

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

NUCLEAR TESTS CASES

VOLUME II

(NEW ZEALAND *v.* FRANCE)



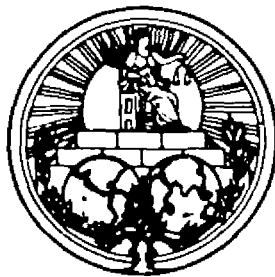
COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRES DES ESSAIS NUCLÉAIRES

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(NOUVELLE-ZÉLANDE *c.* FRANCE)



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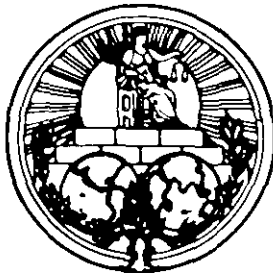
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(NOUVELLE-ZÉLANDE c. FRANCE)



The present volume (II) contains the record filed in the *Nuclear Tests (New Zealand v. France)* case and the correspondence referring to both this case and the *Nuclear Tests (Australia v. France)* case.

The case, entered on the Court's General List on 9 May 1973 under number 59, was the subject of an Order on Interim Measures of Protection (*Nuclear Tests (New Zealand v. France) Interim Protection, Order of 22 June 1973, I.C.J. Reports 1973*, p. 135) and of a Judgment delivered on 20 December 1974 (*Nuclear Tests (New Zealand v. France), Judgment, I.C.J. Reports 1974*, p. 457).

The New Zealand Application, Request for Interim Measures of Protection, Memorial and Oral Arguments and the Fijian Application for Permission to Intervene appear in this volume in chronological order.

The record filed in the *Nuclear Tests (Australia v. France)* case appears in Volume I.

The page references originally appearing in the pleadings and speeches have been altered to correspond with the pagination of the present edition. Where the reference is to Volume I of the present edition, it is indicated in bold type.

The Hague, 1978.

Le présent volume (II) reproduit le dossier de l'affaire des *Essais nucléaires (Nouvelle-Zélande c. France)*, ainsi que la correspondance relative à cette affaire et à celle des *Essais nucléaires (Australie c. France)*.

L'affaire dont il s'agit, inscrite au rôle général de la Cour sous le n° 59 le 9 mai 1973, a fait l'objet d'une ordonnance portant indication de mesures conservatoires (*Essais nucléaires (Nouvelle-Zélande c. France), mesures conservatoires, ordonnance du 22 juin 1973, C.I.J. Recueil 1973*, p. 135) et d'un arrêt rendu le 20 décembre 1974 (*Essais nucléaires (Nouvelle-Zélande c. France), arrêt, C.I.J. Recueil 1974*, p. 457).

La requête, la demande en indication de mesures conservatoires, le mémoire et les plaidoiries de la Nouvelle-Zélande et la requête de Fidji à fin d'intervention sont reproduits dans le présent volume suivant leur ordre chronologique.

L'autre volume (I) contient le dossier de l'affaire des *Essais nucléaires (Australie c. France)*.

Les renvois d'une pièce ou d'une plaidoirie à l'autre ont été modifiés pour tenir compte de la pagination de la présente édition. Lorsqu'il s'agit d'un renvoi au volume I, ce chiffre est indiqué en caractères gras.

La Haye, 1978.

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**APPLICATION INSTITUTING PROCEEDINGS
SUBMITTED BY THE GOVERNMENT OF
NEW ZEALAND**

9 May 1973.

I have the honour to submit to the International Court of Justice an *Application instituting proceedings* on behalf of New Zealand against France in the case set forth below¹.

THE SUBJECT OF THE DISPUTE

2. On 13 February 1960 the French Government conducted the first of a series of nuclear tests in the atmosphere at the Reggane Firing Ground in the Sahara Desert. Sometime in the course of 1963 the decision was taken by the French Government to move the test centre to Mururoa Atoll in the Tuamotu Archipelago (Map at Annex I). Mururoa is located approximately 2,500 nautical miles from the nearest point of the North Island of New Zealand and approximately 1,050 nautical miles from the nearest point of the Cook Islands, a self-governing State linked in free association with New Zealand.

3. The first series of French nuclear tests in the atmosphere centred on Mururoa took place between 2 July and 4 October 1966. Subsequent atmospheric tests in the area took place between 5 June and 2 July 1967, between 7 July and 8 September 1968, between 15 May and 6 August 1970, between 5 June and 14 August 1971 and between 25 June and 27 July 1972 (all dates GMT). (The tests are listed in Annex II.)

4. The conduct of atmospheric nuclear tests in the South Pacific region has given rise to concern and apprehension on the part of the people and Government of New Zealand and of the peoples and Governments of the State (the Cook Islands) and the territories (Niue and the Tokelau Islands) associated with New Zealand. As soon as it became known that the French Government had the intention to carry out these tests in the South Pacific, the New Zealand Government made a strong protest in a note of 22 May 1963 from the New Zealand Embassy to the French Ministry of Foreign Affairs. Since that time the New Zealand Government has reiterated its opposition to the French testing programme by a further series of protests to the French Government. The texts of the New Zealand notes to France and the replies thereto are contained in Annex III. Annex IV includes related diplomatic correspondence concerning clearances for French aircraft and ships having a possible connection with the French testing programme in the South Pacific region.

5. The New Zealand Government has also taken every opportunity to make its views on this matter known in statements by New Zealand representatives at United Nations meetings, at the Conference on the Environment

¹ See p. 340, *infra*.

held in Stockholm in June 1972 and at regional conferences and meetings of Pacific leaders. Along with a vast majority of the States of the world, it has said in these forums on many occasions that it is opposed to the testing of nuclear weapons by any State in any environment. It has also said repeatedly that it has a special concern with the nuclear testing which is undertaken by the French Government in the atmosphere and in the South Pacific region and which represents a potential hazard to the life, health and security of the people of New Zealand, the Cook Islands, Niue and the Tokelau Islands and occasions grave disquiet on their part.

6. In a letter of 9 March 1973 from the Prime Minister of New Zealand to the Minister of Foreign Affairs of the French Republic (Annex III), the New Zealand Government made known its view that the French atmospheric nuclear tests in the South Pacific were conducted in violation of New Zealand's rights under international law, including its rights in respect of areas over which it has sovereignty.

7. In the hope that this issue which disturbed the otherwise excellent relations between New Zealand and France might be resolved through diplomatic means, the New Zealand Government, in the letter of 9 March 1973 referred to in the preceding paragraph, accepted an invitation previously extended by the French Government to send a Cabinet Minister to Paris for talks. The Deputy Prime Minister of New Zealand subsequently visited Paris and on 25, 26 and 27 April 1973 discussed this matter with the Foreign Minister, with the Administrator-General of the Atomic Energy Commission, with the Minister for the Armed Services, and with the President. These discussions demonstrated respect and goodwill on both sides. Unfortunately, however, they did not lead to agreement. In particular, the French Government did not feel able to give the Deputy Prime Minister of New Zealand the assurance which he sought, namely that the French programme of atmospheric nuclear testing in the South Pacific had come to an end.

8. The French Government also made it plain that it did not accept the contention that its programme of atmospheric nuclear testing in the South Pacific involved a violation of international law. There is, accordingly, a dispute between the Government of New Zealand and the French Government as to the legality of atmospheric nuclear tests in the South Pacific region.

9. At the conclusion of his talks in Paris, the Deputy Prime Minister of New Zealand advised the French Foreign Minister that the New Zealand Government had very much hoped that the dispute concerning French testing in the South Pacific could be resolved by discussion and negotiation. The Foreign Minister was told that the New Zealand Government was anxious not to have to litigate the issue but, in the absence of an assurance of the kind sought by the Deputy Prime Minister, it believed it had no choice but to look to a legal remedy. This view was later conveyed formally to the French Government in a letter dated 4 May 1973 from the New Zealand Prime Minister to the French President (Annex II).

