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GC(39)/INF/12  
11 September 1995

International Atomic Energy Agency

# GENERAL CONFERENCE

GENERAL Distr.  
Original: ENGLISH

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Thirty-ninth regular session

## **COMMUNICATION OF 30 AUGUST 1995 RECEIVED FROM THE PERMANENT MISSION OF AUSTRALIA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY**

1. On 1 September 1995, the Director General received a communication dated 30 August 1995 from the Permanent Mission of Australia transmitting a Declaration of 17 August 1995 by South Pacific Environment Ministers concerning the resumption of nuclear testing by France.
2. As requested by the Permanent Mission of Australia, the text of the Declaration is being circulated as an official document for the forthcoming regular session of the General Conference.





## **FRENCH NUCLEAR TESTING: SPEMM DECLARATION**

### **DECLARATION BY SOUTH PACIFIC ENVIRONMENT MINISTERS ON NUCLEAR TESTING**

**IN VIEW OF THE WIDESPREAD CONCERN AND PROTEST AT THE DECISION OF THE PRESIDENT OF FRANCE TO RESUME FRENCH NUCLEAR TESTING IN THE SOUTH PACIFIC, FOURTEEN ENVIRONMENT MINISTERS AND REPRESENTATIVES OF SOUTH PACIFIC NATIONS MET IN BRISBANE FROM 16 TO 17 AUGUST 1995.**

**THE MINISTERS RECALLED THE LONG AND CONSISTENT OPPOSITION OF ALL COUNTRIES REPRESENTED TO NUCLEAR TESTING AND TO THE DUMPING OF RADIOACTIVE WASTE IN THE PACIFIC AS EXPRESSED IN THE SOUTH PACIFIC FORUM COMMUNIQUE AND DECLARATIONS, THE 1985 SOUTH PACIFIC NUCLEAR FREE ZONE (SPNFZ) TREATY, THE 1986 CONVENTION FOR THE PROTECTION OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC REGION (THE SPREP CONVENTION) AND THE PROPOSED WAIGANI CONVENTION TO BAN THE IMPORTATION INTO FORUM ISLAND COUNTRIES OF RADIOACTIVE WASTES AND TO CONTROL THE TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTES WITHIN THE SOUTH PACIFIC REGION. THEY ACKNOWLEDGED THE OBLIGATIONS SET DOWN IN THE UN CONVENTION ON THE LAW OF THE SEA WHICH REQUIRE STATES TO TAKE ALL MEASURES NECESSARY TO ENSURE THEIR ACTIVITIES DO NOT CAUSE DAMAGE TO THE ENVIRONMENT OF OTHER STATES OR OF AREAS BEYOND THE LIMITS OF NATIONAL JURISDICTION. THEY ALSO REAFFIRMED THE PRINCIPLES OF THE RIO DECLARATION, INCLUDING THE PRECAUTIONARY APPROACH WHICH PROVIDES THAT LACK OF FULL SCIENTIFIC CERTAINTY SHOULD NOT PROVIDE JUSTIFICATION FOR ACTIVITIES WHICH MAY CAUSE SERIOUS OR IRREVERSIBLE DAMAGE TO THE ENVIRONMENT.**

**THE MINISTERS RECALLED THE COMMITMENT OF ALL NUCLEAR WEAPON STATES IN THE DECLARATION OF PRINCIPLES AND OBJECTIVES ADOPTED AT THE NUCLEAR NON-PROLIFERATION TREATY REVIEW AND EXTENSION CONFERENCE ON 11 MAY 1995 TO EXERCISE THE "UTMOST RESTRAINT" IN NUCLEAR TESTING PENDING THE ENTRY INTO FORCE OF A COMPREHENSIVE TEST BAN TREATY (CTBT). THE MINISTERS AGREED THAT CHINA'S CONTINUED NUCLEAR TESTING AND FRANCE'S DECISION TO RESUME NUCLEAR TESTING IN THE AREA OF THE SOUTH PACIFIC NUCLEAR FREE ZONE COULD IN NO WAY BE INTERPRETED AS CONSISTENT WITH THE PLEDGE TO EXERCISE "UTMOST RESTRAINT" IN NUCLEAR TESTING. THEY ALSO EXPRESSED CONCERN THAT FURTHER NUCLEAR TESTS COULD JEOPARDISE THE EARLY AND SUCCESSFUL NEGOTIATION OF AN EFFECTIVE CTBT.**

