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Editorial

Will we be blown up?

In December 1950, the writer William Faulkner posed a similar question to diners at the Nobel banquet in Stockholm, saying:

‘Our tragedy today is a general and universal physical fear so long sustained by now that we can even bear it. There are no longer problems of the spirit. There is only the question: when will I be blown up? Because of this, the young man or woman writing today has forgotten the problems of the human heart in conflict with itself which alone can make good writing because only that is worth writing about, worth the agony and the sweat.’

Bertrand Russell was among the diners as he, too, received the Nobel Prize for Literature on that wintry day. Unusually, two awards were made at the same ceremony as Faulkner had been unable to attend in 1949. The deep chill of the worsening Cold War pervaded proceedings. In August 1949, the Soviet Union had exploded its first nuclear device, code name ‘Joe-1’, according to the United States, its nuclear adversary. The race was on to explode the much more powerful hydrogen bomb.

Some 70 years later, the world is threatened by revisiting plans for ‘usable’ nuclear weapons in President Trump’s Nuclear Posture Review, discussed in this issue by Paul Rogers. Trident missiles figure centrally in these plans, as does UK involvement with small, ‘usable’ warheads. This old folly of ‘usability’ was succinctly dispatched by Admiral of the Fleet Earl Mountbatten when he said

‘...I repeat in all sincerity as a military man I can see no use for any nuclear weapons which would not end in escalation, with consequences that no one can conceive.’

That was in 1980, during the opening phase of what became European Nuclear Disarmament or END, which played its part in the 1987 Intermediate Nuclear Forces Treaty prohibiting ‘theatre’ nuclear weapons. But nukes and their pervasive menace have not gone away, as new Nobel laureates explain in this issue.

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◀ *The original Doomsday Clock (see p. 8)*

Will 2018 be the year of the European Citizen?

Since the UK's advisory referendum on staying in or leaving the European Union, in June 2016, Michel Barnier, the European Commission's chief negotiator on the withdrawal agreement with the United Kingdom, has consistently asserted 'citizens first' as his stated priority. Guy Verhofstadt MEP, who leads for the European Parliament on Brexit, also prioritises citizens' rights, and the Parliament has established its own multi-party working group to hear testimony from many affected European citizens. But has there, nevertheless, been some downgrading of the rights of all European citizens as the UK's departure from the European Union is negotiated? Niccolò Milanese explains why.

For their part, whilst professing concern for more than four million European citizens who have exercised their rights to move, reside and work elsewhere in the EU, Theresa May and David Davis have failed to convince people directly affected in the UK and elsewhere in the EU28 that they will continue to enjoy the same European citizens' rights and freedoms as at present. Indeed, May and Davis insist that more than three million EU nationals resident in the UK will have to register with the UK Home Office for 'settled status'. Instead of residing *by right* in the UK as European citizens, these millions of families and individuals will have to seek permission to remain under the UK's notoriously 'hostile' immigration regime. Understandably, they resist this intrusive, demeaning and costly imposition.

Representative groups such as the 3 million (EU nationals living in the UK) and British in Europe (more than a million people in EU27, 80 per cent of them working) argue for continuity of existing rights, protected for life. December's EU-UK Joint Report and the associated Joint Technical Note on Citizens' Rights fall significantly short of these reasonable expectations. Both groups convincingly urge that the agreement on citizens' rights be extended, and that it be ring-fenced against wider risks besetting the negotiations, including that of no agreement at all. As Elena Remigi describes, millions of people live 'in Limbo', enduring multiple uncertainties, with no early prospect of progress. The 'phase one' Joint Report left unresolved a number of vital issues affecting these mobile European citizens, such as recognition of qualifications, lifetime right of return, and freedom of movement in EU27 for UK nationals residing elsewhere in the EU.

Meanwhile, the priority for the UK and EU in the opening months of

2018 is to agree a ‘transition’ period after Exit Day on 29 March 2019, which M Barnier envisages running until end 2020. During this ‘transition’, the EU legal framework will remain in place, including freedom of movement for EU citizens. Will that also apply to UK citizens resident elsewhere in the EU, whose European citizenship will cease on Exit Day? Will the status of European citizens living in the UK, as well as that of new arrivals, be maintained? The draft legal text on transition, published in February 2018, erases European citizens’ rights of UK nationals upon entry into force of the Withdrawal Agreement, of which it is part.

But 2018 has already seen notable and encouraging developments. For example, some UK nationals resident in The Netherlands have gone to court in Amsterdam in an attempt to uphold their rights as European citizens after Exit Day. The court found in their favour and the case has now been referred to the European Court of Justice for guidance on European law as it relates to individual European citizens. In its decision, the Amsterdam court observed that

‘once lawfully acquired, EU citizenship is an independent source of rights and obligations that cannot be reduced or affected by national government action.’

The judge emphasised that

‘the essence of a democratic constitutional state is that the rights and interests of minorities are protected as much as possible. The same applies to the functioning of the EU as a whole, which forms a democratic community of [member] states governed by the rule of law.’

And what about some sixty million UK nationals who stand to lose their European citizenship, and all the attendant rights and opportunities, on Exit Day? More than 11,000 European citizens resident in the EU28 Member States have now endorsed the Retaining European Citizenship Initiative (see *Spokesman* 136, 137). This Initiative, addressed to the European Commission, calls for safeguarding citizens of the Union ‘from use as bargaining chips’, and to retain the rights of EU citizenship ‘for those nationals of a departing State who wish to retain their status as citizens of the Union’.

Some 10,000 endorsements of this Initiative come from EU citizens resident in the UK. Probably, these are mostly UK nationals. The UK requires that endorsement of such European Citizens’ Initiatives be made

in accordance with the requirements of the country of residence. So Brits resident in Germany or Italy, for example, would count in the totals for those member states when endorsing. Contrastingly, Poles resident in the UK could endorse as though resident in Poland. Unsurprisingly, many UK nationals are anxious to retain their European citizenship, including those who have stayed put in Britain and made their lives in the UK. As the Brexit caravan squeaks along, what will become of such ‘statics’? These are the tens of millions of UK nationals who, as European citizens, have not yet exercised their rights to freedom of movement to live, work and study throughout the European Union. Instead, they have remained ‘static’ in the country of their birth, whilst often cherishing their status as European citizens and building their lives in the knowledge that they have it.

In March 2019, as things stand, these 60 million UK nationals will cease to be European citizens. They represent more than ten per cent of the population of the European Union. Some 16 million of them voted to stay in the EU, and many wish to keep the rights, benefits and opportunities conferred on them and their children by European citizenship, such as freedom of movement to reside, work and study.

As Exit Day draws closer, European citizens, including UK nationals, are standing up for their rights, as we report from the ‘Gathering’ held in Nottingham in November 2017. One simple way to enact those rights is by endorsing the Retaining European Citizenship Initiative. In so doing, a blow is struck for active European citizenship and against any downgrading of that status, which is implicit in the negotiations on the UK’s departure. The scope of the emerging Withdrawal Agreement is confined to those who have exercised their Treaty rights. But the impact will be felt much more widely amongst the European Union’s citizenry.

Tony Simpson

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