10. Having failed to resolve through diplomatic means the dispute that exists between it and the French Government, the New Zealand Government is compelled to refer the dispute to the International Court of Justice. The New Zealand Government will seek a declaration that the conduct by the French Government of nuclear tests in the South Pacific region that give rise to radioactive fallout constitutes a violation of New Zealand's rights under international law, and that these rights will be violated by any further such tests. Because it has reason to believe that further nuclear tests in the

South Pacific region are imminent, New Zealand will seek interim measures of protection.

JURISDICTION

11. The dispute referred to in the preceding paragraphs is hereby submitted to the determination and judgment of the Court in accordance with, and on the basis of, the jurisdiction which the Court has by virtue of:

- (a) Articles 36 (1) and 37 of the Statute of the Court and Article 17 of the General Act for the Pacific Settlement of International Disputes, done at Geneva on 26 September 1928; and, in the alternative,
- (b) Article 36 (2) and (5) of the Statute of the Court.

New Zealand and France both acceded to the whole of the General Act for the Pacific Settlement of International Disputes on 21 May 1931. The texts of the conditions to which the New Zealand accession was subject and the declaration to which the accession of France was subject are set out in Annexes V and VI. New Zealand has made a declaration under Article 36 (2) of the Statute of the Permanent Court of International Justice. France has made a declaration under Article 36 (2) of the Statute of the present Court.

THE FACTS

12. Each of the series of atmospheric nuclear tests carried out by the French Government in the South Pacific region in 1966, 1967, 1968, 1970, 1971 and 1972 has been closely monitored by New Zealand. A description of New Zealand's experience will indicate the way in which, in varying degrees, atmospheric nuclear tests affect all countries of the world. Although the French Government has taken precautions designed to minimize their effects, the New Zealand monitoring system has established that after each series New Zealand, the Cook Islands, Niue and the Tokelau Islands have been subjected both to tropospheric fallout, which produces short-term effects, and to stratospheric fallout, which produces long-term effects.

13. Tropospheric fallout from nuclear weapons tests arises from the injection of fission products into the lower atmosphere. It has a predominance of short-lived radionuclides, causing sudden increases in air radioactivity as the cloud of radioactive particles is carried along by prevailing winds. Such tropospheric fallout has reached New Zealand, the Cook Islands, Niue and other Pacific territories in which New Zealand monitors levels of radioactivity after each series of French nuclear weapons tests in the Pacific. Fallout reaches these areas within two or three weeks after having circled the earth in an easterly direction or, occasionally, by means of "blowback", that is by means of an anticyclonic eddy diverting part of the radioactive cloud westward, within a few days. A feature of this kind of fallout is that it gives rise to steep increases in the levels of iodine 131 in milk. Iodine 131 tends to be concentrated in the thyroid of humans and animals.

14. Stratospheric fallout from nuclear weapons tests arises from the injection of fission products into the upper atmosphere, where radioactive debris will drift around the world for periods as long as several years before sinking into the troposphere and being precipitated. It consists almost exclusively of

longer-lived radionuclides including, in particular, strontium-90 and caesium-137. Both these radionuclides enter the body in food. Strontium-90 is deposited with calcium in human bone. Caesium-137 does not accumulate in a specific organ of the body, although it tends to be found to some extent in muscle tissue. Stratospheric fallout tends to be concentrated in the mid-latitudes, especially of the hemisphere in which the testing takes place.

15. Between 1965 and 1968 strontium-90 fallout steadily decreased in New Zealand. The commencement of French nuclear weapons tests in the Pacific in 1966, culminating in 1968 in the detonation of two devices in the megaton range, partially replenished the stratospheric reservoir of nuclear debris. After a pause in 1969 the French series of nuclear weapons tests were resumed and the 1970 and 1971 series included the detonation of megaton devices. As a result of these tests stratospheric fallout levels increased in 1969 in New Zealand and practically all the strontium-90 deposited since that time derives from the French nuclear tests with only a minor contribution from the inter-hemispheric transfer of debris.

16. During the process of decay, fission products of a nuclear explosion emit ionizing radiation to which human and animal tissues are exposed both from internal and from external sources. Somatic effects may involve slow destruction, particularly of the blood-forming tissues, organic lesions and destruction of the body's natural means of protection. Later somatic lesions may appear in the form of leukemia and other malignant diseases, cataracts, skin diseases, impairment of fertility and non-specific ageing. Genetic effect may result from irradiation of the gonads.

17. These effects may occur in territory which is subject to fallout and also in the living natural resources of the sea, especially fish and plankton. Migratory species of such living natural resources may carry both somatic and genetic effects beyond the range of fallout occurring in the vicinity of an explosion and can affect the protein diet of other species, including man, in widely distributed areas.

18. With a view to excluding shipping and aircraft from the area of Mururoa in connection with the abovementioned tests, the French Government has designated in and above areas of the high seas Prohibited Zones for aircraft and Dangerous Zones for aircraft and shipping.

19. The Prohibited Zones were created around Mururoa Atoll and Hao Island by Ministerial Decree dated 9 March 1965. So far as is known, these Zones are intended to be permanent.

20. The Dangerous Zones have been the subject of action shortly before each test series has begun, and the action has been terminated at the end of each series. Except in 1972, the French Ministry of Foreign Affairs has informed missions by notes, sent in advance of each series, of the extent of the zone in which the tests will take place. The notes have indicated that these zones will be activated as Dangerous Zones by Notifications to Airmen (NOTAMS) and by Notifications to Mariners (AVURNAVS) shortly before the commencement of each series of tests. Shipping is usually notified by radio from Paris Saint-Lys and Papeete and aircraft are notified by the international NOTAM registries. The extent of Dangerous Zones has varied considerably from one test series to another. Those for aircraft have covered a larger area than those for shipping. At their largest—in 1970 and 1971—the Dangerous Zones for aircraft have covered an area of approximately 1,132,000 square nautical miles.

21. In at least one instance, in 1972, the French authorities have taken action to inhibit and interfere with the passage of foreign shipping on the

high seas in an area designated by the French Government as a Dangerous Zone.

22. The French Government has not made available to the New Zealand Government sufficient information upon which to base a wholly accurate estimate of the effects of future nuclear tests in the Pacific region. It is believed, however, that future tests will follow the pattern of previous tests. If so, they will involve: the entry into territory of New Zealand, the Cook Islands, Niue and the Tokelau Islands, including their territorial sea and airspace, of additional radioactive material of a dangerous or potentially dangerous character; the heightening of the apprehension, anxiety and concern to which the French programme of atmospheric nuclear tests in the South Pacific region has given rise in the past; renewed restriction of freedom of the high seas, including the freedom of navigation and overflight and the freedom to explore and exploit the resources of the sea and seabed; and the continued pollution of the terrestrial, maritime and aerial environment of New Zealand, the Cook Islands, Niue and the Tokelau Islands, of other countries and territories and of areas beyond the limits of national jurisdiction.

THE LAW

23. In the period of 27 years in which nuclear tests have taken place there has been a progressive realization of the dangers which they present to life, to health and to the security of peoples and nations everywhere. Atmospheric nuclear tests are widely feared and widely condemned.

