

A New Charity Regulator in 2019:  
At the Cutting Edge of Peace-Building?

by

Peter M. Southwood

Abstract

This article seeks to show how the new system of charity regulation in England and Wales, as it would now exist if the rule of law had applied, is superior to the one before 9 October 1998 when the High Court handed down its judgment concerning the Project on Demilitarisation (Prodem). It does this by using three real life examples:

- (i.) The prima facie rejection of Prodem's application for registration as a charity in 1993.
- (ii.) The 'Control Arms' campaign launched in October 2003 in which charitable, as well as non-charitable, bodies were involved.
- (iii) The attempt by the Trustees of the International Peace Project to remove The Atlantic Council of the United Kingdom from the register of charities.

In each case the Prodem legal framework is applied to show how a new charity regulator would be at the cutting edge of peace-building in 2019, in a manner that was not possible in 1919 at the time of the Paris Peace Conference. It is literally waiting in the wings.

Background

It is not enough to demonstrate, as this author did in his Article no. 2,<sup>1</sup> that the current system of charity regulation in England and Wales is fraudulent in the common or garden sense of that term. It is also necessary to show that the new system – actually, the one which would now be in existence if the rule of law had applied – is superior to what went before 9 October 1998. That was the date when the High Court judgment in the case concerning the Project on Demilitarisation (Prodem) was handed down. Together with the Court of Appeal judgment on 28 June 2000, it provided the only comprehensive judicial framework for education in the advancement of international peace in the modern history of English charity law.<sup>2</sup>

How to do this? To illustrate the difference made, in applying the legal framework set out in the Prodem case, through three real life examples that contrast how the existing charity regulators addressed each case with how the new Charity Regulator would do so. This will reveal the contribution that a serious regulator would make to securing a state of peace.

A state of peace cannot be secured without respect for the rule of law. Various judges have noted over time the contribution that the English courts make to peaceful relations by resolving disputes in a just manner. For example, Lord Diplock put it like this in a case in 1974:

The provision of a system for the administration of justice by courts of law and the maintenance of public confidence in it are essential if citizens are to live together in peaceful association with one another.<sup>3</sup>

The new Charity Regulator for England and Wales can mirror this function not just with respect to the role of education (and religion) in resolving international disputes, which would be its supreme public benefit, but in helping to indirectly resolve other intractable political controversies by precise and informed legal analysis which ensures that only genuinely educational bodies are entered on the register of charities and maintained there.

1. The Prima Facie Rejection of Prodem's Application for Registration as a Charity – January 1993

First, the Charity Commission's response to the informal application by Prodem's lawyers will be quoted in full (except for the names of the writer and recipient).<sup>4</sup> Then a draft response from the new Charity Regulator for England and Wales will be presented applying the judicial framework from the Prodem case as if it had existed at that time. It should then be clear what a difference that would have made in 1993 and, by necessary implication, in 2019.

The [former] Charity Commission letter of response dated 26 January 1993 was as follows:

Dear -----

**PROJECT ON DEMILITARISATION**

Thank you for your letters of 9 and 11 December. All enclosures are now to hand.

As you say, this is a difficult area but on balance I do not think this application can succeed. Although the Project claims to be charitable under the educational head, in fact what is intended according to the background paper<sup>5</sup> is the promotion of disarmament and the conversion of resources from military to civilian purposes, which is clearly a political purpose. Indeed, the whole thrust of the intended activities is political, for example Audiences (interested bodies/persons, the media and decision makers), Nature of Briefing (useful for audiences' educational, lobbying or campaigning purposes), Outline Programme (briefing sub-titles reflecting political stance).

In conclusion, the Project in our view is established to promote, if not necessarily particular legislation, a particular line of political administration or policy which, as you know, is a political purpose and not charitable: Re Hopkinson (1949) 1 ALLER 346, at 352. Accordingly, on the information before us, the Project does not appear to qualify for registration as a charity. Should you disagree with this view, I should be grateful if

you would let me have a reasoned statement setting out the legal arguments for claiming that the Project is a charity in law.

Yours sincerely

Now, taking the legal framework provided by the judges in the Prodem case, this is how the response should have been drafted and, indeed, how the new Charity Regulator would be bound to offer an authoritative statement of law applied to the facts of the case:

Dear ----

### **PROJECT ON DEMILITARISATION**

Thank you for your letter of 11 December 1992 requesting our response on whether the intended educational objects and activities of this proposed charity might qualify it for registration.

