

The Nobel Peace Prize Watch

Lay down your arms

www.nobelwill.org ¹

Gothenburg / Oslo, October 23, 2017

The Storting, by Olemic Thommessen, the Speaker, P.B. 1700, 0026 Oslo

c.c. The parliamentary election committee leader, Olemic Thommessen

c.c. Party groups at the Storting

I. Parliament must change its routine for selections for the Nobel Committee, legislators must comply with the law even in cases where Swedish law applies

When this autumn the Storting shall elect three members to the Norwegian Nobel Committee, it must take the consequences of recent clarifications by Swedish authorities of tasks and responsibilities within the Nobel Foundation, point II below. These rulings are legally binding also when the body assisting the Nobel Foundation is the parliament of another country.

In our view, the clarifications mean that the routine for election of Nobel Committee members introduced in 1948, must cease. The Storting's task here is neither about Norwegian politics nor party politics, and not about what the representatives themselves think is the best peace policy. We support the recommendations repeatedly made to the Storting since 2007 that representatives are legally obliged to serve Nobel's specific idea of *how* countries can collaborate on a global peace order. According to the testament, the Storting must choose those best suited to promote Nobel's intention. Today there is a lack of direction, of idea and of will to challenge the belief in military power.

The redesign of the election routine in 1948 was not based on an interpretation of the testament, and delegating the selections of committee members to the party groups has obviously not served Nobel's intention when he tasked the Storting with the selection. Our interpretation of the testament is that Nobel, as with the four other prizes, wanted a committee of experts. He must have assumed or expected that the Storting would appoint a committee of professionals concerned with the "champions of peace" and their efforts to promote "peace congresses" ideas of "disarmament" and "creating the fraternity of nations". The peace policies of the Liberal Party [Venstre] (including their

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arbitration initiative in 1891) had brought the Storting in the vanguard of supporters of the new peace ideas. Stortinget was among the first parliaments in Europe to support the new peace movement financially, and Nobel knew this.

The peace prize for 2017 to ICAN has raised hopes that the Nobel Committee now, with a lawyer at the helm, has realized that Norwegian politicians have been entrusted with tending to Nobel's approach to reaching the goal, not promote their own ideas of peace. On behalf of the committee the chair, Berit Reiss-Andersen, emphasized with firm conviction the responsibility of the nuclear powers to participate in the abolition of the weapons that constitute a constant threat of extinction of us all. By this year's award, the committee showed independence also in relation to Norwegian foreign policy. It showed interest in the will of Nobel by quoting three expressions in the testament - all derived from the peace movement of the period. The expressions help us understand the purpose, *what and whom* Nobel had in mind using the term "the champions of peace".

II. Parliament's relation to the Nobel Foundation, the Swedish principal

Peace Prizes are awarded on the basis of Nobel's will, by the Nobel Foundation, a foundation with its seat in Sweden. The foundation is subject to Swedish law and Swedish jurisdiction. Following the Foundation Act of 1994, the foundation's Board has ultimate and final responsibility for the entire activity, including for bodies assisting the board. A decision of March 21, 2012, which ended an investigation of the peace prize by Swedish authorities (see nobelwill.org - Basic Documents), emphasized the duty of the Board to investigate Nobel's intention with the peace prize and ensure that the purpose is respected by all auxiliary bodies - including the Storting in its function of selecting the members of the Norwegian Nobel Committee.

The resolution expressly rejected the Nobel Committee's assertion of being sovereign and independent, declaring that the Nobel Foundation's board would have to react and refuse to pay over any peace prize that do not match Nobel's purpose. (The Norwegian view was "... not compatible with the Board's Board of Directors bearing responsibility for the implementation of the purpose. Should the Board find that ... the choice of prize winner deviates from the Foundation by-laws..., the board is obliged to intervene.")

The Nobel Committee did not like the decision and wished an exception from the act where the final assessment of compliance with the peace prize purpose, would still belong in Norway. The application for this was rejected by the Chamber College in 2015. The foundation asked the Swedish government to overturn the decision, but later dropped the appeal. This means that the full and ultimate responsibility for peace prizes is in Stockholm, with the Nobel Foundation's board. In the task of choosing the Nobel Committee the Storting is not a Norwegian state authority under the Constitution. This means that Norwegian parliamentarians here are subject to Swedish legislation, Swedish jurisdiction and instructions from the Nobel Foundation Board in Stockholm.

