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France, the Nuclear Ban Treaty and the NPT

Heated Exchange with France's Minister of Defense

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Saintes, 16 November 2020
Subject : Your letter dated 8 October 2020,
Attached. : Referendum Bill
To Mme Florence Parly, "Ministre des Armées"

Madame la Ministre,

I wrote to you back on 18 June 2020 to draw your attention to the shocking contradictions in France's policy "in the matters of respect for international humanitarian law, and of disarmament, conventional or nuclear."

On 14 September 2020, President Macron thanked me for my letter and said he was drawing your attention to it. On 8 October you arranged for a letter to be sent to me by your civilian and military head of staff, M. Martin Briens. **[See below]** I thank you for doing so. Since M. Briens writes in your name and on your request, there is no doubt that he speaks your mind. It is appropriate then to attribute his words to you. Allow me please to respond to them.

Let me first apologise for the length of this letter: each of your assertions calls for comment, and I intend to be exhaustive. What is at stake, after all, is French policy and the destiny of the world. So it's worth spending some time on...

You say at the start that "France has resolutely committed to the path laid out by Article VI of the Nuclear Non-Proliferation Treaty (NPT)", which commits its signatories to "pursue negotiations in good faith" so as to arrive eventually at "a general and comprehensive disarmament treaty."

We are in agreement on this one essential point: Article VI of the NPT does commit its signatories - including France since she joined in 1992 - to "pursue negotiations in good faith" so as to arrive actually at "a general and comprehensive disarmament treaty." This means, of course, general and comprehensive *nuclear* disarmament, as you spell out in the next sentence when you speak of "the objective of total elimination of nuclear weapons". Independently of any disarmament of conventional weapons.

But it is not true that "France has resolutely committed to the path laid out by Article VI". There is no trace whatever of such negotiations, nor of such a wish on France's part. Besides, the end of the sentence refutes the beginning: France, you say "continues therefore to share the objective of total elimination of nuclear weapons", but you immediately add "when the strategic context permits". Therefore it does not permit that, not for the moment. Thus what France has "resolutely committed" to doing is to postpone the implementation of Article VI of the NPT to a non-existent future date, or (in more colloquial terms) till the Feast of the Flying Pigs. There is no resolute commitment. Merely a commitment to commit one day, perhaps...

Yet that does not stop you from then enumerating various measures taken by France, as if these were proofs. But proofs of what? A series of unilateral gestures never made a negotiation, which must by definition be bi-or multi-lateral. The only way of proving a "resolute" wish for this negotiation is to take a seat round the table, if it is already set up, or else to set it up oneself and invite the others to join.

But perhaps, in mentioning France's sadly solitary efforts, you are seeking to prove that France is fiercely desirous of advancing, despite and against everyone, towards the total elimination of nuclear weapons?

Well then, let's examine the facts.

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You emphasize that France "is the only nation to have dismantled irreversibly its nuclear test sites." True, but why was this done? *Because France had no further use for them.* You say so yourself: France replaced the test sites with "simulation facilities". That was even the stated reason given by President Chirac to justify his resumption of French tests in 1995-96: we absolutely needed to proceed to simulation. To put it plainly, France closed the Pacific Experimentation Centre not in order to then renounce her nuclear weapons, but on the contrary so as to keep them as she wished and more cheaply, because that Centre was proving very onerous and becoming useless. So it was both an economy measure and a technical advance for the perpetuation of the weapons.

If we examine all the measures that France has taken unilaterally and presented as disarmament measures motivated by her wish to move to the abolition of nuclear weapons, we see that all, without exception, have been dictated by the fierce determination to retain her weapons, combined with reasons of technical, political or financial opportunity.

France has reduced her arsenal "by a half", you say with reference to the number of warheads - and this implies logically that she must have exceeded the level of "strict sufficiency" - yet she did not reduce the power of the warheads or their capability: they can still kill between 500 million and one billion people.

France "renounced the earth-based component" of her strike-force, i.e. her SSBM missiles on the Albion Plateau and her earth-based missiles named (in the varying political discourse) "tactical" or "prestrategic" - *Plutons* and then the *Hadès*. True, but why were they renounced?

Because those of the Albion Plateau were localised and targeted and would naturally have been targeted in turn by an atomic "first strike" (especially because the enemy in the East would have received our "final warning"). The fact that they were in underground bunkers did not make them safe from the effects, notably the electromagnetic effects, of such a strike.

