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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations¹

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Taking forward multilateral nuclear disarmament negotiations

The right to survive, the right for peoples to determine their own survival, and the referendum as a means of abolishing nuclear weapons

**Submitted by Action des Citoyens pour le Désarmement Nucléaire
(ACDN)**

I. Introduction

1. In relationship with the diplomatic process needed to achieve a treaty to ban nuclear weapons and to eliminate them completely, we would like to submit to the Open-ended Working Group now meeting in Geneva a discussion of a fundamental human right that has not yet been clearly articulated, in the hope that it can perhaps be proclaimed by the next General Assembly of the United Nations, namely the right to survive and its corollary, the right for peoples to determine their own Survival.

II. The justification for this right

2. Nuclear arms, after all, are not simply “weapons of mass destruction”. They are weapons of mass liquidation, weapons for massacres and for crimes against humanity, and the threat they pose doesn’t simply target the individual lives of their potential victims, which would number in the thousands; no, it targets the very existence of whole populations, the survival of peoples, even the survival of humanity itself.

3. Morally and politically, the fact that this power of annihilation is concentrated in the hands of some ten heads of nuclear states, individuals who can decide at any moment to use it, without trial or appeal, is an absolute scandal. This fact helps to explain also the huge

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¹ Established pursuant to resolution 70/33 of the General Assembly of the United Nations.



resistance of nuclear weapons to all attempts to eliminate them in the last 70 years: the citizens of the states possessing them have never been consulted about them, and nor have the people of non-nuclear states. At no point were the citizens given the right and opportunity to refuse these monstrous weapons, and yet they were required to finance them - weapons which jeopardise the people's survival and the survival of other peoples!

4. To affirm the right for humanity and for all peoples to survive, would therefore do three things:

(a) It would state a right hitherto not mentioned in the Charter of the United Nations: the right to survive.

(b) It would open a field to struggle for the abolition of the collective death sentence constituted by nuclear weapons, inspired by the struggle to abolish the individual death penalty.

(c) It would de-legitimize the exorbitant power which heads of nuclear States now have to execute their fellow-humans, and permit the peoples of the world to take hold of the question so as to force the banning and elimination of nuclear weapons – in short their abolition.

5. All the citizens, all the peoples of the planet need to know that they possess a supreme and totally legitimate right: the right to refuse nuclear weapons. All citizens, all peoples need to be able to demand and exercise their right to survive.

III. One means of exercising it: the referendum.

6. One of the political means available to some peoples for expressing this wish is a particular form of direct democracy: the referendum. But they need to claim the opportunity to use it.

7. For instance, in a country apparently very attached to nuclear weapons, ACDN has been calling for this for twenty years, promoting a referendum on France's participation in the abolition of nuclear weapons.

8. The constitution of France's Fifth Republic does make provision for the recourse of referenda, but for decades it limited that to the initiative of the President and government, and they were careful not to consult the French people about nuclear matters.

9. The constitutional reform of 2008 created a second possibility: the option of a "referendum on shared initiative", i.e. shared between parliament and citizenry. For a referendum bill to succeed, it needs to be signed by 20 per cent of parliamentarians (MPs and senators) and then to gain the support of 10 per cent of registered voters.

10. This is the path decided on in January 2016 by a number of MPs lobbied by ACDN. They formed a group and are submitting to their colleagues (MPs and senators) a bill for organising a referendum on the following question: "Do you want France to negotiate and ratify with all the States concerned a treaty to ban and completely eliminate nuclear weapons, under international and mutual control that is strict and effective?"

11. According to a poll conducted in October 2015 by the independent agency Institut Français d'Opinion Publique (IFOP) on the request of ACDN, three French voters out of four answer **yes** to this question, and three out of four wish to be consulted by referendum

on this question, and three out of four are ready to support a bill to organise this referendum.²

12. The results of this poll make it clear that if France has for decades been pursuing a policy quite contrary to the people's current will, by retaining and constantly modernising her nuclear arms even after the end of the Cold War, this is due to a major democratic deficit. The best way, if not the only way, to force a change in this policy is to fill this gap in democracy.

IV. Conclusion

13. What is true for France is true also for other countries, notably those that possess or host atomic bombs or stay under a "nuclear umbrella" and have provision for organising a referendum.

14. Thus, the hope to see the planet finally rid of nuclear weapons can be made real, if the people take hold of the question. They will do so with additional willingness if this right is officially and internationally recognised, and if (wherever institutions permit) they are allowed to speak on this vital question, by referendum or by any other political means.

² More on this: <http://www.acdn.net/spip/spip.php?article947> & <http://www.acdn.net/spip/spip.php?article978>