This arrangement is undeniably unusual, an anomaly. The parliament elects the Nobel Committee, which chooses the award winners, while the legal responsibility, economic and criminal, for the awards lies in Stockholm. The members of the Nobel Foundation

board may not pay over prizes that violate Nobel's intention without incurring personal liability. As stated on our website, such a personal liability claim is actually pending before Swedish courts and has led to Sweden being sued for denial of justice and fair trial in a case before the European Court of Human Rights, ECHR, in Strasbourg.

An arrangement like this, where the board of a private foundation in another country has supervision and may need to instruct the Storting, would hardly have been chosen today and it cannot continue unless the Storting carries out its task with great emphasis on loyalty to Nobel. The Storting should, on its own initiative, change the routine for election to the Nobel Committee. Insight into and allegiance to Nobel's idea must again, like before 1948, be decisive for the selection of members of the Nobel Committee. *At the very least*, party groups must be instructed, from this year on, to select people who are eager to promote the peace prize's basic idea of security by global cooperation on disarmament, strive for what Nobel called *creating the fraternity of nations*.

Further information and documentation can be found on NPPW's website nobelwill.org. Here we have also published a list of the 34 candidates qualified to win in 2017 – with guidelines that should also govern the selection of the Nobel Committee. We would be happy to answer questions and provide suggestions on how to realize the change.

III. An outstanding opportunity for Norway to make a difference

Nobel wanted to liberate humanity from the extremely dangerous and counterproductive military security policy we are trapped in. He thought in terms of the world rather than the single nation and had in mind what would be best for the world as a whole. Nobel envisioned a "fraternity of nations" across national borders, religion, race, political and economic system – precisely the way of thinking that ICAN represents. To be able to execute its obligations to Nobel, the parliamentarians must be fully aware of the difference between the two ways of thinking, and make sure that the committee is composed of people who have the right attitudes and knowledge, and are the best suited to promote Nobel's own purpose with the prize.

The Nobel Prize gives Norway an outstanding opportunity to be a pioneer paving the way for a paradigm shift in international relations. (See for inspiration comments from Jan Öberg, the Swedish-Danish Peace Researcher:

<https://janoberg.me/2017/10/11/forsvarsforliget-2017-ti-positive-punkter/>.)

NOBEL PEACE PRIZE WATCH

Fredrik S. Heffermehl Tomas Magnusson

Copies:

The Norwegian Nobel Committee, Oslo,

The Nobel Foundation, Stockholm

Torgny Håstad, chair of Nobelfullmäktige, Stockholm

STATEMENTS OF SUPPORT

The undersigned professors at the legal faculties in Oslo, Bergen and Tromsø endorse the conclusion that the Storting is obliged to determine the purpose of the Nobel Peace Prize and to select for the Nobel Committee persons who have demonstrated the ability and will to promote the specific peace work, the way to preventing new wars that Nobel intended to support with the "prize for the champions of peace".

Professor em. dr. philos. Kristian Andenæs, UiO

Professor dr. juris Finn Arnesen, UiO

Professor dr. juris Cecilia Marcela Bailliet, UiO

Professor mag.art. Nils A. Butenschøn, UiO

Professor dr. juris Thomas Eeg, UiB

Professor dr. juris Terje Einarsen, UiB

Professor dr. juris Gunnar Eriksen, UiT

Professor em. Stein Evju, UiO

Professor dr. juris Anne Hellum, UiO

Professor dr. juris Alf Petter Høgberg, UiO

Professor, PhD Jørn Jacobsen, UiB

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Professor dr. juris Malcolm Langford, UiO

Professor dr. juris Alla Pozdnakova, UiO

Professor dr. juris Kirsten Sandberg, UiO

Professor dr. juris Trond Solvang, UiO

Professor dr. juris Jo Stigen, UiO

Professor em. dr. juris Aslak Syse, UiO

The Swedish Foundations Authority (Länsstyrelsen i Stockholm),

Decision of March 21, 2012, contained a.o the following statements:

http://www.nobelwill.org/Lansstyrelsen_120321_Nobel_decision_eng.pdf

According to the Foundations Act, which came into force on 1 January 1996, the Board of Directors bears the ultimate responsibility for the management of assets and the fulfillment other provisions, for instance regarding the purpose

The Nobel Foundation's response states that the Board is responsible for compliance with the statutory purpose, thereby understood that the Board shall intervene if the committee operates in a way that the Foundation considers not complying with the statutory purpose.

The Nobel Committee for the peace prize claims in the annex to the Foundation's response that in the awarding of a prize it is independent and not to be instructed. This is not, however, in the view of the County Board, compatible with the board of directors of the Foundation bearing the ultimate responsibility for compliance with the purpose. If the board finds that a committee has selected a winner that differs from the Foundation's regulations on that prize, the Board has an obligation to intervene.