal is a fight for the state we believe Israel should be.

## **The Human Right of Conscientious Objection**

Bill Galvin

Since I have never been to Israel, I have heard mixed reports about how well known your resistance is and what impact it is having on the culture. The reason I ask is I know some fairly progressive rabbis who, when we tell them about this, are very surprised and I am wondering how come they don't know this?

Amit

In Israel we are very well known. We published a letter signed by 52 officers and commanders in the military in one of the newspapers in Israel thirteen months ago. We said we will no longer go to the occupied territories to do damage. We will not fight for the settlements any longer. That made a huge impact both in Israel and the international community.

For about two months we were the talk of the day, especially in Israel of course. It was covered very widely and then after a long series of suicide bombing attacks, Israel went to a wide operation in the territories and we were a bit forgotten. But we are very active today in Israel and we tour around the world as well, as I am doing now.

We have a very serious opposition which includes both the military and the government and the administration in Israel. In the beginning they were panicked by our appearance because the army is so important in Israel. You never drag the army into a political dispute. You do what you have to do when you are in uniform and when you take off the uniform you can go and demonstrate and do whatever you want to do. But we just dragged the army into the dispute. So at the beginning the military and the government were alarmed by what we did and after a while they got back to their senses and they came to a new approach to us. They "don't know" that there is a refusal movement. They "don't know" that people refuse. They treat it as a specific disciplinary problem with specific soldiers. The fact that most of us are decorated soldiers doesn't matter when we became disciplinary problem soldiers.

Today they try to ignore us: pretend we don't exist and that is why we have a problem to be on the public stage most of the time. What we do is organize lots of conventions and conferences to meet with people to explain to them our refusal, tell our stories from fighting and explain how we got to that conclusion.

Member of the audience

Has any one, anywhere, as a conscientious objector said that they would serve as a UN peacekeeper instead of in their national military? Is this a form of conscientious objection?

## The Human Right of Conscientious Objection

Amit Mashiah

When I am being summoned to my reserve unit, I go to my unit. If we train, then I do the training. Then when we get the operation mission, if it is in the territories, I say I will not go there. I refuse a direct order. I am being put~~ting~~ on trial for that - not actual trial, but more a disciplinary hearing. We demanded a trial a few times but the military refuses because they don't want to make a big noise about it and so a disciplinary hearing is something that happens within the unit. Then I am being sentenced to go to prison. What I always say, on these occasions, is that I am willing to contribute another two weeks of my own time on top of the time I have been summoned to serve, if they will give me something to do within the '67 borders. So I am not volunteering for a UN peacekeeping unit, but I will do anything I will be ordered to within the '67 borders, but I will not do it in the occupied territories.

John Kim

May I comment on that. As far as I know the UN peacekeepers carry arms too. So that's why I think most of the South Korean resisters who refuse to serve in the military would also refuse to serve in the UN peacekeepers because you have to carry arms.

Michael Hovey

In the United States, while there is not a provision for selective objection conscientious objection to object to a particular war or a particular type of fighting or assignment to a particular unit, there is provision for noncombatant military conscientious objection. Normally it is for serving as a medic, its not open to anybody.

I can see someone saying I would accept duty as a UN peacekeeper even though peacekeepers do carry small arms but I think the difficulty is all UN peacekeepers are sent from a country. There is no UN force and probably they go with a unit or partial unit but I've never heard of anyone taking that route.

There are proposals for a nonviolent global peace force that would be along those lines, maybe under UN auspices, but that's a dream of some people - there is nothing fixed for that yet.

Member of Audience

I am Rosa Packard, with Conscience and Peace Tax International, and I also serve on the coordinating committee of Friends Peace Teams which has peace teams that do exist and do go into places of conflict with training and intervention that is peaceful. Friends, in this case, means Quaker. I am a Quaker. We have often said that we need to find alternatives to war and not just be against it. The Mennonite Central Committee has many such programs that are designed to de-escalate the occasions for war. The Brethren have similar ones and other churches do too. I think

## **The Human Right of Conscientious Objection**

people should understand that people who serve in these efforts, risk their lives. They go into the middle of a war.

My next door neighbor has been in the Gaza Strip with the International Solidarity Movement . He was excited to hear about your work, Amit Mashiah, and he will go back. Their job is to go in unarmed and talk to the Israeli soldiers and talk to the Palestinians and simply try to de-escalate the tension so things don't get worse.

People should understand that kind of work is just as dangerous as being in the military and that lots of people around the world are training for that. And lots of different groups, both secular and religious are organizing these things. It's not just David Hartsough's very interesting program. It's been going on for a long time.