**THE MINISTERS ASKED, IF THERE ARE NO ADVERSE ENVIRONMENTAL OR HEALTH IMPACTS AS THE FRENCH GOVERNMENT CLAIMS, WHY ARE FRENCH NUCLEAR TESTS CONDUCTED IN A TERRITORY FAR DISTANT FROM METROPOLITAN FRANCE? THEY AGREED THAT PAST INTERNATIONAL INVESTIGATIONS AND REPORTS (INCLUDING THOSE OF THE 1982 TAZIEFF MISSION, THE 1983 ATKINSON MISSION AND THE 1987 COUSTEAU MISSION), HAVE NOT RESOLVED THE QUESTION OF THE ADVERSE ENVIRONMENTAL IMPACTS, ESPECIALLY THE LONG-TERM LEGACY, OF FRENCH NUCLEAR TESTING. THE MINISTERS ALSO NOTED THE FAILURE OF FRANCE TO MAKE AVAILABLE TO THE INTERNATIONAL COMMUNITY ALL FRENCH SCIENTIFIC DATA, SAMPLES AND STUDIES SO AS TO ENABLE AN INDEPENDENT AND COMPREHENSIVE ASSESSMENT OF THE ENVIRONMENTAL AND HEALTH IMPACTS OF FRENCH NUCLEAR TESTING IN THE SOUTH PACIFIC.**

**THE MINISTERS TOOK NOTE OF PRESIDENT CHIRAC'S OFFER TO ALLOW AN INTERNATIONAL SCIENTIFIC MISSION TO VISIT MURUROA ATOLL AFTER THE COMPLETION OF THE PROPOSED SERIES OF NUCLEAR TESTS. THEY ENDORSED THE REQUIREMENTS FOR FULL AND UNFETTERED ACCESS TO FRENCH SCIENTIFIC DATA AND FURTHER INDEPENDENT SCIENTIFIC INVESTIGATIONS AS SET OUT IN PARAGRAPHS 95 TO 99 AND APPENDICES A AND B OF THE PAPER ON THE IMPACT OF NUCLEAR TESTING AT MURUROA AND FANGATAUFA PREPARED FOR THE MEETING BY THE SCIENTIFIC ADVISORY GROUP. THE MINISTERS CONSIDERED THAT THE FRENCH GOVERNMENT'S POSITION THAT FURTHER INTERNATIONAL SCIENTIFIC INVESTIGATIONS COULD TAKE PLACE ONLY AFTER THE PROPOSED TESTS HAD BEEN CONDUCTED FAILED TO MEET THE ESSENTIAL REQUIREMENTS FOR A COMPREHENSIVE AND CREDIBLE SCIENTIFIC INVESTIGATION OF THE ENVIRONMENTAL IMPACTS OF NUCLEAR TESTING. THE MINISTERS REAFFIRMED THE CALL BY THE SOUTH PACIFIC FORUM MISSION TO PARIS ON 19 JUNE 1995 THAT ANY SCIENTIFIC MISSION RECEIVE "FREE AND UNFETTERED" ACCESS TO THE TEST SITES ON MURUROA AND FANGATAUFA ATOLLS, BEFORE, DURING AND AFTER ANY FURTHER TESTS, AND FOR ACCESS TO ALL RELEVANT DATA AND INFORMATION.**