24. In part, this attitude has stemmed from a growing appreciation that world peace and security depend on the checking and eventual elimination of nuclear weapons and that their continued proliferation and refinement exacerbates international tensions and compounds the risks of nuclear war with all the horrors that would entail. In part, too, the attitude of the world community towards atmospheric nuclear testing has sprung from the hazards to the health of present and future generations involved in the dispersal over wide areas of the globe of radioactive fallout. The very large number of atmospheric nuclear tests which were carried out after 1950 and which led to marked increases in radiation levels, intensified scientific analyses and speculation which has contributed to a more complete knowledge and realization of the hazards involved in exposure to additional radiation from any source. It is now recognized by all responsible scientific opinion as expressed, for example, by the International Commission on Radiological Protection, that any additional exposure to radiation may be harmful, that all controlled radiation should be kept to the minimum practicable, and that the risks involved in such exposures should be justified in terms of benefits that would not otherwise be received. The same view is taken by national agencies having a responsibility for setting standards for the peaceful uses of atomic energy. With regard to nuclear weapons tests that give rise to radioactive fallout, world opinion has repeatedly rejected the notion that any nation has the right to pursue its security in a manner that puts at risk the health and welfare of other people.

25. More recently, the international community's fear and condemnation of nuclear testing that gives rise to radioactive fallout has been based, in addition, on a perception of the damaging and, so far as genetic material is concerned, irreversible contribution which such tests make to the pollution of the human environment.

26. The maturing of national and international attitudes towards nuclear weapons development and in particular nuclear testing that gives rise to radioactive fallout is evidenced by a series of treaties and resolutions. Of pre-eminent importance is the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water of 5 August 1963, the principal provision of which prohibits the carrying out of nuclear explosions if their radioactive debris is present outside the territorial limits of the testing State. This treaty is now accepted by over 100 States and its basic demand has been constantly and almost unanimously stressed by the members of the world community. International and national attitudes are also to be seen in the Treaty for the Prohibition of Nuclear Weapons in Latin America of 14 February 1967, and the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, in General Assembly resolutions 1148 (XII) 1957, 1252 (XIII) 1958, 1379 (XIV) 1959, 1402 (XVI) 1959, 1578 (XV) 1960, 1632 (XVI) 1961, 1648 (XVI) 1961, 1762A (XVII) 1962, 1910 (XVIII) 1963, 2032 (XX) 1965, 2163 (XXI) 1966, 2343 (XXII) 1967, 2455 (XXIII) 1968, 2604B (XXIV) 1969, 2661A (XXV) 1970, 2663B (XXV) 1970, 2828 (XXVI) 1971 and 2934A to C (XXVII) 1972, in resolution 3 (I) on Nuclear Weapons Tests adopted by the Stockholm Conference on the Environment and in the Declaration on the Environment adopted by the same conference.

27. During the same period and as a corollary to intensified governmental and popular action to control and prohibit nuclear weapons and their testing in the atmosphere and elsewhere and to safeguard the environment and natural resources, there has been a growing juridical perception of the nature and quality of this activity and a rapid development of law concerning it.

28. It is the contention of New Zealand that this law and related rules and principles of international law are now violated by nuclear testing undertaken by the French Government in the South Pacific region. *Inter alia*,

- (a) it violates the rights of all members of the international community, including New Zealand, that no nuclear tests that give rise to radioactive fallout be conducted;
- (b) it violates the rights of all members of the international community, including New Zealand, to the preservation from unjustified artificial radioactive contamination of the terrestrial, maritime and aerial environment and, in particular, of the environment of the region in which the tests are conducted and in which New Zealand, the Cook Islands, Niue and the Tokelau Islands are situated;
- (c) it violates the right of New Zealand that no radioactive material enter the territory of New Zealand, the Cook Islands, Niue or the Tokelau Islands, including their air space and territorial waters, as a result of nuclear testing;
- (d) it violates the right of New Zealand that no radioactive material, having entered the territory of New Zealand, the Cook Islands, Niue or the Tokelau Islands, including their air space and territorial waters, as a result of nuclear testing, cause harm, including apprehension, anxiety and concern, to the people and Government of New Zealand and of the Cook Islands, Niue and the Tokelau Islands;
- (e) it violates the right of New Zealand to freedom of the high seas, including freedom of navigation and overflight and the freedom to explore and exploit the resources of the sea and the seabed, without interference or detriment resulting from nuclear testing.

ACCORDINGLY, NEW ZEALAND ASKS THE COURT TO ADJUDGE AND DECLARE:

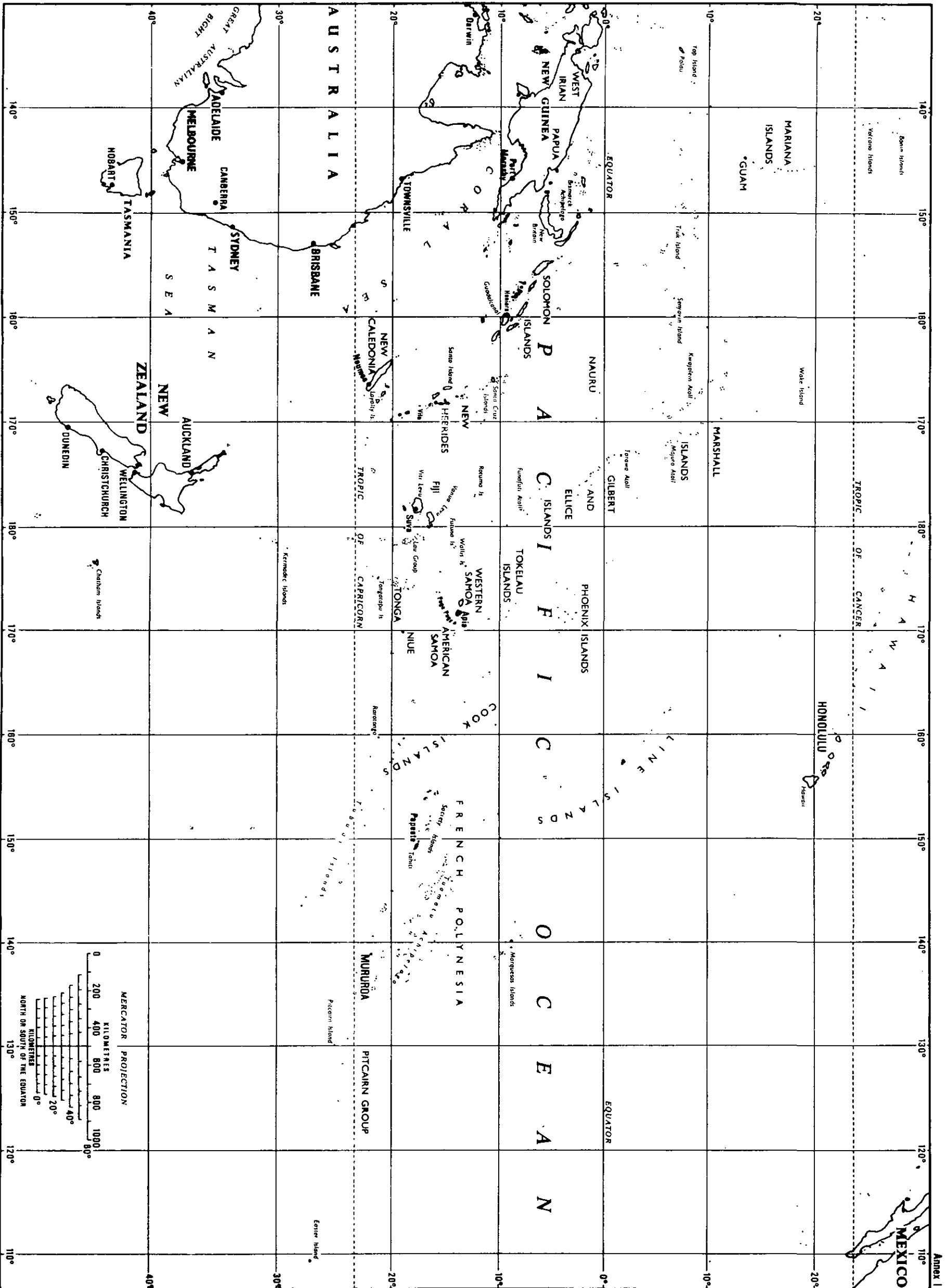
That the conduct by the French Government of nuclear tests in the South Pacific region that give rise to radioactive fallout constitutes a violation of New Zealand's rights under international law, and that these rights will be violated by any further such tests.

