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Will the French Constitutional Council invalidate the candidacies of Ségolène Royal, Nicolas Sarkozy et Jean-Marie Le Pen?

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On 21 March 2007, Alain Ducq, who was a declared candidate for the French Presidency of the Parti Humaniste, and is a member of CDP (Coordination pour la Paix et le Désarmement), brought a petition before the Constitutional Council for the invalidation of the candidacies of Ségolène Royal, Nicolas Sarkozy et Jean-Marie Le Pen, on the following grounds:

"In 1992 France signed and ratified the Non-Proliferation Treaty. States-Parties possessing nuclear weapons are required by its Article VI to undertake negotiations in good faith for the purpose of nuclear disarmament. On 8 July 1996, the International Court of Justice - asked by the UN General Assmebly for an advisory opinion - confirmed unanimously that 'There exists an obligation to pursue in good faith and to bring to conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control'. This was solemnly reaffirmed on 19 May 2000 at the end of the 6th NPT Review Conference, and clarified there by 13 'steps', some of which concern France. But far from respecting these undertakings, France has continued to develop her nuclear arsenal. It is therefore incumbent on the next Head of State to alter this policy and to bring France's actions into conformity with her international obligations.

"At least three of the current candidates for the presidency, to my knowledge, have made it known publicly that they intend to continue the research and development of new French nuclear arms. Consequently these candidates will be infringing international law. Now Article V of the French Constitution makes the President of the Republic the guarantor of respect for international treaties. These candidates are thus announcing, before even being elected, that they will respect neither international law nor the French Constitution. They even make this double illegality an electoral argument and an objective of their programmes. Consequently, none of them can be declared a proper person to campaign for the highest office in the land, given that the express intention to respect the Constitution and cause it to be respected is a ***sine qua*** non of office. The candidacy of a citizen cannot by legitimated merely by confirming a willingness to be candidate and submitting an appropriate dossier..

"On these grounds I have the honour, as a declared candidate, to ask the Constitutional Council to pronounce invalid the candidacies of Mme Ségolène Royal, M. Nicolas Sarkozy and M .Jean-Marie Le Pen, without prejudice to other possible invalidations of other candidates for the same reasons."

ACDN France unreservedly supports this initiative, which is taken within the framework of the CDP (Coordination for Disarmament and Peace).

On March 12 in Paris, the CDP presented the PEACE PACT which it is proposing for presidential and parliamentary candidates to sign. This pact include 7 undertakings, two of which come from ACDN's "Citizens' questionnaire" : an undertaking to instigate negotiations for implementing Article VI of the NPT, with France suspending the construction of new nuclear weapons - instruments of 'vertical proliferation' - and one to submit this policy to a referendum within one year of the elections. None of the three presidential candidates incriminated by d'Alain Ducq has signed these two undertakings, obviously. At the moment, the only candidate among the twelve "apostles of a radiant future" is Marie-George Buffet.

The expected replies from the other candidates will be published, as soon as they are received, on the ACDN website: www.acdn.net and on that of the Peace Pact: www.pacte-pacifique.fr. We want to know whether or not they accept for us an "irradiated future".

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