It would help a great deal if stories of these different groups which are small were given concurrent publicity with stands of conscientious objection or military refusal in the whole spectrum because there are two sides of conscience. You are saying "no" to something that is intolerable and people come down in different places on that.

And you are saying "yes", I will do something with my life that serves my country, serves my God and my conscience.

I hope people will bring all those stories into schools more. Veterans for Peace and other groups can help. It's often very useful for several people to go in from slightly different perspectives into a school program. This is such a wonderful panel, I think, because you've got four countries and five religions up there. That's more powerful than any one statement, I think. Its part of what the UN tries to do - that cooperative effort where human values are the bottom line.

Member of Audience (inaudible)

Question about documenting one's conscientious objection from an earlier age and the dilemma of becoming aware of one's conscientious objection only at the time of being drafted. If they have nothing to offer in their history, what happens?

Bill Galvin

Under US law the first people drafted would be those turning twenty during the year. They are not eighteen. but they could be nineteen .

Legally the issue is what do you believe and are you sincere in those beliefs. That's legally what counts. You don't have to believe this for five years or ten years, although having had a history helps to convince others. What's important is a believable statement that can be documented as to

## The Human Right of Conscientious Objection

what you believe now.

It is good advice to document that history if they have it, but having it develop later at the last minute is valid. Some people's beliefs crystallize the day they get the induction order that says: "You are going now." We get people in the military all the time whose beliefs crystallize when they are already in. They have to document that their beliefs changed since they went in and talk about what caused them to believe that way. They might talk about abstract values they had in earlier times but it wasn't until they got that induction order or the draft started that they seriously thought about their participation in war. The average person doesn't think about themselves being in war in this culture. People who join the military don't think about it because the recruiters don't bring it up.

Michael Hovey

Part of the documentation that they look for in the US situation is letters of testimony from people testifying that you are sincere.

In my case I had an interesting little twist because three of the ten letters that I had were from police officers, high school classmates. I was stationed in Japan at the time so I contacted one friend and said could you please ask our friends to write a letter. So when Mike Morris was told "Hovey is applying to be a CO", he wrote a wonderful letter testifying how my qualities would make me perfect to be a commanding officer. We intercepted that letter first and then he wrote an equally nice letter saying that the qualities I had exhibited over the years made me qualified to be a conscientious objector. You have to be careful about it.

On the other hand my parents wrote a letter and said "We love Michael dearly and we know he is sincere, but we think he is making a terrible mistake and we wish he would just finish out his term in the military. Which helped because they said "Wow! You're bucking your parents on this." And I said "Well, it's easier to do when you are four thousand miles away." That's part of it; having other people testify that you are sincere at this young and tender age.

Bill Galvin

And the strongest letters are those who disagreed with you and say so in their letter.

Michael Hovey

All three police officers said "I am committed to use of lethal (force?) when necessary. Mike isn't. We know he's like this. He's like this. So.....

## **The Human Right of Conscientious Objection**

John Kim

I'd like to tell a story about to what extent this violation of human conscience can go. During the Korean War there was a case where the United States rounded up these young men on the street of Pusan in the southern part of South Korea. It was in 1950. The US military needed some young soldiers to fill out their ranks. It was one of the objectives of the infantry division that was stationed in Japan. So they rounded up these young Korean men, students from the street, and they shipped them to Japan and they trained them around one week or five days. Then they assigned these young men to different US infantry divisions. They had to board these US military ships and go around the ocean and they had to participate when the US military was attacking North Korean positions. There may have been some young South Korean man who refused to fight during that war because he may have felt he does not want to serve in the US military first of all and secondarily he may have a brother or parents who may be serving in the North Korean military. How can you fight against your family. Since you are forced to serve in the US military, I wonder what kind of choice they may have had during that time. If you refused to go along with it the US military order, you would probably have been shot. That's the kind of violation and dilemma you can be subjected to. This was done by none other than the United States, which is a champion of human rights. So it's is a disgrace.

Michael Hovey

If you want more information for things related to the United States you can go to <http://www.nisbsco.org>>> or use Google and type in "conscientious objection".

Bill Galvin

There is information back on the table with this and other resource information.

Rosa Packard

I want to mention War Resisters International's Concodoc report that is on the web and which gives information on both the both legal context and the practice concerning conscientious objectors in every country in the world. The law and the practice is not always the same.

Amit Mashiah:

There is also a web site with the letter that established our group and other material at <http://www.seruv.org.il>. (An English version may be found at <http://www.seruv.org.il/defaulteng.asp>)