(Signed) H. V. ROBERTS,
Co-Agent of the
Government of New Zealand.

ANNEXES TO THE APPLICATION INSTITUTING PROCEEDINGS

Annex I

[See map opposite]



Annex II

Set out below are the dates of the nuclear tests, involving explosions, conducted by the French Government since it began its programme of testing in the South Pacific.

<i>Year</i>	<i>Date (GMT)</i>	<i>Year</i>	<i>Date (GMT)</i>
1966	2 July 19 July 11 September 24 September 4 October	1970	15 May 22 May 30 May 24 June 3 July 27 July
1967	5 June 27 June 2 July		2 August 6 August
1968	7 July 15 July 3 August 24 August 8 September	1971	5 June 12 June 4 July 8 August 14 August
1969	No tests held	1972	25 June 30 June 27 July

Annex III

NOTES EXCHANGED BETWEEN NEW ZEALAND AND
FRANCE CONCERNING THE FRENCH NUCLEAR
TESTING PROGRAMME IN THE SOUTH PACIFIC

New Zealand to France, 14 March 1963.
New Zealand to France, 22 May 1963.
France to New Zealand, 25 June 1963.
France to New Zealand, 6 September 1963.
New Zealand to France, 12 September 1963.
New Zealand to France, 21 September 1963.
New Zealand to France, 9 December 1965.
New Zealand to France, 14 April 1966.
New Zealand to France, 27 May 1966.
France to New Zealand, 10 June 1966.
New Zealand to France, 2 July 1966.
New Zealand to France, 20 July 1966.
New Zealand to France, 11 April 1967.
France to New Zealand, 25 April 1967.
New Zealand to France, 25 April 1967.
France to New Zealand, 5 May 1967.
New Zealand to France, 5 June 1968.
New Zealand to France, 6 April 1970.
New Zealand to France, 14 May 1971.
New Zealand to France, 29 March 1972.
New Zealand to France, 5 June 1972.
New Zealand to France, 19 June 1972.
New Zealand to France, 19 December 1972.
France to New Zealand, 19 February 1973.
New Zealand to France, 9 March 1973.
New Zealand to France, 4 May 1973.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 14 March 1963*

The New Zealand Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour to inform the Ministry that the New Zealand Government has recently noted with concern a number of press reports that France proposes to conduct nuclear weapons tests in the South Pacific region.

Consequent upon a report from Paris dated 7 January 1963 which stated that France proposed to begin work this year on a nuclear test site in the Gambier archipelago, a report which was amplified in a number of French newspapers on 9 January, the New Zealand Embassy made informal enquiries of the Ministry of Foreign Affairs. As a result of these enquiries the New Zealand Government was given to understand that, while French technical reconnaissance missions had been sent to the Gambier archipelago to investigate the possibilities of establishing a nuclear testing base, no decision had been taken. Subsequently on 4 March, a further press report, purporting to quote informed French sources, asserted that France hoped to explode her first thermonuclear device in the Pacific by mid-1964, that the device would probably be tested at Mangareva Island in the Gambier archipelago, and that appropriate technical preparations for this purpose were now being made.

It is in these circumstances that the New Zealand Government has felt obliged to present its viewpoint to the Government of France. Public opinion in New Zealand has for a considerable time been disturbed about the potential dangers to health created by nuclear explosions, and has accordingly become greatly alarmed at the prospect of further tests in the Pacific. The location suggested for the reported tests is within some 1,300 miles of the easternmost portion of New Zealand dependent territories, the Cook Islands. There is widespread public apprehension that fallout from any tests in this vicinity will produce hazards to health and contaminate food supplies, both land and marine, in the Cook Islands and indeed in New Zealand itself.

In addition the published reports have caused marked anxiety in the State of Western Samoa, whose Prime Minister has requested the New Zealand Government to convey his concern to the Government of France. In view of the close association between New Zealand and Western Samoa, expressed in the Treaty of Friendship of 1962, the New Zealand Government is obliged to ensure that the misgivings of the Government and people of Western Samoa are fully understood by the French authorities.

There are several additional elements in the New Zealand position which the New Zealand Government would wish to convey to the French authorities should the reports concerning the intention to test in the South Pacific be confirmed. The New Zealand Government would accordingly be grateful to have early clarification of the intentions of the French Government.

The Embassy of New Zealand takes this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 22 May 1963*

The French authorities have been aware for some time of the grave concern felt by the New Zealand Government at various reports concerning France's plans to conduct test explosions of nuclear devices in the South Pacific region. The New Zealand Government has sought clarification of the intentions of the French Government in this respect through the New Zealand Embassy both in interviews with officials of the Ministry of Foreign Affairs and in the Embassy's Note of March 1963. In that Note it was indicated that if reports concerning the French Government's intention to test in the

South Pacific were confirmed, the New Zealand Government would wish to convey certain other views to the French authorities. In spite of recurrent and increasingly detailed reports, which have produced growing public anxiety in New Zealand, it has continued to await official confirmation, in response to the Embassy's Note, that a decision to proceed with the establishment of a nuclear testing centre in the area has been taken.

On and about 2 May, reports of a press conference given in Papeete by General Thiry, head of a French civil and military mission, appeared both in the French metropolitan press and in New Zealand. It appeared from the statements attributed to General Thiry that a decision to establish a nuclear test zone in the area of Mururoa Atoll had been taken. Oral confirmation that a nuclear test zone had been decided on in the area described was subsequently given by the Ministry in response to enquiries by the Embassy.

In these circumstances, and even though it is understood that a period of some years may elapse before the first test can be held, the New Zealand Government feels compelled without further delay to present its views to the French authorities.

In international forums and in public statements, the New Zealand Government has repeatedly stressed over recent years its opposition to the continuation of nuclear testing. It is the Government's earnest desire to see the cessation of all nuclear tests by means of an effective international agreement which it regards as a valuable means of creating a climate in which progress towards substantive measures of disarmament would be encouraged. In addition, it would end the danger of continued contamination from radioactive fallout. Each new series of tests conducted by any nation, or even in prospect, can only impair the chances of attaining even this first limited objective. Moreover, despite the area of disagreement still remaining, it is the New Zealand Government's view that negotiations in the United Nations Disarmament Committee at Geneva have shown a test-ban treaty to be technically capable of realization. It would be the hope of the New Zealand Government that all nations would be prepared to accept and observe such a treaty.

Concern at the prospect of further testing is more deeply and immediately felt, however, when the region concerned, which has hitherto enjoyed comparative immunity from the consequences of atmospheric testing, is in close proximity to New Zealand territory. The French authorities should be aware of the serious anxiety which reports of French plans have caused in New Zealand, where public opinion has come to regard with growing apprehension the potential dangers to health and food supplies, land and marine, which may result from fallout. Until more detailed technical information about the type and scale of the series proposed is available, it is not possible, of course, to assess accurately the degree of radioactive contamination which these tests may produce. But it must be noted that the location for the test centre to which reference was made in the press conference mentioned above is only about 1,000 nautical miles from the Southern Cook Islands, New Zealand dependent territory, and only 2,300 nautical miles from New Zealand itself.

The New Zealand Government must therefore protest strongly against the intention of the French Government to establish a nuclear testing centre in the South Pacific. It urges that the French Government reconsider, in the light of the views advanced in this Note, any decisions which may already have been taken.