In the aftermath of the ending of the Cold War, there is naturally public interest in the subjects of militarism and disarmament. We note that both the promoters of this Project have expertise in this area. However, we must determine whether the education envisaged is for the public benefit in the legally charitable sense. We accept that the advancement of international peace is, in general, a charitable purpose in the sense of education of the public in the differing means of securing a state of peace and avoiding a state of war. However, we have concerns over both the intended aims of the Project, as means to that end, and whether your clients can satisfy us on these points will affect the Regulator's view on which side of the charitable/political divide this Project falls.

Take Aim 1 first, as set out in the background paper:

‘To fundamentally question the new forms of militarism arising in the West in relation to:

- its recent record;
- current official policies;
- the likely consequences for the future.’

This is potentially educational, as it envisages analysis of a process, but we would require evidence that a sufficiently wide range of persons of differing viewpoints would be involved, and their analyses presented, in these planned Briefings.

On Aim 2:

‘To propose alternative policies to achieve disarmament and a conversion of resources from military to civilian purposes.’

This is potentially charitable, provided that the planned Briefings are limited to promoting the benefits of such policies and do not stray into the area of promoting the policies in themselves. What this means, in practical terms, is that the authors can highlight the advantages of alternative policies but cannot advocate their adoption.

If your clients can satisfy us on these points, then the Audiences are relevant, the Nature of each Briefing being itself genuinely educational would not be undermined by how those audiences themselves used those Briefings, and the Outline Programme would reflect only an irenic perspective rather than the promotion of a line of policy.

Nothing in this letter, though, is to be taken to predetermine the final decision of the Regulator on the charitable status of this Project once the Trust Deed is executed.

Yours sincerely

It should be underlined that this letter does not constitute legal advice to applicants; rather an authoritative statement of law, expressed in terms comprehensible to laypersons, applied to the facts of the case. Had this been possible in 1993 the Project applicants would have had no basis in law for objecting to the Commission's view which had plainly thrown the charitable baby out with any political bathwater. The fact that the International Peace Project<sup>2000</sup> (IPP) exists today is proof positive that the original Charity Commission letter was defective.<sup>6</sup>

Why, then, did the Court of Appeal judge say that the author of the Charity Commission letter was 'correct to state' all that was contended for in its second paragraph (as quoted above)?<sup>7</sup> The very existence today of IPP as a registered charity on the basis of a background paper differing in little or no material respect from the original Prodem paper, except for the authoritative legal justification, demonstrates its shortcomings.<sup>8</sup> Surely the answer is that the judge was pointing out to the Commissioners that if they had stuck to that line of reasoning without adding to it claims about an 'irenic perspective' being political, and much else besides, then the Prodem Trustees would have had no substantive point of law on which to appeal against their decision to refuse registration in September 1995. The judge was not claiming that letter was an adequate statement of law – though the Charity Commission took it as such later<sup>9</sup> – and its legal department, in correspondence with the applicants' lawyers in 1994, had been equivocal about the promotion of peace being a charitable purpose.<sup>10</sup>

However, the judge's endorsement of the Charity Commission's letter of 26 January 1993, as a way of avoiding explicit criticism of the Commissioners, had disastrous long-term consequences for the regulation of charity in England and Wales. It ensured that the existing system for regulating charities, which the judges in the Prodem case had shown to be flawed, continued unchanged and, with the abolition of the Charity Commissioners in the Charities Act 2006, a new regulator was brought into being even more unfair than its predecessor.<sup>11</sup>

Before then, a taste of what was to come emerged in our second example.

## 2. The 'Control Arms' Campaign – October 2003

On 11 October 2003 the author, as promoter of the International Peace Project, wrote to the Charity Commission in the following terms. This letter is quoted in full, albeit without identifying the official concerned, and may be taken as reflecting what a genuine Charity Regulator would have said, had it existed at that time, to the proponents of the campaign:

Dear ----

I am writing to protest in the strongest possible terms at yesterday's designation of the 'Control Arms' campaign, launched last Thursday, as being run by 'two leading charities' (Financial Times) and a 'coalition of leading human rights charities' (Guardian). Although it will be up to the Trustees of the International Peace Project – whose charitable objects and activities you acknowledged in your letter of 20 May 2003 – as to whether a public complaint is made they have a compelling interest in maintaining the distinction in law between educational and political purposes. Thus I am seeking your urgent guidance on the issues outlined below which I will circulate to them immediately.

