

The President's Annual Report

By Brian Lechem



The Carson Appeal Best Bang for our Buck

Last fall, I met with the chairman of the South African Association of British Pensioners at the offices of Annette Carson's solicitors in London. I also consulted with senior representatives of the Canadian government who happened to be in the U.K. at the same time. Of greatest concern was finding sufficient funding to keep the Carson case going. As this legal initiative is considered to be the best chance there has ever been to resolve the pension issue, the significance of this concern is clear.

Members will recall that just over a year ago CABP contributed some \$80,000 towards the cost of Carson's case before the High Court, and that this money was reimbursed entirely on an *ex gratia* basis by the Canadian government. We then remitted another \$80,000, followed by a further \$100,000 very early in 2003 to help fund an appeal of the High Court's decision. Most recently, we have remitted another \$25,000. These sums, together with contributions made magnificently by only 35,000 South African pensioners (who have absolutely no state safety net) and our colleagues in the British Pensioners Association of Western Canada, have just about ensured sufficient liquidity to fund the current appeal process, the principal hearing of which took place in London from March 24 to 26.

March Appeal

The appeal hearing focused in part on the High Court ruling that the case is a political matter, not a judicial one. Ian Bold attended, as did Canadian government representatives from HRDC. The prognosis is mixed. However, one important concession was obtained from the Crown, that of accepting that British expatriates have a "right of possession" when it comes to their state pension. Normally, this would mean the individual's entitlement to a pension irrespective of where that individual resides. Members will be interested to learn that immediately upon conceding this important fact, Crown counsel attempted to withdraw it, but the appeal judges rejected this ploy!

However, while the British government accepts that they are discriminating, they are still maintaining that pension entitlement for expatriates depends entirely upon a bilateral agreement with their overseas country of residence. Bilateral agreements are foreign policy, hence political in nature (i.e. at Parliament's discretion), not judicial.

More Appeals

So we are all waiting with bated breath to hear the learned appellate judges' verdict. Even if "we" win, we will most likely be faced with yet another appeal, as Crown counsel indicated the matter would be taken further if the judgement favours Carson. The next step would be the House of Lords and, ultimately, the European Court of Human Rights in Strasbourg. Again, the primary obstacle for us is one thing only: money.

We are exploring every possible route to try and raise something in the order of half a million dollars to fund these two further appeals as the South African pensioners have exhausted their resources. Unfortunately, the "frozen" Australian pen-

sioners, some 220,000 of them, were, until comparatively recently, subsidized by the Australian government and so had no compelling reason to build up a legal fund. Their contribution to the Carson case, so far, has been extremely modest. We intend to approach the Canadian government again, but this is a long shot as we have already been told unequivocally that there are no mechanisms for qualifying for assistance in these circumstances.

Spread the Word

If we were able to recruit an additional 12,000 families, i.e. triple our current size, this would represent at least another \$250,000 for CABP's kitty. Only seven per cent of British expatriate pensioners currently belong, so "talk us up" with friends, colleagues and neighbours. As the board considers ways to raise funds among higher profile expats and Canadians, your promotion of our cause to the people you meet every day will be most powerful of all.

Organization Issues

By the time you read this, your present board of directors will have been in office for barely nine months – a very busy nine months. Chief among our activities has been our unwavering support for the South African Annette Carson human rights discrimination case in London. However, much effort has also been expended on membership expansion initiatives, most significantly in Toronto and westwards towards Burlington, Hamilton and, more recently, Guelph and west central Ontario.

See Stalwarts page S2...

Action Fund Where Does The Money Go?



By Brian Lechem, President

Over the years, some members have asked why we have an Action Fund, and what is it used for? Committed to the spirit of transparency and full disclosure, I am happy to respond to these very relevant questions.

Quite simply, the fund was set up in a foresighted attempt to cover the costs of any "action" that might be required to achieve indexation of our British pensions. Today, as readers are aware, that "action" is very much centered on the Annette Carson case currently on-going in the UK legal system and detailed in this and other issues of *Justice*.

This legal action costs an inordinate amount, much more than would a similar process ending up before the Supreme Court of Canada. In addition, the UK government seems determined to ensure that Carson and her supporters are extended way beyond what most plaintiffs in a similar position could stand ~ witness the fact that Carson has been ordered to pay the costs incurred

by the Department for Work and Pensions as well as her own costs, a most unusual occurrence in a case of such public interest.

Where the Money Goes

To date, CABP has given over \$200,000 towards these legal expenses, entirely out of the Action Fund. As well, because the income from members' dues has never been quite enough to cover the operating expenses of an organization of our size ~ some 6,000 families (10,000 individuals) ~ small amounts have also been transferred each year to make up the shortfall.

In reality, some of what we label "operating expenses" includes activities related to the Carson case, e.g. we paid the expenses of our lawyer to visit the UK during the initial stages of CABP's involvement, however membership drives continue in an effort to eliminate any such drain on the Action Fund.

Funds In, Funds Out

The Canadian government has seen fit to reimburse both CABP's Action Fund

and that of BPAWC, our sister organization in Calgary, to the tune of almost \$350,000. These additional monies have also been forwarded for Carson's ongoing expenses.

It doesn't take much calculation to realize that a figure in excess of half-a-million dollars has already been contributed from Canada alone. Add to this significant funding from South Africa and smaller amounts from the Australian and New Zealand pensioner organizations. Before the Carson case is finished, it is possible that the total cost will exceed \$1 million ~ a huge sum when one considers the financial plight of many of our contributing pensioners.

Thank You Canada!

Without the crucial financial commitment of the Canadian government, we wouldn't have got this far. But here we are, and all the signals and advice we are receiving indicate that there is a better-than-even chance that justice will prevail.

And so our commitment of your Action Fund dollars to the Carson case will continue.

BC Better Than Ever

Notes from the BC Branch Annual General Meeting

Vancouver Island membership has increased by a whopping 3,000 per cent in the past decade! From 32 stalwarts in the early nineties, today approximately 1,000 members support CABP's goals. BC Branch Vice-president Alan May credits this success to the volunteers who regularly phone other members, and the information meetings that are held throughout the island in spite of its geographic challenges.

Across the strait, in the Lower Mainland at least a dozen information meetings are held in various communities each year. In this way, members are kept "in the picture" about the alliance's ongoing activities and UK benefit technicalities, while new and younger members are introduced to their rights and guided through the DWP maze.

"It is my belief that our BC Branch largely maintains its member strength by communicating," says Meetings Director Bill Eady. "Either through these membership meetings or by mail-outs on special subjects." He points to fellow board members and to volunteers such as Sean Lewis, Freda Jackson, Mary Eady, Dave Milton and Ron Elston for making it all work.

Younger Volunteers Needed

Clearly, there is a loyal and extremely effective system of active volunteers throughout the Island and Lower Mainland. However, there is also an urgent need for younger blood, as many volunteers are now in their 70s and 80s.

"I ask for younger members to come forward," urges BC Branch President Bernard Jackson. "(They are needed) to assist us in our determination to win this battle for pension uprating."

Render Unto BC . . .

Treasurer Les Harrington reminds BC members ~ young and old, new and renewing ~ to send their annual dues to the Vancouver office. This ensures an up-to-date listing of all BC members is always on hand for "local" contact purposes. Vancouver then forwards members' information and 50 per cent of their annual dues to the national office, per the 1993 agreement between BC and Toronto at the time the two organizations united into one body.