And because the *Plutons* (with a range of 70km) and even the extended-range *Hadès* had the awkward disadvantage of falling unfailingly on west or east German territory, which deeply displeased our friends in the Federal Republic. In the end we got the message. Not to mention that the use of those missiles would have provoked an even more virulent riposte from the enemy in the east, who was amply equipped to exchange pleasantries with us.

Here is what the commanders of the "Blue Group" understood in May 1980 when manoeuvres were held in the French zone of West Germany: they decided not to ask President Giscard d'Estaing to authorise the use of their *Plutons* against the "Red Group", even when these "enemies" were charging through the Blues' lines with their numerous tanks. President Giscard noted this, and in his memoirs he adds that he too would have decided not to be the first to use his strategic arms. Those renunciations were sensible ones: it is better to undergo an occupation than to provoke one's own destruction... but that lesson amounts to condemning the totality of France's deterrence strategy, which relies on being first to make a warning strike, and on following this if necessary with strikes against cities (who and which ones is not clearly stated).

In short, after the strategists admitted after 25 years that the "earth-based component" was a waste, it was given a notice and a closure date. The "submarine component" received the preference. The dismantling of Albion Plateau cost 75 billion euros. And this, of course, was presented as a "disarmament gesture". A more apt phrase is "making a virtue of necessity."

So France renounced the earth-based component "while reducing her oceanic capabilities", you add. But are they really been reduced when 6 old-generation SNLE submarines (missile-launching nuclear subs) are replaced by 4 new-generation ones, with increased capabilities, while also modernising the missiles that arm them (M2, M4, M20,

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M45, M51...), missiles whose range and precision keep on increasing, and while producing 6 SNA submarines (nuclear attack subs) of the *Rubis* class, which are now being replaced by 6 SNA subs of the *Suffren* class ?

France is still continuing on this path, as it proved by your tweet of 20 October 2020: "The *Suffren* has just made a successful test launch with a MdCN (a naval cruise missile). This is a true strategic breakthrough. I am proud of our sailors, and the General Directorate of Armaments, and our industry."

Such crowing like a rooster, Madame, salutes something known as "vertical proliferation". You can be proud of it, if you so choose (though you may fail to make your compatriots prouds). But you cannot at the same time sell us the story that France " has resolutely committed to the path laid out by Article VI of the Nuclear Non-Proliferation Treaty (NPT)", according to which, you might recall, "each of the Parties commits to pursue in good faith negotiations on effective measures for ending the nuclear arms race at an early date and achieving nuclear disarmament". It is obvious that your "true strategic breakthrough" does not point in that direction. Quite simply it flouts Article VI of the NPT, and you cannot deny that.

As for what you put forward as a reduction in France's "airborne capabilities", that comes down to replacing 3 squadrons of *Mirage 2000N* aircraft with 2 squadrons of *Rafales,* planes with better capability - which cost so much that one can be glad to have one-third fewer (as President Sarkozy said in Cherbourg, on 8 March 2008)... especially since a single aircraft can be tasked with delivering "the final warning" ! The same financial reason, when the SSBMs were being built, had motivated the reduction in their number from 27 down to 18: the third tranche was abandoned during the course of the programme. Perhaps someone had already noticed that the first two tranches had no useful purpose?

But the rare birds of the Strategic Airborne Forces - to which one may add the *RafaleM* aircraft of the Nuclear Aeronaval Force on board the carrier *Charles de Gaulle* - are eqipped with a Medium-Range Air-to-Ground Missile, itself "Improved" ["ASMP-A", A = Amélioré = Improved] and still carrying a warhead of 300 kilotonnes: 20 times the power of *Little Boy,* the Hiroshima bomb - and this is really quite big for a mere "warning" (but that's not the only contradiction here...).

It is quite true that France, as you say, " has dismantled her plants for producing fissile materials for nuclear weapons". But why was that done? Because they were no longer needed: France has a stock of plutonium that would permit the making of several thousand more bombs, whereas with 300 warheads she already has enough. This "exemplary" dismantling therefore deprives her of nothing, yet enables her to demand that other States (who for their part could need such plants for obtaining nuclear arms) should renounce them. A crafty trick.

The same is true of France's signature to the CTBT (Comprehensive Test Ban Treaty): it is simply that France has no further need of tests, as was said above. The CTBT of 1996, which is still waiting to enter into force (a record!) and could wait a long time yet (unless Mr Biden overcomes the reluctance of the US Senate), is nothing but an instrument for combatting proliferation, it is in no way a step towards disarmament. More craftiness.