*Note from French Ministry of Foreign Affairs
to New Zealand Embassy, 25 June 1963*

Le Ministère des affaires étrangères présente ses compliments à l'Ambassade de Nouvelle-Zélande et a l'honneur de lui faire part de ce qui suit :

Le Ministère des affaires étrangères a pris connaissance avec attention de la note 1963/10 du 22 mai par laquelle l'Ambassade de Nouvelle-Zélande faisait connaître le point de vue de son gouvernement sur la création d'un polygone de tir français pour des essais nucléaires en Polynésie et au sujet de la cessation des essais nucléaires.

La position de la France à l'égard des expériences nucléaires est bien connue et n'a pas varié. A de nombreuses reprises ses représentants ont rappelé que l'immense pouvoir de destruction que représentent pour l'humanité les armes nucléaires demeurerait intact si la suspension des expériences n'était pas accompagnée de l'arrêt contrôlé des fabrications nouvelles et l'élimination progressive et vérifiée des stocks d'armes existants.

Le Gouvernement français demeure prêt à s'associer à tout moment à une politique de désarmement qui soit efficace et contrôlé. Mais en l'absence d'une telle politique et aussi longtemps que d'autres puissances posséderont les armes modernes il estime de son devoir de conserver sa liberté dans ce domaine.

C'est dans cette perspective qu'une décision tendant à l'établissement d'un polygone de tir pour des essais nucléaires en Polynésie française a été prise. Un délai assez long s'écoulera encore avant que ce champ de tir soit équipé et que des expériences nucléaires puissent y être effectuées.

Au demeurant le Gouvernement français croit devoir rappeler qu'il ne sera pas le premier à effectuer de telles expériences dans le Pacifique. D'autres Etats l'ont fait avant lui ainsi que le sait le Gouvernement de la Nouvelle-Zélande et il pourrait en être encore de même à l'avenir.

Le Ministère des affaires étrangères croit devoir également souligner que les services français chargés de la réalisation des essais nucléaires dans cette région veilleront tout particulièrement à assurer la protection des populations des pays riverains de l'Océan Pacifique Sud. A cet égard le Gouvernement français se propose, ainsi qu'il en a déjà été fait part à l'Ambassade de Nouvelle-Zélande, de faire connaître aux autorités néo-zélandaises, au moment opportun, les conditions dans lesquelles se dérouleront ces expériences et les mesures prises pour éviter tout risque de retombées et éventuellement d'en discuter avec ces autorités.

Le Ministère des affaires étrangères saisit cette occasion pour renouveler à l'Ambassade de Nouvelle-Zélande les assurances de sa haute considération.

*Note from the French Embassy
to the New Zealand Ministry of External Affairs, 6 September 1963*

L'Ambassade de France présente ses compliments au Ministère des affaires extérieures et a l'honneur, d'ordre de son gouvernement, de lui faire part des indications suivantes :

Le Gouvernement français, en présence de la campagne systématique qui se développe en Nouvelle-Zélande contre les expériences nucléaires qu'il a en vue en Polynésie souligne qu'une telle attitude risque, s'il n'y était mis un terme, d'affecter les relations amicales qui existent entre les deux pays.

Il note qu'en s'en tenant aux expériences les plus récentes, l'URSS, en septembre 1961, a procédé à une série d'expériences nucléaires dans l'atmosphère dont la plus puissante atteignait 58 mégatonnes. De leur côté, les Américains ont du 25 avril au 22 juin 1962 procédé à une vingtaine d'explosions sur l'île Christmas. Des explosions américaines à très haute altitude ont également été effectuées du 9 juillet au 4 novembre 1962 à partir des îles Johnston. Les Russes continuaient pour leur part leurs expériences atmosphériques jusqu'en novembre 1962. Sans doute le premier ministre de la Nouvelle-Zélande s'est-il en septembre-octobre 1961 et en juillet 1962 élevé contre les expériences nucléaires et a-t-il effectué une protestation non rendue publique à Washington en février 1962, mais, lorsque, il y a quelques jours, le président Kennedy a fait savoir publiquement que le polygone d'expérimentation de l'île Johnston serait entretenu et perfectionné pour reprendre aussitôt les essais nucléaires, si le besoin s'en faisait sentir, aucune protestation n'a été faite à Wellington bien que cette déclaration fût postérieure à la signature de l'accord de Moscou du 5 août.

Il semble donc au Gouvernement français qu'il n'est pas admissible qu'une telle campagne contre les expériences françaises se produise dans un pays avec lequel la France entretient des relations particulières d'amitié alors que ces expériences ne commenceront pas avant quelques années et qui de toute manière seront beaucoup moins nombreuses que les expériences américaines et russes.

Le Gouvernement français rappelle au reste, comme il l'a déjà fait savoir au Gouvernement néo-zélandais, que toutes précautions seraient prises pour assurer la protection des pays riverains de l'océan Pacifique contre tout danger de retombées radioactives dû à ses futurs essais nucléaires en Polynésie. Il a de même accepté de discuter avec les services compétents de Nouvelle-Zélande des mesures de sécurité qui seront prises.

L'Ambassade de France saisit cette occasion pour renouveler au Ministère des affaires extérieures les assurances de sa très haute considération.

*Note from New Zealand Ministry
of External Affairs to French Embassy, 12 September 1963*

The Ministry of External Affairs presents its compliments to the French Embassy and has the honour, in reply to the Embassy's Note No. 57 of 6 September, to make the following comments:

The terms of the Embassy's communication can leave little doubt that, while admitting the New Zealand Government's record of opposition to nuclear testing in recent years, the French Government nevertheless considers that an element of discrimination is involved in the attitude adopted by the New Zealand Government towards the nuclear tests which France envisages carrying out in the South Pacific. Such an implication cannot be accepted by the New Zealand Government.

It becomes necessary in these circumstances to correct any false impression which the French Government may have formed of the New Zealand Government's attitude. As made clear in its approaches and public statements on the question, the Government is motivated solely by its desire to see an end to all nuclear testing, by whatever nation, and particularly in the Pacific area. This attitude has been exemplified by its support for efforts in the United Nations to find means of securing agreement on the cessation of nuclear tests and by its signature of the Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water. Believing that to be truly effective such a treaty must become a universally accepted standard of national behaviour, New Zealand has expressed the hope that all nations will be prepared to accept the obligations involved. The New Zealand Government notes that a vast majority of countries have already either signed the treaty or signified their intention of doing so and have thus demonstrated their concern with the matters dealt with in it.

It is a matter of surprise therefore to the New Zealand Government that the French Government should consider that friendly relations between New Zealand and France risk being affected by New Zealand's continued expression of a concern which is shared by so many other Governments. Such a development would be a matter of the deepest regret.

As evidence of a discriminatory attitude on the part of New Zealand, it is argued that no protest was made when it was recently announced by President Kennedy that installations on Johnston Island would be prepared for resumption of testing should need arise. The New Zealand Government, for its part, must accord due weight to the fact that that statement was made in the context of discussions on the ratification of the partial test ban treaty of 5 August—a treaty of which the United States was an original signatory—and that President Kennedy's statement referred to preparations for resumption of testing "if the Treaty should be breached, abrogated or if we should have what the Treaty language describes as an imminent threat to our security". The New Zealand Government does not consider that the absence of a protest on its part can be held to be in any way inconsistent with the fact that it has protested against preparations for testing which are not related to developments in connection with the test ban treaty. There is, in short, in the New Zealand Government's view, a question of intent to which regard must be paid.