This 'Control Arms' campaign clearly has a political purpose – according to the joint agency press release (at [www.oxfam.org.uk](http://www.oxfam.org.uk)) it 'aims to reduce arms proliferation and misuse and to convince governments to introduce a binding arms trade treaty' – and the means to be used are also political – according to the organisers' report Shattered Lives: The Case for Tough International Arms Control the 'same combination of public pressure and action by sympathetic governments' is needed as the authors claim secured the 1997 Landmines Treaty (page 5). This is not, of course, to say that challenging the policies of governments is in any way unlawful or improper nor to denigrate their aim and method or to suggest that the views expressed in the campaign organisers' report are not sincerely held and defensible. Yet it is to recognise that the whole thrust of the intended activities is political for example, 'interlinked action, from community level to international level' (involving civil society and local government agencies, national governments); nature of report ('for advocacy, campaigning and teaching purposes', emotive images) and recommendations (precisely defined in Chapter 6 'The time for action is now'). Oxfam GB is a registered charity and a member of Oxfam International, one of the two organisations who hold the copyright on the report; the other being Amnesty International which describes itself as 'an independent worldwide voluntary activist movement working for human rights' – neither Amnesty International Charity Limited nor Amnesty International UK Section Charitable Trust are cited in the report cover or press release.

As you know from our legal case, *Re Project on Demilitarisation (Re Prodem)*, the promotion of peace is, in general terms, a legally charitable object and the promotion of the benefits of peaceful means of resolving international disputes is educational within the scope of charity. However, it was settled by the Court of Appeal that because 'There are differing views as to how best to secure peace and to avoid war... The court is in no position to determine that the promotion of the one view rather than the other is for the public benefit. Not only does the court have no material on which to make that choice; to attempt to do so would be to usurp the role of government.' In conclusion, I have to say that I do not think that the Trustees of Oxfam have a legal leg to stand on in the matter of their involvement in the Control Arms campaign. Moreover I believe that this unfortunate situation, which also threatens our Peace Games 2004 because of the fundamental importance to the Trust of

maintaining the distinction between educational and political purposes, has only arisen because the Charity Commissioners have failed to inform the charity sector concerning the legal principles underpinning the promotion of peace and education in the peaceful means of conflict resolution. Should you disagree with this view, I would be grateful if you would let me have a reasoned statement, setting out the legal arguments for claiming that 'Control Arms' is within the scope of charity or that Oxfam's involvement in non-charitable activities can be taken as 'merely subsidiary or incidental to a charitable purpose [*McGovern v Attorney General* (1982) Ch 321 at 341].

Yours sincerely

The three paragraphs deliberately mirror those in the Charity Commission letter of 26 January 1993, with its *prima facie* rejection of Prodem's application for registration as a charity, incorporating relevant aspects of the Prodem judgments. The author has been unable to locate the Charity Commission's reply though the gist of it was to allow this activity as part of Oxfam's campaigning. In the end the IPP Trustees did not make a formal complaint but the objections to this initiative under the head of education in the charitable sense were clear.

It remains to explain the paradox that the promoter of IPP (and Prodem, before that) in the role of future Charity Regulator was opposing a peaceful means of conflict resolution as a charitable object or as a non-charitable activity subsidiary to a charitable purpose – viz. an international arms trade treaty – while supporting, in preference, the 'Peace Games 2004'. In fact, this was entirely consistent with his position in the Prodem legal case where it was common ground that the promotion of disarmament was *not* a legally charitable object.<sup>12</sup> This, in turn, was founded on his belief expressed through Prodem's Aim 1 that it was evaluation of conflict areas that was key to understanding and resolving them.<sup>13</sup>

The Prodem background paper of October 1992 had put it like this in its opening paragraph:

[The promoters]... perceived a gap in the disarmament field brought about by an over-emphasis on the undoubted opportunities for change in the post-Cold War era, to the neglect of the structural impediments. Crucial to the success of any disarmament programme was an understanding of the seriousness of those barriers. They argued that the excellent research work being done by various peace research and other bodies could be utilised in a way which more directly addressed this issue.<sup>14</sup>

'Success' in relation to what: a state of peace as a legally charitable object (Aim 1); or the promotion of the benefits of disarmament or of disarmament in itself (Aim 2)? Any ambiguity was resolved by the time of the establishment of IPP.