**THE MINISTERS DRAW ATTENTION TO FRANCE'S OBLIGATIONS UNDER THE 1986 SPREP CONVENTION TO CONDUCT A PRIOR ASSESSMENT OF THE IMPACT OF ANY MAJOR PROJECT SUCH AS NUCLEAR TESTING ON THE MARINE ENVIRONMENT AND TO INVITE APPROPRIATE PUBLIC COMMENT AND CONSULTATION ON THE OUTCOME OF THAT ASSESSMENT WITH THE OTHER PARTIES TO THE CONVENTION THAT MAY BE AFFECTED. THEY ALSO AGREED THAT THE RETENTION OF MURUROA ATOLL AS A SECRET NUCLEAR FACILITY AFTER THE COMPLETION OF ANY FURTHER NUCLEAR TESTS WAS INCOMPATIBLE WITH THE NEED FOR CONTINUING INTERNATIONAL SCIENTIFIC ACCESS AND LONG-TERM MONITORING OF THE RADIOACTIVE LEGACY OF FRENCH NUCLEAR TESTING.**

**RECOGNISING AND SHARING THE GRAVE CONCERN ABOUT AND OPPOSITION TO THE PROPOSED RESUMPTION OF NUCLEAR TESTING BY FRANCE WHICH HAS BEEN EXPRESSED BY THE CITIZENS AND GOVERNMENTS OF NATIONS FROM ALL PARTS OF THE WORLD, THE MINISTERS EXPRESSED THEIR DETERMINATION TO KEEP THE SOUTH PACIFIC FREE OF ENVIRONMENTAL POLLUTION BY RADIOACTIVE WASTE AND TO ENSURE, IN THE WORDS OF THE SPNFZ TREATY, "THAT THE BOUNTY AND BEAUTY OF THE LAND AND SEA IN THEIR REGION SHALL REMAIN THE HERITAGE OF THEIR PEOPLES AND THEIR DESCENDANTS IN PERPETUITY TO BE ENJOYED BY ALL IN PEACE". THE MINISTERS EXPRESSED THEIR CONCERN THAT THE CULTURES, TRADITIONS AND SENSE OF WELL-BEING OF THE PEOPLES OF THE SOUTH PACIFIC WOULD BE ADVERSELY AFFECTED BY THE PROPOSED RESUMPTION OF FRENCH NUCLEAR TESTING.**

#### **CALLS FOR ACTION**

**THE MINISTERS CALLED UNANIMOUSLY FOR AN IMMEDIATE END TO ALL NUCLEAR TESTING IN ALL ENVIRONMENTS AND FOR ALL STATES TO WORK ENERGETICALLY FOR THE EARLY CONCLUSION OF A TRULY COMPREHENSIVE TEST BAN TREATY NO LATER THAN 1996. THEY SIMILARLY CALLED ON THE THREE NUCLEAR WEAPON STATES WHICH HAVE NOT YET DONE SO - FRANCE, THE UNITED KINGDOM AND THE UNITED STATES - TO SIGN AND RATIFY THE PROTOCOLS OF THE SOUTH PACIFIC NUCLEAR FREE ZONE TREATY.**

**THE MINISTERS FURTHER CALLED ON FRANCE TO:**

**IMMEDIATELY REVOKE THE DECISION TO RESUME NUCLEAR TESTING IN THE SOUTH PACIFIC AND TO GIVE A FIRM AND UNEQUIVOCAL COMMITMENT TO**