It is further suggested that a systematic campaign of opposition is developing in New Zealand. The French Government cannot but be aware of the extent of public concern in New Zealand, not only about nuclear testing but about nuclear weapons generally, a concern to which the New Zealand Government cannot remain indifferent. The growth of feeling on the issue of testing must be considered in its historical perspective; the reactions of the present day are not those of ten years earlier, and fear, like the effects of radioactive fallout, is cumulative in the population. The Government indeed has sought to temper opinion on the question of French tests and to discourage extreme proposals. A similar attitude has been adopted towards suggestions which have been made in certain quarters as to possible measures of retaliation which might be taken against France in the economic field. The French Government may be assured that, as a matter of principle, the New Zealand Government does not look with favour upon direct action by particular sections of the community in matters connected with New Zealand's external relations. The Government has also endeavoured to avoid in its own public statements any over-emphasis which could further incite public opinion.

This is particularly true as regards possible hazards to health. In this field any definite estimate of possible dangers involved must await full information about the circumstance and yield of the tests. The New Zealand Government has noted and welcomed in this connection the undertaking given by the French authorities to discuss safety measures with competent New Zealand authorities at the appropriate time. The Government's attitude must, however, failing more precise details, continue to be dictated by the concern which is felt about the possible long-term effects of cumulative increases in the general level of radioactivity.

As has been made clear on numerous occasions, however, the New Zealand Government's concern is not related simply to possible hazards to health. It has had constantly in mind the obstacles which further tests, or an announced intention to carry out tests at some date in the future, might raise to the conclusion of an agreement for their complete cessation and indeed to progress in the field of disarmament generally. With the conclusion of the partial test ban treaty there is the added concern that any tests conducted might be used as a pretext for invocation of the escape clause contained in its Article IV. In this respect the likely scale of the French test series is of little relevance.

The New Zealand Government hopes that the foregoing will provide the French Government with a fuller understanding of the position of the New Zealand Government on this matter and will convince it that New Zealand continues to be motivated solely by concern about the implications of further nuclear testing and not by the fact that it should be one particular country which at this point in time is envisaging conducting further tests.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of France the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 21 September 1963*

The New Zealand Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour, on the instructions of its Government, to refer to the subject of discussions on safety measures in relation to the proposed atomic testing in the Pacific.

The Embassy recalls the numerous occasions, commencing in February 1963, on which the French authorities have assured the New Zealand Government that at the appropriate time the latter Government would be consulted with regard to safety considerations connected with the proposed tests. The Embassy recalls also the numerous occasions on which the New Zealand Government has, both by public statement and formal communication (e.g., its Note dated 12 September 1963, to the French Embassy in Wellington) welcomed this undertaking by the French authorities.

In furtherance of the abovementioned interest of the New Zealand Government, the Embassy now wishes to make formal request to the Ministry of Foreign Affairs that such talks be commenced between competent authorities at the earliest opportunity. While recognizing that the appropriate occasion for such conversations will be determined by the French Government taking

account of the stage of development of its plans, the New Zealand Government would hope that, given the distance which separates the two countries, account might also be taken of the availability in Europe of suitably qualified New Zealand scientists.

In this connection the Embassy would wish to point out to the Ministry that an acknowledged New Zealand expert on matters to do with atomic radiation, Dr. G. E. Roth, the Director of the National Radiation Laboratory at Christchurch, is at present visiting Europe. Dr. Roth's programme provides for him to be in Paris from 27 October to 3 November. Dr. Roth is the officer mainly responsible in New Zealand for health and safety measures connected with radiation. The Embassy would therefore be grateful if the Ministry could give consideration to discussions being held at that time. It is recognized that it may not be possible on that occasion to hold conclusive talks on this subject, but it is hoped that a useful exchange of information and views may be possible during Dr. Roth's visit. Further talks will no doubt be necessary at a later stage to discuss detailed practical arrangements. The New Zealand Government wishes to suggest that any such additional talks of this nature might then more appropriately be held in the South Pacific.

The New Zealand Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Ministry of External Affairs to French Embassy
enclosing a Motion Adopted by the Legislative Assembly
of the Cook Islands, 9 December 1965*

The Ministry of External Affairs presents its compliments to the Embassy of France and has the honour, in accordance with a request made by the Legislative Assembly of the Cook Islands, to pass to the Embassy the enclosed copy of the text of a Motion concerning the proposed French nuclear tests in the Pacific.

This Motion was passed unanimously by the Legislative Assembly of the Cook Islands on Friday, 15 October 1965.

The Ministry of External Affairs takes this opportunity to renew to the Embassy of France the assurances of its highest consideration.

**Text of Motion passed by the Legislative Assembly
of the Cook Islands on Friday, 15 October 1965**

"That this Assembly:

recognizing—the French Government's intention to conduct a series of hydrogen bomb tests in spite of the numerous protests and appeals lodged with the French Government by the world's governments and peoples deploring the testing of further nuclear devices
mindful—of the hazards of further atmospheric pollution and the practicable

impossibility of preventing fallout irrespective of the measures taken, or announced safeguards employed
conscious—of the Cook Islands' proximity to the testing area
strongly re-affirms—the motion adopted by the Cook Islands Legislative Assembly in 1963 (Motion No. 8) which reads

'That this Assembly regards the proposed H-bomb tests in the Gambier Group as a serious menace to health and security in the South Pacific, and accordingly registers its protest against these.'

and requests—the New Zealand Government to communicate this Assembly's expression of censure to the French authorities."

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 14 April 1966*

The Embassy of New Zealand presents its compliments to the Ministry of External Affairs and acting on the instructions of its Government has the honour to refer to the French Government's plans to conduct a series of nuclear weapons tests in the South Pacific Ocean.

The New Zealand Government has more than once made known its deep concern at these plans which have aroused the keenest apprehension among the people of New Zealand and those of the Pacific Islands with whom New Zealand maintains the closest ties. It feels obliged now to reaffirm its protest against the holding of nuclear tests in the atmosphere particularly in the South Pacific.

If the French Government proceeds with its intentions New Zealand, consistent with its obligations under the Partial Nuclear Test Ban Treaty of 1963, will be unable to grant authority for any visits to New Zealand territory by French military aircraft or ships or overflights of New Zealand by French military aircraft unless assured that they are not carrying material intended for the test site or for the monitoring of the tests or for the support of forces and personnel engaged in the tests or in the monitoring of the tests, other than monitoring to detect possible health hazards.

The New Zealand Government intends to establish a monitoring system in certain of the Pacific Islands for which New Zealand feels a special concern and responsibility to enable the detection of a rise in the level of radiation resulting from the tests that would give cause for immediate concern. While such an increase may be unlikely the existence of the system should help reassure opinion. The New Zealand Government accordingly has the honour to request the co-operation of the French Government in providing the fullest information that would assist the operation of this monitoring system.

The Embassy of New Zealand avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 27 May 1966*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and on the instructions of its Government has the honour to refer to the French Government's announcement of 16 May 1966, in a notice to navigators and an air information publication, of the establishment of a danger zone in the South Pacific in the light of its intention to conduct nuclear weapons tests.

The New Zealand Government has noted this step with grave concern and solemnly reiterates its protest at the holding of nuclear tests in the atmosphere particularly in the South Pacific.

The Government and the people of New Zealand in common with many other governments and peoples are deeply concerned at the prospect of a proliferation of nuclear weapons technology which carries with it the spiralling risks of contamination of the atmosphere and calamitous nuclear hostilities. The Government must regard the checking, not the expansion of nuclear weapons capability, as one of the most urgent problems of international security. New Zealand has long stressed its opposition to the continuation of all nuclear testing. It welcomed the partial test ban treaty of 1963 as a measure of progress towards more far reaching measures of disarmament and arms control and as a means of halting the contamination of man's environment. The continuation of testing in the atmosphere cannot but hinder the attainment of that objective and contribute also to the difficulties of securing a universally accepted and comprehensive test ban treaty.