The IPP background paper of December 2002 had a similar opening paragraph:

[The promoter]... had foreseen the return to global war ten years before the tragedy of 11 September 2001 by applying a method for analysing the prospects for war or peace in any conflict area. Now he sees an opportunity in the field of peace studies – defined in law - to demonstrate objectively how the way parties in dispute analyse conflicts is related to the prospects for war or peace. Crucial to the success of any

peace process is an understanding of the seriousness of the barriers to peace from parties' assumptions about military and peaceful means of change. He argues that the excellent research work being undertaken by peace research, war studies and other bodies could be used in a way which directly addresses this issue.<sup>15</sup>

By allowing the 'Control Arms' campaign within the scope of charity, the existing regulator – despite its position in the recent Prodem case – undermined interest and support for IPP's Peace Games 2004 because it allowed political objects and means to coexist with genuinely educational ones in the same sector. It is like having athletes who take performance-enhancing drugs being allowed to compete with 'clean' athletes. Only, in this instance, it is not just the athletes who are allowed, even encouraged, to cheat; it is the umpires and referees who take the same drugs themselves. And the name of this drug is... political power.

Certainly, the Control Arms campaign can claim political 'success': on 2 April 2013 the Arms Trade Treaty was finally adopted by the United Nations General Assembly by a vote of 154 in favour, 3 against, and 23 abstentions. It opened for signature on 3 June 2013.<sup>16</sup> Yet try telling that to the long-suffering people of Yemen who, at the time of writing, have benefited little, or not at all, from that Treaty as they face the prospect of widespread famine in the midst of civil war. Nor can Control Arms claim to have started in 2003 from a position of understanding that, if over-armament can be a problem, then so can under-armament: their report Shattered Lives makes no reference to the massacre at Srebrenica in 1995;<sup>17</sup> a graphic reminder of what happens when the right to self-defence is abrogated.

Thus, despite the best of intentions, campaigns like Control Arms are driven by political expediency just as the former Charity regulator was in the Prodem case<sup>18</sup> and with Control Arms. Our third example makes this point definitive and shows again how the existing charity regulator undermines, rather than promotes, the public benefit of a state of peace.

### 3. The Attempt to Remove The Atlantic Council of the United Kingdom from the Register of Charities – 2008/09

The Court of Appeal in its judgment of 28 June 2000 had stated, after explaining its reasons for refusing to recognise the Prodem trust as charitable:

Nor, conversely, could the court recognise as charitable a trust to educate the public to an acceptance that war is best avoided by collective security through membership of a military alliance – say, NATO.<sup>19</sup>

This was in response to the Appellants pointing to the presence of The Atlantic Council of the United Kingdom on the register of charities.<sup>20</sup> After the trial Peace Games focused on the Israeli-Palestinian conflict in 2005/06, and due to the difficulties in gaining support for their extension to other international conflicts in 2007, this author as Adviser and Hon Secretary persuaded the IPP Trustees, with some difficulty, to seek the removal of that Trust from the register of charities in line with the Court of Appeal *ratio*. The Atlantic Council had been on that register in one form or another since 1970 and the latest version was registered in the same year that Prodem's application had been rejected on a prima facie basis, i.e. 1993.<sup>21</sup>

The legal proceedings were analysed in Article no. 2.<sup>22</sup> What is relevant here is how a new Charity Regulator would have dealt with this claim which initially took the form of a 'decision review' by the existing charity regulator of its 1993 decision to register the Atlantic Council (though a record of the reasons in law no longer existed). The letter before claim for judicial review,<sup>23</sup> submitted on behalf of the IPP Trustees and with their authority, provides a conveniently succinct account of why this author could demonstrate, in the light of the Prodem judgment, that the objects of the Atlantic Council were non-charitable, i.e. political.

He divided the objects clause of the Atlantic Council into three parts in the letter before claim:

To advance the education of the inhabitants of the United Kingdom in:

- [A] the aims of the Atlantic Treaty entered into by the Government of the United Kingdom and its supporting Organisation the North Atlantic Treaty Organisation ('NATO')
- [B] the duties and responsibilities of the said Governments and inhabitants thereunder  
and
- [C] the problems associated with the promotion of close links between members of the Atlantic Alliance

Since all the objects hang together, as it were, if any part is of a non-charitable nature then the trust instrument cannot escape total invalidity (cf. McGovern).<sup>24</sup>

The letter before claim observed, before addressing this body's charitable status, that '... the former regulator [pre-Charities Act 2006] in failing to reform its approach to the administration of charity law, in the light of the Courts' respective judgments, has left IPP in competition with a political trust – the Atlantic Council – as I will now seek to demonstrate.'

