

France: The Issue of War Crimes and the “Right to Use Nuclear Weapons”

... so as to "make the protection of human life an effective priority" !

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At a time when France is commemorating the carnage of 1914-1918, when the President is planning budget cuts everywhere except on nuclear weaponry, when some 150 nations (including for the first time the USA and perhaps Russia) are expected to be in Vienna on December 8-9 - Vienna, at the heart of the Europe ravaged by two World Wars - for the 3rd Intergovernmental Conference on « the humanitarian impact of nuclear weapons » i.e. their catastrophic and inhuman effects, what do France's leaders propose? They propose authorising the five nuclear states with permanent seats on the Security Council (France being one) to prepare for mass crimes and to commit them with impunity. That is what emerges from an official article published by Laurent Fabius on the Ministry of Foreign Affairs website.

What the Minister of Foreign Affairs does is to follow up the “simple yet ambitious proposition” made by President Hollande at the UN General Assembly on 24 September 2013 that **“when the Security Council needed to pronounce on a case of a mass crime, the permanent members would undertake to suspend their veto powers”**, and to declare in his article that **“realistically, this code of conduct should exclude cases where the vital national interests of a permanent member state were in jeopardy.”**

Thus, for Laurent Fabius, mass massacres must be condemned unanimously and combatted when perpetrated by chemical means or by a state without nuclear arms, but not when perpetrated by a nuclear-armed state with a permanent seat on the S.C.

Implicitly, Fabius is admitting that nuclear weapons are instruments of « mass crime ». But France, justifying her weapons as always as necessary to defend her « vital interests » (no other state voices this argument) has to be able, « realistically » to use them with impunity. She must have the possibility, in such a case, of invoking her « vital interests » and vetoing any sanction by the international community. At the same time, France would be authorising her colleagues in the « Club of Five » to use the same excuse for massacring her own population. Crimes against humanity are thus forbidden, except by the five nuclear states with permanent seats ... including (key point) the French Republic. « The homeland of Human Rights », as we keep hearing.

His article is over a year old. It dates from October 2013. Its logical implications were mentioned by nobody at the time (except ACDN, which denounced them immediately in a resolution sent to « Sortir du nucléaire » [the Nuclear Phase-Out Network]). The piece is still online today on the Ministry's website, and so it still inspires policy. Anyone can look it up

and note the Minister's startling admissions:

- ▶ nuclear weapons are indeed arms for « mass crimes » ;
- ▶ France claims for herself and the other four permanent members of the S.C. the right to use them ;
- ▶ in the case in question, she reserves the right for herself or the other four to veto any international condemnation or sanction ;
- ▶ France places herself above humanity's moral laws, Human Rights, and international law: e.g. Article VI of the NPT, the Advisory Opinion of the ICJ on 8 July 1996, the UN Charter...

Namely, we may recall that the UN General Assembly "considering that the use of nuclear and thermo-nuclear weapons would bring about indiscriminate suffering and destruction to mankind and civilization to an even greater extent than the use of those weapons declared by [...] international declarations and agreements to be contrary to the laws of humanity and a crime under international law" has formally declared that "Any state using nuclear and thermo-nuclear weapons is considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization" (Resolution 1653, XVI of 24 November 1961)

Under such circumstances, one can understand why France doesn't wish to be represented in Vienna, just as she declined to attend the two preceding conferences on the « humanitarian impact of nuclear weapons » in Norway (Oslo, 3-4 March 2013) and Mexico (Nayarit, 13-14 February 2014). She would have to face a large assembly of indignant governments and NGOs and defend her so-called « nuclear deterrence » strategy. Her policy is militarily absurd, financially ruinous, politically unacceptable, criminal in human terms, indeed aberrant... and also cowardly and hypocritical. But for how much longer with French diplomacy continue this attitude?

Will France not end up by recognising that banning mass crimes implies abolishing nuclear weapons, including her own? It would demonstrate logic, lucidity, « realism » and even courage for France to overturn her policy, which defies humanism and commonsense. To paraphrase an eminent author (he merits full quotation, see below) :

« such an evolution, easy to implement, would preserve the essential point, the credibility of that pillar of peace and stability which the Security Council ought to be. It would express the international community's wish to make protection of human life an effective priority. It would restore the primacy of discussion and constructive negotiation. It would prevent States from becoming the prisoners of their own positions. »

So come to Vienna, Monsieur Fabius, and tell the world the great news that France is again becoming the « homeland of human Rights. » (And of Descartes, insofar as that philosopher was cartesian.)

As you said a year ago, Monsieur le ministre : to put an end to mass crimes « there is now a window of opportunity. Let us seize it. »

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