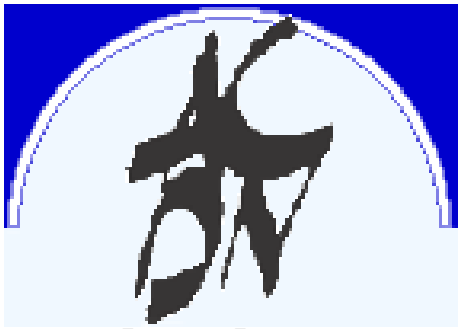
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Multilateral nuclear disarmament

The UN should proclaim the Right of People to Survival

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to Ambassador Thani Thongphakdi, Chairman of the UN-OEWG

Saintes, 25 February 2016

Mr Chairman,
Excellency,

In the name of ACDN (Action des Citoyens pour le Désarmement Nucléaire), let me first congratulate you on your appointment as chairman of this working group.

(...) Our association regrets and apologizes for not attending the current session of the OEWG, but hopes to be able to take part in the next sessions and, right now, wishes to contribute to the collective thinking by submitting the following suggestions.

Independently of the diplomatic process needed to arrive at a treaty to ban and completely eliminate nuclear weapons, we would like to suggest to the honourable assembly in Geneva that it should consider a fundamental right that has hitherto never been clearly articulated: **the right to survival**. We suggest that you, Mr Chairman, should place this fundamental right on the agenda for discussion either during the current session of the OEWG or during the next one, with a view to having it proclaimed at the next UN General Assembly, along with its corollary: **the right of peoples to determine their own survival.**

Nuclear weapons, in fact, are not just weapons of mass destruction (WMDs), they are massacre weapons, weapons for crimes against humanity, and their threat bears not just on the individual lives of their victims, who would be numbered in the thousands, it also bears on the very existence of whole populations, on the survival of peoples and the survival of humanity itself.

Morally and politically, the fact that this power to annihilate is concentrated in the hands of nine or ten heads of nuclear nations who can decide at any moment to use it, without trial or appeal, is an absolute scandal. And that is also the reason for the huge resistance that nuclear weapons possessors have put up against all attempts to eliminate them in the last 70 years: the citizens of the nuclear-armed states have never been consulted about them, no more than have the peoples of non-nuclear states. At no point have they been given the right and opportunity to refuse these monstrous weapons, even while being required to finance them, even while jeopardizing their own survival and that of other peoples!

To affirm the right to survival for humanity and all people, would therefore:
1°) Make explicit a right hitherto unstated in the UN Charter: **the right to survival.**
2°) Open the field for a struggle **to abolish the collective death-sentence** which nuclear weapons represent, in emulation of the struggle to abolish the death penalty for individuals.
3°) Remove all legitimacy from the exorbitant and tyrannical power of the heads of nuclear states to execute their fellow-beings, and **permit the people to take control of the question** so as to force the banning and elimination of nuclear weapons, in short **their abolition.**

All citizens, all peoples on the planet need to know that they have a supreme right, totally legitimate, which is also a duty: the right to refuse nuclear weapons. Each citizen, each people needs to be able to demand and exercise a right to survival.

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Among the political means for expressing this desire, some peoples have access to a particular form of direct democracy: the referendum. But they still need to demand to exercise it. ACDN, for its part, has for twenty years (since its creation) been calling for a referendum on France's participation in the abolition of nuclear weapons.

Namely, the constitution of France's Fifth Republic permits recourse to referendum, but for decades has limited this initiative to the president and the government, who have always been careful not to consult the people about nuclear weapons.

The constitutional reform of 2008 created a second possibility: that of the referendum "of shared initiative" i.e. parliamentary and citizens' initiative. One fifth of the parliamentarians (MPs and senators) have to submit a referendum bill, which must then gain the support of 10% of enrolled voters.

This is the path which the MPs approached by ACDN have in January 2016 chosen to use. They have formed a group and are ready to submit to their colleagues a bill aiming to organise a referendum on the following question:

"Do you want France to negotiate and ratify with all the other states concerned a treaty to ban and completely eliminate nuclear weapons, under mutual and international control that is strict and effective?"

According to a poll conducted in October 2015 by IFOP (the Institut Français d'Opinion Publique) on the request of ACDN, three-quarters of French citizens want to be consulted by referendum on this question and are ready to support a bill to organise one. Three-quarters, similarly, would answer OUI to the question put.

Thus the hope to see the planet finally rid of nuclear weapons can be made concrete if the people take hold the question. The people will be all the more keen to do so if this right is recognised officially and internationally, and if, wherever institutions permit it, they have the chance to give their opinion on this vital question, by referendum or any other means.

Restpectfully yours.

Jean-Marie Matagne, President of ACDN

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