Similarly, if France "is active in favour of a moratorium on the production of fissile materials for weapons and the dismantling of plants for producing these, pending the negotiation of a treaty" (alias the Fissile Materials Cut-off Treaty, which unlike the CTBT only exists in embryonic form), that is because *neither of those two objectives concern France in any way,* nor the other nuclear-armed states either. Always crafty.

When you present the entry-into-force of the CTBT and the improbable Cut-off Treaty as steps on the path of nuclear disarmament, you pretend to be "active" for the abolition of the existing weapons. Obviously that is not so. And meanwhile you do not negotiate the only treaty that counts, the only one required by Article VI of the NPT: the

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abolition treaty. Craftiness and bad faith, again, always.

As for the "transparency" that you put forward to crown France's supposed merits, it is reduced practically to the revelation of some punch-and-judy secrets, such as the number of our "nuclear warheads" and our delivery systems (facts accessible on the Internet and in all good libraries), and of guided visits of the "dismantled sites". They are sites that I for one would be curious to visit. But I doubt if that kind of tourism can in any way advance the cause of nuclear disarmament.

All that being said, if you find that the other nuclear States are not transparent enough about the nature and quantity of their arsenals, then you are correct; but you have at your disposal a simple way of forcing them to reach or rather exceed France's level of transparency: summon them to negotiations on the elimination of all nuclear arsenals; then they will each be subject to the questions, suspicions and the verification of all the others, and that will make everyone transparent. I dare you!

That leads us to turn with you from the past to the present and the future. If anything, they are sombre.

You announce to us that "France will not sign of ratify the Treaty to Prohibit Nuclear Weapons". [the TPNW, also referred to as the Nuclear Ban Treaty]

A scoop that is not. We have known it since the day when the USA, the UK and France together held a news conference to announce their boycott of the negotiations that opened at that moment in the same UN building in New York. We have known it since the outcome of those negotiations on 7 July 2017 and the joint communiqué by which the same three States announced that they would never ever sign that treaty which had just been signed impudently by 122 UN member states. The arguments used to justify this rejection have not changed in the interim.

According to you, Madame, the TPNW is « of a nature to render fragile the international non-proliferation system, by creating a norm in competition with the NPT". But what norms are you talking about then? The norm of the new treaty is simple: nuclear weapons must be prohibited and eliminated. That is the same as is found in Article VI of the NPT. In what way do they compete?

According to you, Madame, the TPNW does not contain "the same balance as the NPT between the pillars of disarmament, non-proliferation and guarantees of the peaceful uses of nuclear technology." Alas, yes it does, with regard to the "third pillar": the preamble of the TPNW emphasizes, in paragraph 21, "that no element of the present treaty will be interpreted as undermining the inalienable right of all the States-Parties to develop research, production and use of nuclear energy for peaceful purposes, without discrimination". That is a perfect cut-and-paste of the NPT's Article IV, §1, and testifies to the fearful political and ideological pressure that the nuclear States applied on the negotiators of the TPNW. The fact that the NPT, conceived decades ago, persists in aiding the proliferation of nuclear power-plants, which are sources of catastrophes, foci of permanent insecurity and radioactive contamination, and tools of military proliferation, is its affair. It was not the business of the TPNW, which was supposed to concern only the prohibiting of weapons.

As for the two other pillars, disarmament and non-proliferation, would you suggest or agree, Madame, that the "balance" established by the NPT but shaken by the TPNW consisted in setting up a « double standard » between the nuclear "haves" and the "have-nots", in tolerating for 50 years the situation where the former flout Article VI and keep indefinitely the weapons that the latter are barred from acquiring? Wow, that's a beautiful balance, verily it is! This balance between a small pack of wolves and a large flock of lambs is what finally led the non-nuclear States to join ranks, to rise up against this iniquitous "regime" of non-proliferation *without disarmament,* and to stand up to the nuclear powers (whom they had even invited to the negotiations!)... and finally to draw up and adopt the TPNW. If

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this irritates the French wolf, that is understandable. But please, let the wolf not come screaming that his throat is being cut!

