

SUMMARY OF BRIEF FILED  
WITH THE STOCKHOLM DISTRICT COURT, DEC. 4, 2015  
TO TRY LEGALITY OF THE 2012 NOBEL PEACE PRIZE

Court: Stockholm tingsrätt (Stockholm City Court)

Plaintiffs: Mairead Maguire, Jan Oberg, David Swanson, Lay Down Your Arms

Counsel: Kenneth Lewis, Lewis & Partners, Stockholm

Respondents: Marcus Storch, Göran K Hansson, Lars Heikensten, Peter Englund, Tomas Nicolin, Kaci Kullman Five, and Staffan Normark

Case: Asking court to order seven Board members pay compensation to Nobel Foundation for having paid the EU the peace prize 2012 in the amount of SEK 8 000 000.

Reasons: The 2012 award to the EU clearly violates Nobel's will and testament. Use of the foundation assets for other purposes than the purpose stated by Nobel is illegal and makes the board members liable to compensate the loss to the foundation, whether they acted intentional or only negligent. Under Ch.

### **Details of the complaint**

#### *Applying law*

The Swedish Foundations Act that entered into force in 1996 gathers the full responsibility with the foundation board. Even where the Board is assisted by an independent subject to decide a specific issue, it thus remains the Board's responsibility to ensure that such subject complies with the statutes and that the foundation's assets are being used in accordance with the statement of purpose.

According to Ch. 5, Art. 1, the Foundations Act a board member is liable for damages he or she intentionally or by negligence inflict upon the foundation in the execution of their duties. The liability is individual, and solidary in cases where several members of a board are responsible for the same loss.

A loss may be caused by for instance a decision to spend Foundation assets in violation of the stated purpose. A foundation has suffered loss if the capital has been reduced for purposes other than, or a circle of designees other than, those the foundation shall promote. (Ch. 2 Art. 3. See Isoz, Henning; The Foundation Act - A commentary, 1 ed, under paragraph 2.2.2.)

The 2012 decision of the Swedish Foundations Authority  
Following a complaint about misuse of the peace prize the County Board in January 2012 opened an investigation against the Board of the Nobel Foundation. The County Board on March 21, 2012, decided to write off the case, noting that the Foundation Board in its letter of March 8, 2012, had given satisfactory confirmation of having understood that by law it bears the superior and ultimate responsibility for ensuring that the foundation's assets are used in accordance with the foundation's purpose. The authority underlined that the purpose and how it will be fulfilled belong to the most important provisions of a foundation and recommended several precautions and routines to help the Board discharge its obligations properly.

#### *Interpretation of the testament of Alfred Nobel*

Through his will, Alfred Nobel donated most of his assets to "a fund, the interest on which shall be annually distributed in the form of five categories of prizes to those who, during the

preceding year, shall have conferred the greatest benefit on mankind."

The part of the testament where Nobel describes "the prize for the champions of peace" reads as follows:

... one part to the person who shall have done the most or the best work for creating the brotherhood of nations, for the abolition or reduction of standing armies, as well as holding and promoting peace congresses.

In his books, the Norwegian lawyer Fredrik S. Heffermehl has shown a number of examples of the Norwegian committee having transformed the Nobel prize for the "champions of peace" who sought a global peace solution through the "fraternity of nations" to a general prize for "peace" in a very broad meaning. This is not an interpretation in a legal sense.

The prize has become totally disconnected from Alfred Nobel's intention with the peace prize and the description of purpose in the testament. Although the Nobel Foundation and its Oslo subcommittee pretend to welcome a discussion about the prize they have for six years never shown any interest in Nobel and what kind of "champions of peace" he intended to support.

Using the term *champions of peace* Nobel chose side in one of the major political and cultural battles of the day, between supporters of strong military defenses, on the one hand, and the alternative movement that advocated cooperation and general disarmament on the other. In the nationalist late 1800s the issue of peace was a watershed of sorts: those who worked for peace were also internationally oriented, like Nobel himself. Many of those involved wanted international law to apply over national law and saw it as part of the enlightenment. Alfred Nobel felt attachment to the movement that wished to contribute to peace through cooperation, international law, international organizations and general disarmament as well as abolition of the military tradition and meant that international disputes must be resolved on the basis of law and not on the battlefields.

The interpretation of what Alfred Nobel intended by the concept "champions of peace" must take on a time dimension with two elements. First and foremost, the interpretation must address what Alfred Nobel wanted when he issued the testament, secondly, his ideas must be translated from 1895 to the present.

To formulate Nobel's intentions for the Peace Prize in modern language must be done with some regard to the way the world looks today. Nobel intended, in modern usage, to support the movement and the persons who work for a demilitarized world, for law to replace power in international affairs, and for all nations undertaking to work together to abolish all weapons instead of competing for military superiority.

#### *The European Union as peace prize winner*

The Norwegian Nobel Committee in October 2012 resolved that the peace prize for 2012 was to be awarded to the European Union, EU, for having "*for over six decades contributed to the advancement of peace and reconciliation, democracy and human rights in Europe.*"

The prize was paid over by the Nobel Foundation, despite protests from among other four Nobel Peace Prize winners; Mairead Maguire (1976), Desmond Tutu (1984), Perez Esquivel (1980), International Peace Bureau (1910), and even others who considered the selection a manifest violation of Nobel's will.

In its further citation the committee did not explain how the EU could be seen as a champion of peace of the kind that Alfred Nobel had in mind writing his will. The EU belongs to the most heavily armed regions of the world and has an extensive military cooperation. The armaments include nuclear weapons owned by France and the UK as well as US nuclear weapons in the Netherlands, Italy, Germany and Turkey. The EU has established its own military units, and has extensive cooperation in the field of armaments and a significant export activity. The same week as, in Oslo, the EU heads of state had received the Nobel prize for peace and disarmament they gathered in Brussels to sign comprehensive agreements to strengthen their joint military capacity, expand armaments, improve coordination of weapon systems as well as research and development, etc.

### **Standing to sue**

According to the Foundations Act the one who is a designee under the foundation statute has standing to sue. The circle of designees comprises not only the persons and organizations who have received or been nominated to the Nobel Peace Prize but also persons or organizations suited to be nominated to the Nobel Peace Prize

Mairead Maguire received the Nobel Peace Prize in 1976 and is still a very active peace mediator and advocate for general disarmament. David Swanson and Jan Oberg both were nominated for the Nobel Peace Prize in 2015. Lay Down Your Arms / Nobel Peace Prize Watch is promoting peace and have a possibility to be nominated for the Nobel Peace Prize and therefore must be counted to the circle of designees under the Foundations Act.

A list of evidence will be submitted as soon as it is clear what is contentious in the case.