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French referendum on the abolition of nuclear Weapons: Objection and Response

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On 8 March 2016 twelve French MPs sent an email to all their MP colleagues inviting them to join in signing a bill for a referendum on France's participation in the abolition of nuclear arms. On 11 March they sent a similar invitiation to their senator colleagues. And on 22 March they posted this invitation to the 925 members of the French parliament, both MPs and senators.

This invitation ought on principle to delight all opponents of nuclear weapons ; yet it prompted this objection:

« Having a referendum will not permit (as it aims to do) France negotiating and ratifying a binding judicial instrument with all the states concerned, simply because the states concerned will not wish it. France will then use an action that is objectively unrealisable as justification to pursue her nuclear deterrence policies under cover of the will to protect herself from those other states that refuse to negotiate... »

What is that argument worth?

It amounts to saying that France ought not to ask the other nuclear states to negotiate a multilateral disarmament with her, because they will refuse, and that will enable her to not negotiate her own disarmament, which she doesn't wish to do in any case.

By this reasoning, based on the principles of « the others don't want to » and « nor does France », there would be no point in asking anything whatever of any nuclear state, including France: since nobody wants to negotiate, let's not ask anything of anyone. We just have to give up on multilateral disarmament.

This impasse needs to be broken, and that's precisely why we are seeing international mobilisation by PNND (Parliamentarians for nuclear disarmament and non-proliferation) and ICAN (the International Campaign Against Nuclear Arms). And that's what the UN Secretary-General is calling for, as are a growing number of non-nuclear states, and thousands of cities in the « Mayors for Peace » network, and hundreds of NGOs in the « Abolition 2000 » network and numerous celebrities.

In any case, how can one know in advance what the states concerned want or don't want, how can one know better than them what they will do? How can one predict that, if France were to call for negotiated nuclear disarmament, her action would be « objectively unrealisable », i.e. necessarily doomed to failure « by the fault of others »? Why such fatalism? Why renounce all efforts and announce defeat before even campaigning? Is that defeatism well-founded?

To examine this, let's consider things methodically. Which states are the "states concerned" and what can we expect of them?

The « judicial instrument » in question is « a treaty to ban and completely eliminate nuclear weapons ». It will have two aspects : banning and eliminating, and therefore two « colleges » of states concerned. Leave aside the judicial form these aspects may take - elimination can be the subject of a convention negotiated separately and simply referred to by a one-sentence article in the Treaty.

The first aspect, the ban, will concern all the member states in the UN. So one can absolutely not predict that they « will not wish for a binding judicial instrument. » In fact nearly 130 of them have already expressed the wish and strong desire for that very thing, by the votes at the General Assembly in December 2015. To begin the drafting of a nuclear ban treaty these states do not need authorisation from the nuclear states and their protégés. Given that the non-nuclear states have already ruled out nuclear arms for themselves by signing the NPT, they should have little

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difficulty agreeing on the clauses of a specific ban treaty. And the nuclear-armed states would have good reason to join them if they didn't want to become the pariahs of humanity ... and of the UN which has since 1961 been strongly condemning the use of nuclear weapons.

The second aspect, the complete elimination of nuclear arms, concerns firstly all the states officially or unofficially possessing nuclear weapons, and only them - even though all the others are equally concerned by the universal threat these weapons pose and can legitimately ask for their elimination. Currently there are 9 of these states (perhaps 10 *Cf.* Saudi Arabia, the tenth Nuclear power?). Among these 9, we see two subcategories: those party to the NPT (USA, Russia, UK, France and China), all obliged by Article VI to negotiate the elimination of their nuclear arsenals, and those not party (Israel, India, Pakistan) or no longer party (North Korea) and therefore not under the same obligation.

Likely, looking at all 9 together and their current and past policies, one can presume (if not declare outright) that they don't wish to disarm. But consider these points :

1°) Despite an obvious common denominator - faith in these arms as weapons of power - their motives for resisting disarmament vary from country to country in content and in strength. Thus Israel's very strong motives differ from North Korea's (though both consider themselves « besieged »), and from those of Russia and the USA, of India and Pakistan (in dispute over Kashmir). And France's ones are different again: she is, with the UK, the nation that ought to have the fewest motives for keeping these weapons, since she calls them purely « deterrent weapons » and since her borders and existence are not threatened. Yet France behaves as if she has greater need than all the other - and that's precisely something that we have to change.