The Charity Commission's initial decision by letter dated 19 December 2008, on IPP's request to remove the Atlantic Council from the register, was viewed as unreasonable in IPP's letter before claim on two grounds which are relevant here:

*Information used*

- (9.) To use NATO's Strategic Concept as part of its information about the circumstances in which the Atlantic Council was established (1993) but neglect the Atlantic Treaty itself which is referred to in its expressed objects.

Note that reference below to 'power' is the Charity Commission's, in relation to the Memorandum of Association of the Atlantic Council of 27 September 1993; and the 'Articles' referred to are those in The North Atlantic Treaty signed on 4 April 1949 (as amended):

*Objects of the Atlantic Council*

- (10.) To claim 'With respect you [i.e. IPP] seem to be confusing the reference to the 'aims' of the Atlantic Treaty with the political objects which NATO may seek to pursue in its implementation of those aims (power 8). The aims appear (from a consideration of NATO's Strategic Concept's exposition of its essential and enduring purpose) to have to do with safeguarding freedom and security based



on the values of democracy, human rights and the rule of law, and with the securing of a just and lasting peaceful order in Europe (and possibly elsewhere).’ (page 3, fourth para.)

[IPP] *Evidence*: NATO is not a charity. To contrast the ‘aims’ of the Atlantic Treaty with the political objects NATO may pursue to implement them implies that this Treaty between high State parties has no political aims, which is manifestly untrue. To illustrate this point by reference to the aims of the Atlantic Council:

**Aim [A]**: The aims of the Atlantic Treaty are not limited to its values but include collective defence as a principal or dominant aim, which is referred to explicitly in the Preamble and appears to be directly advanced by Articles 3, 4, 5, 6, 8, 9, 10 & 12.

[IPP] **Conclusion**: The Atlantic Council’s objects are not restricted to advancing education in *the values* of the Atlantic Treaty but do or may cover political aims as well.

**Aim [B]**: The reference to ‘duties and responsibilities’ is ambiguous because a duty is an obligation to act, i.e. what must be done, while a responsibility is what ought to be done and for which one can be called to account. Both terms imply that the trustees of the Atlantic Council should educate the UK public and their government in what must or ought to be done in relation to the aims of the Atlantic Treaty.

[IPP] **Conclusion**: The Atlantic Council’s objects are not restricted to advancing education in *the facts* concerning the duties and responsibilities of the UK government and inhabitants under the Atlantic Treaty.

**Aim [C]**: This was addressed in the IPP submission of 15 May 2008 at para. 5.7. In particular, the objects clause provides no guidance as to how the problems associated with promoting close links between members of the Atlantic Alliance [i.e. collective defence] are to be addressed. (Cf. Prodem and IPP whose educational objects are to be advanced by ‘all charitable means’.)

[IPP] **Conclusion**: The Council’s objects focus on *promoting* NATO’s collective defence.<sup>25</sup> [Emphasis in the original.]<sup>26</sup>

In a later section on the ‘Benefits of This Case for the Better Promotion of Charitable Purposes’ the IPP letter before claim acknowledges, with respect to the Atlantic Council’s Aim [C]:

There is little doubt that part of its activities could be upheld as charitable were they not linked to political purposes, e.g. the conduct of research into ‘the problems associated with the promotion of close links between the members of the Atlantic Alliance’ and the dissemination of the useful results thereof.<sup>27</sup>

This is just a small part of the IPP dissection of the case of the existing corporate regulator, successor to the Charity Commissioners sitting as a Board. Yet it is enough to demonstrate

that, together, they had maintained on the register of charities a body which was plainly and indisputably political in its objects and educational activities. Today, the Atlantic Council remains on the register nearly 50 years after it was wrongly entered there. For not one day of that period has it been a charity. Its presence there has been illegal since 28 June 2000.

### Conclusion

The fallacy at the heart of these three illustrations, which explains the delay and difficulty in bringing the new Charity Regulator for England and Wales into being, is the bureaucratic belief that political power is supreme – even over truth. As in the political sphere, principles of law are adopted or dropped as suits the exigencies of the moment: Prodem could be easily dismissed; conversely the ‘Control Arms’ initiative allowed; and a political trust like the Atlantic Council of the United Kingdom maintained illegally on the register of charities.