Moreover, the New Zealand Government and people cannot but be concerned at a further contamination of man's environment particularly in the South Pacific by nuclear explosions. The Government has welcomed assurances freely given by France that it intends to do everything possible to minimize the possibility of a hazard to the health and welfare of the inhabitants of the Pacific Islands. It has appreciated the opportunity offered by the French Government to discuss safety measures with the competent French authorities. It must note, however, that there can be no assurance of the complete elimination of all risks incidental to the proposed tests.

If tests are conducted the New Zealand Government trusts that every effort will be made in accordance with France's announced intentions to minimize the risks involved. In particular it expresses the earnest wish that explosions will take place only in circumstances, especially with regard to meteorological conditions, which afford the greatest possibility of eliminating the risk of fallout on inhabited territories. The New Zealand Government nonetheless must formally reserve the right to hold the French Government responsible for any damage or losses incurred as a result of the tests by New Zealand or the Pacific Islands for which New Zealand has special responsibility or concern.

The Embassy of New Zealand avails itself of the opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from French Ministry of Foreign Affairs
to New Zealand Embassy, 10 June 1966*

Le Ministère des affaires étrangères présente ses compliments à l'Ambassade de Nouvelle-Zélande et a l'honneur de lui faire part de ce qui suit :

Le Ministère des affaires étrangères a pris connaissance avec attention des notes 1966/1 et 1966/13 du 14 avril et du 27 mai par lesquelles l'Ambassade de Nouvelle-Zélande faisait connaître le point de vue de son gouvernement au sujet des expériences nucléaires françaises prévues en Polynésie.

La position de la France à l'égard de la cessation des essais nucléaires est bien connue et n'a pas varié. A de nombreuses reprises ses représentants ont rappelé que l'immense pouvoir de destruction que représentent pour l'humanité les armes atomiques demeurerait intact si la suspension des expériences n'était pas accompagnée de l'arrêt contrôlé des fabrications nouvelles et de l'élimination progressive et vérifiée des stocks d'armes existants. Au demeurant le traité de Moscou auquel se réfère le Gouvernement néo-zélandais ne met pas d'obstacle à la poursuite de certaines expériences. Cette possibilité a été largement utilisée par les puissances nucléaires signataires de ce traité; certaines de ces puissances ont même expressément réservé leur droit de reprendre les essais nucléaires aériens si les nécessités de leur défense venaient à l'exiger.

Le Gouvernement français demeure donc prêt à s'associer à tout moment à une politique de désarmement qui soit efficace et contrôlé. Mais en l'absence d'une telle politique et aussi longtemps que d'autres puissances posséderont des armes modernes il estime de son devoir de conserver sa liberté dans ce domaine.

Comme il a déjà eu l'occasion de le faire savoir, lors des conversations qui ont eu lieu à Paris avec les experts néo-zélandais le 29 octobre 1965, le Gouvernement français estime devoir souligner à nouveau que toutes précautions seront prises en vue d'assurer la sécurité et l'innocuité des essais nucléaires français. Dans ces conditions, il apparaîtra au Gouvernement néo-zélandais que dans l'éventualité d'un accident qui surviendrait en rapport avec le programme français d'expériences, le Gouvernement français ne pourrait accepter de voir sa responsabilité engagée même partiellement, qu'après une étude minutieuse des circonstances qui auraient entouré l'accident. Il ne saurait en tout cas l'accepter dans l'hypothèse où les victimes ne se seraient pas conformées aux prescriptions d'usage concernant la zone dangereuse des essais.

Toutefois le Gouvernement néo-zélandais doit être bien conscient du fait qu'en prenant toutes dispositions utiles pour assurer la protection des populations voisines de la zone des tirs, le Gouvernement français a entendu à fortiori garantir la sécurité des populations qui en sont bien plus éloignées, telles que celles de la Nouvelle-Zélande, ou des territoires qui sont placés sous sa responsabilité. Le Gouvernement néo-zélandais a eu connaissance, lors des entretiens de 1965, des conditions de sécurité retenues tant pour les expérimentateurs que pour les populations situées dans les régions extérieures au champ de tir. A ce sujet, le Ministère des affaires étrangères est en mesure de renouveler à l'Ambassade de Nouvelle-Zélande l'assurance que l'ordre de tir ne sera donné que lorsque toutes ces conditions seront réunies.

Le Ministère des affaires étrangères saisit cette occasion pour renouveler à l'Ambassade de Nouvelle-Zélande les assurances de sa plus haute considération.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 2 July 1966*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and, acting on the instructions of its Government, has the honour to refer to the testing of a nuclear device by France in the South Pacific.

The New Zealand Government has consistently expressed its opposition to the continuation of atmospheric nuclear testing by any country, particularly if this is carried out in the South Pacific. It feels obliged now to reaffirm its strong protest to the French Government at the holding of these tests and to deplore any continuation thereof.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 20 July 1966*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and, acting on the instructions of its Government, has the honour to draw to the attention of the Ministry the following press statement which was released by the Prime Minister of New Zealand on 20 July:

“This second test in the French series is all the more regrettable in the light of the unfavourable world reaction to the first test”, said the Prime Minister (Rt. Hon. Keith Holyoake) today. “One can only reiterate our opposition to any nuclear testing in the atmosphere, particularly in the South Pacific, and express the profound hope that progress will be made towards the cessation of all testing and the settlement of other disarmament problems.”

The Embassy of New Zealand avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 11 April 1967*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and has the honour, on the instructions of its Government, to inform the Ministry of the following:

The attitude of the New Zealand Government towards nuclear testing in the atmosphere has already been made clear in the Embassy's Notes to the Ministry of 15 March 1963, 16 May 1963, 14 April 1966, 27 May 1966 and 4 July 1966. The Embassy has been instructed to reaffirm these statements of the Government's position and to reiterate its strong protests at the conduct

of nuclear tests in the atmosphere, particularly in the South Pacific. The Government expresses the hope that France will not proceed with further tests. If, however, the French Government proposes nevertheless to resume its test programme, the New Zealand Government would welcome the earliest advance notice of the intention in order that arrangements for the establishment of a monitoring network similar to that deployed in 1966 may be reviewed and finalized. The fact that the monitoring system recorded high levels of radioactivity in the air and in rainouts in various Pacific islands, including the Cook Islands, Western Samoa and Fiji, following the detonations of 11 September and 4 October 1966 not only illustrates the need for the greatest care to ensure that safeguards are applied in the conduct of tests in order to minimize the risk of hazard to health but also underlines the value of the monitoring network. In this context, the New Zealand Government wishes to recall the request in its Note of 14 April 1966 for the co-operation of the French Government in providing information to assist in the operation of this monitoring system.

The Embassy of New Zealand avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest considerations.

*Note from French Ministry of Foreign Affairs
to New Zealand Embassy, 25 April 1967*

Le Ministère des affaires étrangères présente ses compliments à l'Ambassade de Nouvelle-Zélande et, se référant à sa note du 11 avril 1967 et à l'aide-mémoire qui l'accompagnait, a l'honneur de lui faire part de ce qui suit.

La position de la France à l'égard de la cessation des essais nucléaires est bien connue et elle a été exposée à diverses reprises, notamment par note n° 22/QA du 10 juin 1966 à l'Ambassade de Nouvelle-Zélande. Il n'est donc pas nécessaire d'y revenir.

Dans le domaine pratique, le Gouvernement français reste naturellement prêt à poursuivre les échanges d'informations qui ont été établis avec les autorités néo-zélandaises à la suite de la visite du Dr Roth en octobre 1965.

L'Ambassade de Nouvelle-Zélande a été informée en temps utile de l'intention du Gouvernement français d'entreprendre, entre le 1^{er} juin et le 15 juillet 1967, une nouvelle campagne d'essais nucléaires, portant sur un nombre restreint d'engins d'une puissance limitée.