2°) These motives for not disarming are not set in stone. Thus the UK in 2008, under Gordon Brown, was ready to head an abolition process (*Cf.* Gordon Brown: London is ready to work for total nuclear disarmament), but is not at present. Yet the UK could very well become abolitionist soon, if for example the Labour Party leader Jeremy Corbyn came to power, or if the possible « Brexit » led Scotland to require the closing of the Faslane Base near Glasgow, which is Britain's only nuclear base. (*Cf.* Britain's wee nuclear problem)

3°) The fact that some states do not wish to disarm is no reason to bow down to this wish and let the status quo continue for ever. On the contrary, that is a good reason for demanding and requiring disarmament. And France could do that... if she wanted to. To have France doing that is precisely the objective of the referendum proposed by the 12 MPs - to make it possible for France to do that. It requires of course a majority of voters to say Yes to the question put, but judging from the IFOP poll one can have a reasonable expectation of this.

It is important to note that it is not essential for all states to join in the project immediately for the negotiations to begin for a treaty to ban and eliminate nuclear arms. Nor do they all have to come to the negotiation table at the start. To begin the process :
[-] for the ban, it is sufficient that a considerable number of states willing to take part, and this has been the case since 2015;
[-] for the complete elimination of the existing weapons, it is sufficient that at least two nuclear states agree to meet to begin discussion, for example France and the UK.

In such a situation, the other official nuclear states would quickly feel obliged to come to the negotiating table, given that international law obliges them to do so. It was just that kind of moral pressure that led the USA and UK to take part in the 3rd conference on the humanitarian impact of nuclear weapons, in Vienna in December 2014.

Subsequently, the other states not party to the NPT would find it hard to stay out of the process. And the process

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would have the additional virtue of encouraging resolution of regional conflicts... For example by the creation of a nuclear-free zone in the Middle East, which has so far been a dead letter despite many UN resolutions. And on this point, the recent remarks of Shimon Peres on France Inter on 31 March 2016, based on his personal experience of being Israeli PM and Head of State, open up a real hope: everything in possible in history, he says, even the best, even the unhoped-for.

Furthermore, it is not even necessary for two nuclear states to agree to convene negotiations. The obligation to meet will appear from the moment one of them says to the others: " I wish to discuss with you the abolition of nuclear weapons, in accordance with Article VI of the NPT and the Advisory Opinion of the International Court of Justice of 8 July 1996 which obliges us to do so. I suggest that we meet at the following time and place..."

The NPT entered into force in 1970, yet none of the nuclear states has taken this step. One of them needs to decide to. Why not France?

One can add also that:

1°) If for whatever reason the referendum bill does not lead to the holding of a referendum, it would nevertheless make possible the opening of a national debate about nuclear weapons, something that has been cruelly absent till now ;

2°) If a referendum is held but produces a majority of No votes, that would change nothing in France's nuclear policies, which have marched on for decades without taking account of the people's wishes and will continue if the referendum does not force a change. Therefore there is little or nothing to be lost by wanting this referendum, and everything to gain ;

3°) If the referendum forces France and the other powers to start negotiations on nuclear abolition, and these then fail through the fault of some or all the states concerned, France can still ask herself the question of unilateral disarmament - and may consider the option of a second referendum. And even if she doesn't... that just leaves her continuing her old policies. Again we must conclude that there is nothing to lose in trying the referendum option. And everything to gain: a chance to change the policies of the nuclear-armed states, beginning with France.

Such is the step that the French MPs in favour of abolition have taken - breaking with immobility and paralysis - with their referendum bill, for the reasons that they set out in their emails of 8 and 11 March and their letter of 22 March.

ACDN, which it has been calling for a referendum ever since its foundation in 1996, strongly supports this step. State Terror equipped with nuclear weapons, the threat of crimes against humanity presented as a nation's key defensive "Maginot line", the fate of all humankind determined by a kind of Russian roulette - that is more than enough!

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