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Nuclear disarmament, referendum? What the President of the Republic might say on television this evening...

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25 March 2013

Lettre R.A.R.
[-] Référence : PDR/SCP/E&A/A004134
[-] Subject : nuclear disarmament
[-] Attachments. : Declaration today to the press

Monsieur le Président,

I have received the letter which your Chef de Cabinet, Monsieur Pierre Besnard, sent me on 14 March on your instructions, in reply to the Open Letter which I sent you on 26 February and which a delegation of five signatories presented at the Elysee Palace on 8 March. On behalf of the first 113 signatories and those who signed later, I thank you.

In his reply Monsieur Besnard writes: 'I must indicate to you that the proposal which you mention does not fall within the provisions of Article 11 of the French Constitution which specifies the fields of application for referenda.'

Perhaps that it is so, but I'm not so sure. Our association has not failed to get good legal advice, and is even convinced of the contrary: the domains of application of referenda as defined in article 11 of the French Consitution, whether one takes the old version still in force or the new version yet to enter into force, are in our opinion sufficiently broad to authorize a referendum on the question we want to see put to the French people. The sticking point, we think, is political will.

The proper body to examine the question would naturally be the Conseil d'Etat [Council of State] and the final determination would lie with the Conseil constitutionnel [Constitutional Council]. For these reasons we are making formal application to place these questions officially before those two institutions, by all means available to us and by all intermediaries, without exception of course.

Independently of a referendum, there is at least one person who can answer the question put, and can even determine it without recourse to a referendum: that person is you, Monsieur le Président.

Therefore, in the name of our association, in the name of the signatories of the Open Letter, and in my name as a citizen with a family, I put it to you:

Do you want, Monsieur le Président, that France participate with the other states concerned in the complete elimination of nuclear weapons, under mutual international control that is strict and effective?

We look forward to your reply, which we hope will be positive and
public. Respectfully yours,

Jean-Marie Matagne

[-] To Monsieur le Président de la République
[-] Palais de l'Elysée
[-] 55 Rue du Faubourg Saint Honoré

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â€” -

DECLARATION

I, Jean-Marie Matagne, who sign this declaration, acting as:
[-] a citizen of the world, the father of a family, a human being,
[-] a citizen of the French Republic, a voter and taxpayer,
[-] a member of the European Union,
[-] a Ph.D graduate in Philosophy,
[-] as president of Action des Citoyens pour le Désarmement Nucléaire (ACDN) a citizens' association registered under the law of 1901, and based in Saintes (Charente-Maritime)

make the following declarations:

I was born in 1944 in Paris under German occupation. My grandfather had been seriously wounded at Verdun in the 1914-18 war. My father, mobilised in the 1939-45 war, was awarded the Croix de Guerre after the Liberation for saving comrades under enemy fire. From this family experience I drew the conclusion that peace must be actively built, and that the Latin adage « si vis pacem, para bellum » [if you want peace, prepare for war] serves mostly to justify preparations for war.

I studied philosophy and psychology in Paris and Strasbourg, and then I taught for nearly forty years, first the psychology of teaching for future primary teachers, then philosophy to students who never asked to become in future the victims or the accomplices of massacres committed in the name of the Nation or of anyone whatsoever.

In 1991, I defended a philosophy thesis on «power and strength» which earnt me a Docteur d'Etat [State Doctorate]; volume 2 concerned the various atomic-weapons strategies, including the so-called "deterrence" strategy, and concluded that there exists an imperative necessity to eliminate all nuclear weapons.

In 1996, I founded with some other people ACDN (Action des Citoyens pour le Désarmement Nucléaire), which calls for France to participate in the abolition of nuclear weapons. ACDN is part of the international « Abolition 2000 » network. I represented ACDN in New York at conferences on the Non-Proliferation Treaty (NPT) in 2005 and 2010, and at preparatory conferences in Vienna and Geneva.

In 2002, I stood as a candidate for the Presidency of the French Republic in order to raise (among others) the question of nuclear disarmament during the election campaign and to ask that the matter be put to a referendum.

By virtue of the « presentations » made concerning me as a candidate, I formally asked the Constitutional Council to

invalidate the candidacies of Chirac et Jospin, on grounds of their failure to respect Article VI of the NPT and their failure to respect the French Constitution.

In 2012, I used the same entitlement and similar arguments to call for the invalidation of the candidacies of Hollande et Sarkozy, both or whom had undertaken to retain, modernize and develop France's nuclear arsenal.

In 2012 as in 2002, the Constitutional Council rejected my call, arguing that the candidates' programmes fell outside its particular mission to monitor elections. But it did not pronounce on the substantive matters, although they do lie within its institutional competence: the legality of the use or threat of use of nuclear weapons, with respect to national and international law and more particularly with respect to the Constitution of the French Republic.

An Open Letter signed by 113 people - personalities, leaders in the political, NGO and religious fields - was sent to the President on 26 February 2013, and several hundred signatures were presented at the Elysée Palace on 8 March 2013. That Open Letter asked the president to organize a referendum on the following question: Do you agree that France should participate with the other states concerned in the complete elimination of nuclear weapons, under mutual international control that is strict and effective?"

On 14 March 2013, the Chef de Cabinet of President Hollande, M. Pierre Besnard, instructed by the President, wrote this to us : I must indicate to you that the proposal which you mention does not fall within the provisions of Article 11 of the French Constitution which specifies the fields of application for referenda.

This reply raises three questions :

(1) Does the President, who controls the nation's policies in defense matters, personally wish for France to participate with the other states concerned in the complete elimination of nuclear weapons, under mutual international control that is strict and effective?

(2) Is French nuclear policy, as currently led in defense matters by the President, and executed by the PM and Minister of Defense, legal or not, with respect to national and international law?
(3) Whether legal or illegal, can it be the subject of a referendum?

The first of those three questions was put to the President on 25 March by registered letter.

The second and third questions clearly fall under the competence of the Conseil d'Etat and the Conseil Constitutionnel, councils before which these questions can be formally placed, by means such as the Priority Question of Consitutionality.

These administrative steps do not rule out any other political, judicial or potentially penal steps which might be taken in the national context (article 68 of the Constitution) or the international context (European Court of Human Rights, International Court of Justice, International Cirminal Court`)

In the short term, ACDN considers that nuclear weapons are weapons of crimes against humanity, and calls on the people of all nationalities who share this opinion to support its actions by all means available and to write to the President of France asking him to commit France to negotiations for a Convention to abolish nuclear weapons.

We invite all journalists who have the opportunity to ask the question for their part, to ask President François

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Hollande : « Do you agree that France should participate with the other states concerned in the complete elimination of nuclear weapons, under mutual international control that is strict and effective? »

Jean-Marie Matagne, Saintes, 25 March 2013

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Letter from

The Chef de Cabinet (chief of staff) of President François Hollande,

[-] To Monsieur Jean-Marie Matagne, president of ACDN
[-] 31 rue du Cormier, 17100 Saintes

Paris, 14 March 2013

Monsieur le Président,

The President of the Republic has received the open letter in which you - and 112 co-signatories - call for the abolition of nuclear weapons.

The Head of State noted your correspondence attentively, and has given me the task of replying to you.

I must indicate to you that the proposal which you mention does not fall within the provisions of Article 11 of the French Constitution which specifies the fields of application for referenda.

Yours sincerely,
- (signed)
- Pierre Besnard

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