Still in your opinion, Madame, the TPNW promotes "a system of guarantees inferior to that of the IAEA (International Atomic Energy Agency), by not obliging States to adhere to the additional protocol" - which extends the IAEA's means of detection and verification. Certainly, the TPNW's *Article 3: Guarantees* does not oblige the Parties when they join to sign an additional protocol with the IAEA. But that was and is also true of the NPT. By definition, the additional protocol is *added* to the IAEA's Agreement on Generalised Guarantees; it is strongly recommended to the non-nuclear States, but is not compulsory and (unless I'm mistaken) so far it is still not applied by about fifty of them, of whom about thirty have not even signed it. This weakness is therefore shared by the TPNW and the NPT.

In both treaties the weakness could be remedied in future... when the nuclear States meet to negotiate a treaty to abolish nuclear and radioactive weapons, linking their prohibition and their elimination. They could then agree not only to grant the IAEA strengthened means of monitoring, even better than those of the additional protocol, but also, as a supreme guarantee, to grant each other reciprocal means of control. This is because, since two precautions are better than one, the ideal would be to set up control that is maximal, both *international* and *mutual*.That, in any case, is what ACDN proposes, going for greater rigour than Article VI of the NPT, and drawing lessons from the precedents of Israel, Iraq, North Korea... and others.

Finally, Madame, you consider that the TPNW is "completely out of step with the international security context."

There, Madame la Ministre, is an assertion which I can at last accept and applaud!

Yes, the TPNW is completely out of step with the international security context."
For what is the context?

In short, a world criss-crossed with tensions, plagued by wars, assailed by large and huger problems, living in fear and under competition, and divided into two categories: the haves and the have-nots. Have not what? Definitive bombs. Means of liquidating, massacring, pulverising, annihilating the Other. Means of atomising.

And what does the TPNW propose? To the have-nots, that they continue to do without; to the haves, that they give up their weapons without bothering to know whether the Other, the others, all the bomb-owners, will keep theirs or not. But for a renunciation like that they would really need their hearts in their hands! That sort of generosity is not like them at all. That sort of naivety, unawareness is not like them. They are all distrusters, even crafty operators (don't you agree Madame?) and they attribute the same beautiful virtues to one another. They think that the moment they have laid down their weapons the Other will be quick to attack them with his. In this fine world, confidence reigns. And then (let's admit it between ourselves Madame) "being a have" does put one in a better class, does give one a Status, wouldn't you say? One is part of the happy few. And that is a motive!

So the TPNW proposes that the nuclear states should disarm, either before or after joining the treaty, but in both cases *unilaterally.* Solo. That is frankly ill-adapted to the context. As a result, the TPNW has achieved only one thing, the opposite of its objective: it has strengthened the sacred union of the five top nuclear states so much that they have announced, in chorus or nearly so, that they will never sign and that they don't give a damn.

Allow me, Madame, to add something that nobody dares to say or even think, nobody, neither the nuclear states' representatives nor the NGOs nor the Nobel Prize jury, nor even you, Madame, although you should rejoice at it. I will not gain friends by saying this, but too bad: the TPNW is *incoherent*. It proclaims that disarmament - unilateral disarmament- should be irreversible. Yet it authorises each State-Party "in the exercise of its national sovereignty" to

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withdraw from the Treaty "if it decides that extraordinary events... have compromised its supreme interests". A State will just have to delay for one year in order to escape from all the treaty's prohibitions and then it can create, restore or bring out from storage the weapons it has on principle renounced for ever.

Through its Article 17 on the right of withdrawal, paragraph 2 (another cut-and-paste of the NPT's Article X, with slight modification), the TPNW has thus completely legitimised the principle of nuclear deterrence which the nuclear states refer to in order to reject the Treaty, has admitted the precedence of national sovereignty over the obligations of international law, has authorised and set in place the conditions for its own failure, and has prepared for its own dismantling - its implosion. In short, the TPNW is heading for a fiasco.

So don't be afraid of it, Madame la ministre. Don't wear yourself out fighting it. On the contrary, save it! Not by signing it in its current form, you don't wish to and that's not what is being asked anyway. But by contacting the non-nuclear states which conceived, signed, ratified it and are promoting it. Tell them that France would be ready to join provided the Treaty is radically amended: let it not say a word about civilian uses of nuclear technology, since that is off-subject; let there be stronger means of surveillance by the IAEA; let it add effective procedures of mutual control; let paragraphs 2 & 3 of Article 17 be deleted to make it truly irreversible; and above all else, let it be linked in one way or another (I know of at least one) to a process of multilateral disarmament on which France will work seriously.