In each case the Prodem legal framework has been applied to show how a new charity regulator would be at the cutting edge of peace-building in 2019 in a manner that was not possible in 1919. The political ‘peace-makers’ of the Paris Peace Conference, who disdained to pay any serious attention to scholarly writing and could not conceive of the application of an ‘irenical perspective’,<sup>28</sup> demonstrated why political impartiality and objectivity is essential to the role of education in peace-building and in the charitable regulation thereof.

The next article will seek to show that, for those who believe in the supremacy of truth and therefore of God, the subordination of politics to His will and purposes is illustrated by the history of Prodem and IPP, linked to the course of events which they sought to explain. The devastating crisis that the United Kingdom and its allies, together with the rest of the world, has brought upon itself<sup>29</sup> is the result of a *modus operandi* writ large which is revealed in microcosm in the three illustrations of the existing regulators’ practice summarised here:

- Distortion or falsification of material facts;
- Government lawyers’ interpretation of the law taking precedence over judicial interpretations except where this would involve direct defiance of judicial rulings;
- General and repeated challenge to the Golden Rule as a summary of the laws of God.

What Article no. 2 demonstrated is how English charity law operates in practice, thereby reflecting and reinforcing the corrupting influence of politics on national life, instead of acting as a barrier against it, as our present predicament in the UK amply illustrates: scandals and power play galore including within the charity sector.<sup>30</sup>

Conversely, the new Charity Regulator for England and Wales refuses absolutely such conduct or behaviour and insists, whatever the consequences, on building on this foundation:

- The factual truth, the whole factual truth and nothing but the factual truth;
- Judicial interpretations of the law must be applied – or overridden through Parliament by legislation – and attempts by government lawyers to thwart them covertly are a threat to, and subversive of, the public benefit of a state of peace;

- The Golden Rule is inviolable in relations between States, as in public or private relations within the State, being the only basis for securing a state of peace just as all rebellion against God's Rule on earth creates a climate favourable for violence which, barring conversion, must ultimately result in war.

As and when this is recognised more widely, due to the onset of international crises produced by such rebellions, it may be expected that the existing charity regulator will collapse and the new Charity Regulator, already waiting in the wings, can replace it – as, indeed, it ought to have done after 28 June 2000, had the rule of law prevailed at that time.

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**Peter M. Southwood** (Dr) is a part-time Parish Bursar in London. He is also a consultant on the direction of conflicts towards peace or war in the short and long term. In the latter role, much of his work is currently done on a voluntary basis for the International Peace Project, the educational charity (reg. no. 1101966) which he helped to establish. However, there is no formal link between his consultancy role and IPP. He is solely responsible for this article and the website at [www.directionofconflict.org](http://www.directionofconflict.org)

He can be contacted by email at [consultant@directionofconflict.org](mailto:consultant@directionofconflict.org)

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### References

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<sup>1</sup>. See Peter M. Southwood, 'A Bleak House Today: How English Charity Regulators Missed the Mark in 2000 and Beyond', Article no. 2 (6 March 2019) at <https://www.directionofconflict.org/what-we-do>

<sup>2</sup>. Southwood & Parsons v H M Attorney General, High Court Case No: CH 1995 S No. 5856 concerning the Project on Demilitarisation [9 October 1998]; and Southwood & Parsons v H M Attorney General, Court of Appeal No: CHANF 98/1405/CMS3 [28 June 2000]. For copies of the judgements, see: <http://www.ipp2000.org/ipplaw.html>

<sup>3</sup>. Diplock LJ in Attorney General v Times Newspapers Ltd [1974] AC, 273, 307.

<sup>4</sup>. Letter from Charity Commission to Farrer & Co. dated 26 January 1993 in response to an application made by Farrer & Co. dated 11 December 1992 on behalf of the intending trustees of the Project on Demilitarisation (Prodem). It was an informal application because the Prodem Trust Deed had not been executed.

<sup>5</sup>. The Prodem Background Paper (October 1992) is cited at length in Southwood & Parsons v HMAG [28 June 2000], para. 8.

<sup>6</sup>. For the background to the International Peace Project (IPP), charity reg. no. 1101966, see Article no. 2, pp. 13-14.