**SIGN AND RATIFY THE PROTOCOLS OF THE SPNFZ TREATY.,**

- . CLOSE ITS NUCLEAR AND MILITARY FACILITIES AT MURUROA AND FANGATAUFA, WITH THE SOLE EXCEPTION OF SUCH FACILITIES AS ARE REQUIRED FOR FUTURE ENVIRONMENTAL MONITORING.,**
- . MAKE AVAILABLE TO THE INTERNATIONAL COMMUNITY ALL FRENCH SCIENTIFIC DATA AND STUDIES SO AS TO ENABLE AN INDEPENDENT AND COMPREHENSIVE ASSESSMENT OF THE SHORT AND LONG TERM ENVIRONMENTAL AND HEALTH EFFECTS OF NUCLEAR TESTING AT MURUROA AND FANGATAUFA ATOLLS, AND ON THE STRUCTURAL INTEGRITY OF THE ATOLLS.,**
- . GUARANTEE FREE AND UNFETTERED ACCESS FOR INTERNATIONAL SCIENTIFIC EXPERTS TO VISIT MURUROA AND FANGATAUFA ATOLLS, BEFORE, DURING AND AFTER ANY FURTHER TESTS, TO UNDERTAKE A COMPREHENSIVE INVESTIGATION OF THE ENVIRONMENTAL AND HEALTH IMPACTS OF FRENCH NUCLEAR TESTING.,**
- . ACKNOWLEDGE AND ABIDE BY THE PRECAUTIONARY APPROACH ENshrINED IN THE RIO DECLARATION AND ACCEPT THE APPLICATION OF THAT DECLARATION'S PRINCIPLES TO ITS PROPOSED RESUMPTION OF NUCLEAR TESTING.,**
- . COMPLY WITH ITS INTERNATIONAL OBLIGATIONS UNDER THE 1986 SPREP CONVENTION AND THE UN CONVENTION ON THE LAW OF THE SEA TO CONDUCT A PRIOR ASSESSMENT OF THE IMPACT OF ANY MAJOR PROJECT SUCH AS NUCLEAR TESTING ON THE MARINE ENVIRONMENTAL AND TO INFORM STATES WHICH MAY BE AFFECTED AND TO CONSULT WITH THEM AS APPROPRIATE., AND**
- . UNDERTAKE LONG-TERM ENVIRONMENTAL MONITORING AT MURUROA AND FANGATAUFA, THE DESIGN AND IMPLEMENTATION OF WHICH SHOULD BE OPEN TO INTERNATIONAL SCIENTIFIC SCRUTINY, INCLUDING CONTINUING INTERNATIONAL SCIENTIFIC ACCESS TO THE ATOLLS.**

**MINISTERS AGREED THAT SENATOR FAULKNER, AS CHAIRMAN OF THE MEETING, BRING THE REQUIREMENTS FOR FURTHER INDEPENDENT SCIENTIFIC INVESTIGATIONS AS SET OUT IN THE SCIENTIFIC ADVISORY GROUP PAPER TO THE ATTENTION OF THE FRENCH MINISTER FOR THE ENVIRONMENT AND THE FRENCH GOVERNMENT. PARTICIPANTS ALSO ASKED MR BILNEY TO BRING THEIR CONCERNS TO THE ATTENTION OF THE FRENCH AND OTHER EUROPEAN GOVERNMENTS ON HIS FORTHCOMING PARLIAMENTARY DELEGATION TO EUROPE.**

**THE MINISTERS EXPRESSED THEIR SUPPORT FOR NEW ZEALAND'S DECISION TO SEEK TO REOPEN ITS 1973 INTERNATIONAL COURT OF JUSTICE CASE AGAINST FRENCH NUCLEAR TESTING IN THE SOUTH PACIFIC.**

**A CHALLENGE TO PRESIDENT CHIRAC**

**FINALLY, THE MINISTERS CALLED ON PRESIDENT CHIRAC, AS A DEMONSTRATION OF FRANCE'S STATED COMMITMENT TO ACT AS A RESPONSIBLE AND CONSTRUCTIVE PARTNER IN THE SOUTH PACIFIC, TO DECLARE BEFORE THE INTERNATIONAL COMMUNITY THAT THE FRENCH GOVERNMENT ACCEPTS FULL AND EXCLUSIVE RESPONSIBILITY, INCLUDING FOR SUCH REMEDIATION OR COMPENSATION AS MAY BE NECESSARY, FOR ANY ADVERSE IMPACTS, PAST, PRESENT OR FUTURE, FROM**

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**FRENCH NUCLEAR TESTING ON THE ENVIRONMENT AND HEALTH OF THE PEOPLES  
OF THE SOUTH PACIFIC.**

**THE SOUTH PACIFIC ENVIRONMENT MINISTERS MEETING FURTHER RECOMMENDED  
THAT SOUTH PACIFIC GOVERNMENTS AND THE SOUTH PACIFIC FORUM PURSUE  
THESE OBJECTIVES THROUGH ALL APPROPRIATE MEANS, INCLUDING THROUGH  
RAISING THEM IN INTERNATIONAL FORUMS.**

**BRISBANE  
17 AUGUST 1995.**