Tell them that France is going to summon the other nuclear states, in Paris or elsewhere, to finally open the negotiations they are obliged to hold under Article VI of the NPT, and will invite also the four nuclear-armed states that are not part of the NPT (Israel, India, Pakistan) or no long in it (North Korea).

And then, to top it all, inform them that France will freeze her programmes for modernising her nuclear weapons, so as to prove that she "has resolutely committed to the path laid out by Article VI of the Nuclear Non-Proliferation Treaty (NPT)" and that she expects no less of her other peers in crime against humanity.

Voilà, Madame la Ministre, that's what I wished to tell you. As I warned you, it has been lengthy. But I finish where you began, and we have practically covered the whole question.

What remains is your conclusion, according to which France's nuclear weapons are « the cornerstone of our defense strategy" and the "ultimate defense of the Nation's vital interests". I have difficulty understanding that overworked jingle. If we are invaded by an enemy with the same arms, will we really save our vital interests by provoking our "mutually assured destruction"? Would we have to commit suicide in order to defend our interests a final time? Either perish by the bomb or surrender: that's our final defensive choice! Nuclear deterrence is an exorbitantly expensive Ligne Maginot which will not even allow France to survive defeat, as she did in 1940. You are not to blame for the policy, Madame (except for clinging to it), but it is a policy of Ubus, of illusionists - of nitwits. The cornerstone, yes - of a system of terror and generalised massacres. A fools' story. The *nec plus ultra* of French strategic thought...

To convince you, may I recommend among other texts - including the memoirs of President Giscard - the attached Bill, initiated by ACDN, taken up by several dozen parliamentarians, and approved (according to an IFOP poll) by 85 % of French voters.

Finally let me put a question to you - and to the President of the Republic, the PM and the Minister of Foreign Affairs who receive copies of this - the question that we are putting to all parliamentarians and wish to put to all French citizens:

"Are you in favour of France participating in the abolition of nuclear and radioactive weapons and engaging with all

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the other states concerned in negotiations aimed at drawing up, ratifying and implementing a treaty to ban and completely eliminate nuclear and radioactive weapons, under mutual and international control that is strict and effective?"

Yours respectfully,

For ACDN,
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To every citizen of the world:
Please support the Bill by endorsing the attached Form.
Thanks in advance.

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From the Head of Staff, Civilian and Military, in the Ministère des Armées [France's Ministry of Defense] to J-M Matagne, President of ACDN

Paris, 8 October 2020

Monsieur le Président,

You had sent to the Minister of Defense, and also to the President of the Republic, some observations formulated by members of your association concerning our policy of deterrence.

France has resolutely committed to the path laid out by Article VI of the Nuclear Non-Proliferation Treaty (NPT), which commits its signatories to pursue negotiations in good faith so as to arrive eventually at a general and comprehensive disarmament treaty, and therefore continues to share the objective of the total elimination of nuclear weapons when the strategic context permits.

Thus, besides reducing her arsenal by half, France is the only country in the world to have dismantled irreversibly her nuclear test sites, to have replaced them by simulation facilities, to have renounced the terrestrial component while also reducing her oceanic and airborne capabilities, and to have dismantled her plants for producing fissile materials to be used in nuclear arms. Our country also ensures transparency, within the limit of the credibility of her deterrence, concerning the number of her nuclear warheads and delivery systems and has committed to proposing visits to the dismantled sites.

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In addition, France has ratified the Comprehensive Test Ban Treaty and is active in promoting a moratorium on the production of fissile materials for weapons and the dismantling of plants for producing these materials, while waiting for a treaty to be negotiated.

In any case, France will neither sign nor ratify the Treaty on the Prohibition of Nuclear Weapons, considering that it isof a nature to render fragile the international non-proliferation system, by creating a norm in competition with the NPT.

It does not contain the same balance as the NPT between the pillars of disarmament, non-proliferation and guarantees of the peaceful uses of nuclear technology, and it promotes a system of guarantees that would be inferior to that of the International Atomic Energy Agency (IAEA), by not obliging States to adhere to the additional protocol. Furthermore it is completely out of step with the international security context. It should be emphasised that this judgement is shared also by other non-nuclear States, such as Sweden and Japan.

Nuclear deterrence remains to this day the cornerstone of our defense strategy,the guarantor of strategic autonomy and the ultimate defense of the Nation's vital interests. Renewing it merely maintains the level of strict sufficiency necessary for its purely defensive vocation and does not undermine our international commitments.

Yours respectfully,

Martin Briens

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