<sup>7</sup>. Southwood & Parsons v HMAG [28 June 2000], para. 16. The quotation starts from 'Although the Project claims to be charitable...'

<sup>8</sup>. International Peace Project, Background Paper (28 December 2002), 4pp. Available from the author at: [hon.secretary@ipp2000.org](mailto:hon.secretary@ipp2000.org)

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- <sup>9</sup> . See Article no. 2, p. 14 and fn. 53 citing a letter from the Charity Commission dated 19 Dec 2008.
- <sup>10</sup> . Letter from Charity Commission dated 23 March 1994 to Farrer & Co. summarising the various authorities at that date on the question of whether the promotion of peace was a charitable or political purpose.
- <sup>11</sup> . See Article no. 2, pp. 14-15 on the question of the fairness of the new corporate Charity Commission created by the Charities Act 2006, Part 2, Chapter 1. The office of Charity Commissioner for England and Wales was abolished. Article no. 2, p.21 notes that the Commissioners were always scrupulously fair in procedural matters.
- <sup>12</sup> . The plaintiffs' amended originating summons of 16 September 1997 in the Prodem case, which sets out the grounds of appeal to the High Court, claims that the promotion of peace is charitable in law but does not claim this for the promotion of disarmament.
- <sup>13</sup> . Aim 1 being the author's contribution to Prodem's aims; and Aim 2, that of his colleague Dr Steve Schofield.
- <sup>14</sup> . Cited in Southwood & Parsons v HMAG [28 June 2000] at para. 8.
- <sup>15</sup> . IPP Background Paper (28 December 2002), p. 1.
- <sup>16</sup> . See Control Arms website at: <https://controlarms.org/att/> under 'A History of the ATT'. The section 'When was it adopted and how long did it take' gives the endorsement of the ATT by a vote of 156-3 with 22 abstentions.
- <sup>17</sup> . Shattered Lives: The Case for Tough International Arms Control (Amnesty International and Oxfam International, 2003). The author read the report in 2003 and conducted a word search for 'Srebrenica' of the pdf version of that report for this Article no. 5.
- <sup>18</sup> . See Article no. 2, pp. 5-13 for the full analysis of the Prodem case.
- <sup>19</sup> . Southwood & Parsons v HMAG [28 June 2000] at para. 29.
- <sup>20</sup> . This point was made in the Appellants' Skeleton Argument and at the hearing in the Court of Appeal on 10 March 2000.
- <sup>21</sup> . Information derived from the Charity Commission register and contained in the IPP Court bundle.
- <sup>22</sup> . See Article no. 2, pp. 13-18 for the full analysis of the IPP case concerning The Atlantic Council of the United Kingdom (charity reg. no. 1026837).
- <sup>23</sup> . Letter from Peter Southwood to the Chair of the Charity Commission dated 19 January 2009. This was done as part of the 'Pre-Action Protocol for Judicial Review' which litigants are obliged by the Civil Procedure Rules to go through in a bid to avoid unnecessary litigation.
- <sup>24</sup> . Ibid, Appendix citing McGovern v Attorney General [1982] 1 Ch 321, 343B-C, 344D-E.
- <sup>25</sup> . Ibid, pp. 7-8.
- <sup>26</sup> . References to IPP in square brackets are the only addition to help the reader distinguish between the quotation from the Charity Commission letter of 19 December 2008, with which the citation begins, and the 'Evidence' from IPP in response.
- <sup>27</sup> . Ibid, p. 11.
- <sup>28</sup> . See Peter Southwood (ed.), Military Adventurism: Learning from the Past - Looking to the Future, Briefing No. A/3 (Project on Demilitarisation, University of Leeds, October 1995), p. 26 citing Kalevi J. Holsti, Peace and War: Armed Conflicts and International Order 1648- 1989 (Cambridge University Press, 1991), pp. 22 and 348-52; and Margaret MacMillan, Peacemakers: The Paris Conference of 1919 and Its Attempt to End War (John Murray Publishers, 2002), p. 63.
- <sup>29</sup> . Principally this is a reference to the trend towards another Great Power war. See Peter Southwood, Death of a Peace Settlement – Birth of a Principle, Article no. 1 (18 January 2019), at: <https://www.directionofconflict.org/what-we-do>
- <sup>30</sup> . The scandals affecting English charities have included those over fundraising activities in the UK and safeguarding issues in developing countries.