L'Ambassade de Nouvelle-Zélande a eu d'autre part communication le 5 avril 1967 des résultats des mesures sur la radioactivité effectuées en Polynésie française pendant la campagne d'essais de 1966. L'Ambassade aura noté que, s'agissant de mesures définitives qui ont été vérifiées à Paris et qui s'étendent jusqu'au mois de décembre 1966 inclus, il était normal que leur publication entraînant certains délais. Ces mesures corroborent notamment celles qui ont été signalées par l'Ambassade le 19 janvier 1967 et qui faisaient état d'un accroissement momentané de la radioactivité sur certaines îles du Pacifique. Mais, ainsi que le Dr Roth lui-même l'a reconnu le 28 septembre 1966, ces accroissements de la radioactivité ne présentaient pas de risque

sanitaire étant donné que la dose permise est calculée sur la base d'une consommation annuelle ininterrompue, et que les hausses constatées n'ont concerné que quelques jours de l'année.

Le Ministère des affaires étrangères souhaite que les échanges réguliers qui se sont instaurés au sujet des expériences françaises soient poursuivis. Il est prêt, pour sa part, à les faciliter dans toute la mesure de ses moyens.

Le Ministère des affaires étrangères saisit cette occasion pour renouveler à l'Ambassade de Nouvelle-Zélande les assurances de sa haute considération.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 25 April 1967*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and has the honour to refer to the announcement made by the French Government on 20 April of the re-establishment of a danger zone in the South Pacific in light of its intention to resume nuclear tests this year.

In a Note 1966/13 of 27 May 1966 the Embassy conveyed to the Ministry the concern of the New Zealand Government at the announcement of the intention of the French Government at that time to establish a danger zone in respect of last year's test series. The New Zealand Government is disappointed to learn that the French Government has again established a danger zone with a view to carrying out tests and firmly reiterates its protest at the conduct of nuclear testing in the atmosphere, particularly in the South Pacific.

The New Zealand Government once again expresses the hope that the French Government will make every effort to minimize risks involved and ensure that explosions take place only in meteorological conditions which afford the greatest possibility of eliminating risk of fallout in inhabited territories. The New Zealand Government nonetheless must again formally reaffirm its right to hold the French Government responsible for any damage or losses incurred by New Zealand or the Pacific Islands for which New Zealand has special responsibility or concern, as a result of the tests which France plans to conduct this year.

The Embassy of New Zealand avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from French Ministry of Foreign Affairs
to New Zealand Embassy, 5 May 1967*

Le Ministère des affaires étrangères présente ses compliments à l'Ambassade de Nouvelle-Zélande et se référant à sa note du 25 avril 1967, a l'honneur de lui faire part de ce qui suit :

Les questions évoquées par cette note ont déjà, pour la plupart, reçu réponse dans celle qui a été remise le même jour à l'Ambassade de Nouvelle-Zélande.

Pour ce qui est des prochains essais nucléaires l'Ambassade de Nouvelle-Zélande connaît les mesures mises en œuvre par les services français pour assurer la sécurité des populations; cette question a été le sujet essentiel des entretiens de M. Roth à Paris en 1965.

Quant à l'éventualité d'un accident qui surviendrait à l'occasion de ces expériences, le Gouvernement français, ainsi qu'il l'a fait savoir à l'Ambassade de Nouvelle-Zélande par note du 10 juin 1966, ne pourrait accepter de voir sa responsabilité engagée, même partiellement, qu'après une étude minutieuse des circonstances qui auraient entouré l'accident. Il ne saurait en tout cas l'accepter dans l'hypothèse où les victimes ne se seraient pas conformées aux prescriptions d'usage concernant la zone dangereuse des essais.

Le Ministère des affaires étrangères saisit cette occasion pour renouveler à l'Ambassade de Nouvelle-Zélande les assurances de sa haute considération.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 5 June 1968*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and has the honour, on the instructions of its Government, to refer to the latter's note dated 6 May 1968 conveying notifications of warnings to aircraft and shipping about the establishment of the danger zone in the South Pacific in connection with nuclear tests which the French Government is about to undertake in that area.

The New Zealand Government has made it clear on previous occasions that it is firmly opposed to nuclear testing and in particular to the continued atmospheric testing of nuclear weapons in direct opposition to the principles set out in the partial test ban treaty of 1963. The New Zealand Government is therefore deeply concerned to learn of the intention of the French Government to carry out a series of nuclear tests this year. It feels that such an action can only hinder the attainment of further disarmament measures which are universally considered essential for the attainment of future international security.

The New Zealand Government is also deeply concerned about the potential risks of contamination within the environment of the South Pacific as a result of fallout from the proposed nuclear tests. On behalf of all the peoples for whom it is responsible the New Zealand Government deplores the continued use of the South Pacific area as an experimental site for nuclear explosions. If such testing of weapons is nevertheless carried out during 1968, the New Zealand Government will expect the French Government to minimize potential risks, and to ensure that all explosions take place only in meteorological conditions which afford the greatest possibility of eliminating risk of dangerous fallout in inhabited areas. New Zealand is however deeply conscious that—despite the precautions which may be taken—an element of uncertainty must always remain about the potential hazards from any atmospheric nuclear explosion. The New Zealand Government reaffirms, therefore, that it formally reserves the right to hold the French Government responsible for any damage or losses incurred by New Zealand or the Pacific Islands for

which New Zealand has special responsibility or concern, as a result of the weapons tests which France plans to conduct this year.

The Government of the Cook Islands has stated that it shares the views of the New Zealand Government expressed in this note.

The Embassy of New Zealand avails itself of the opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Foreign Ministry, 6 April 1970*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and has the honour, on the instructions of its Government, to refer to the announced intention of the Government of France to undertake in the near future a further series of nuclear tests in the South Pacific.

The New Zealand Government has made it clear on previous occasions that it is firmly opposed to nuclear testing and in particular to the continued atmospheric testing of nuclear weapons in direct opposition to the principles set out in the partial test ban treaty of 1963. The New Zealand Government is therefore deeply concerned to learn of the intention of the French Government to carry out a series of nuclear tests this year.

The New Zealand Government is also deeply concerned about the potential risks of contamination within the environment of the South Pacific as a result of fallout from the proposed nuclear tests. On behalf of all the peoples for whom it is responsible the New Zealand Government deplores the continued use of the South Pacific area as an experimental site for nuclear explosions. If such testing of weapons is nevertheless carried out during 1970, the New Zealand Government will expect the French Government to minimize potential risks, and to ensure that all explosions take place only in meteorological conditions which afford the greatest possibility of eliminating risk of dangerous fallout in inhabited areas. New Zealand is however deeply conscious that—despite the precautions which may be taken—an element of uncertainty must always remain about the potential hazards from any atmospheric nuclear explosion. The New Zealand Government reaffirms, therefore, that it formally reserves the right to hold the French Government responsible for any damage or losses incurred by New Zealand or the Pacific Islands for which New Zealand has special responsibility or concern, as a result of the weapons tests which France plans to conduct this year.

The Government of the Cook Islands has stated that it strongly shares the views of the New Zealand Government expressed in this note.

The Embassy of New Zealand avails itself of the opportunity to renew to the Minister of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 14 May 1971*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and has the honour, on the instructions of its Government, to refer to the announced intention of the Government of France to undertake in the near future, a further series of nuclear tests in the South Pacific.

The New Zealand Government has made it clear on previous occasions that it is firmly opposed to nuclear testing and in particular to the continued atmospheric testing of nuclear weapons in direct opposition to the principles set out in the Partial Test Ban Treaty of 1963. The New Zealand Government is therefore deeply concerned to learn of the intention of the French Government to carry out a series of nuclear tests this year.

The New Zealand Government is also deeply concerned about the potential risks of contamination within the environment of the South Pacific as a result of fallout from the proposed nuclear tests. On behalf of all the peoples for whom it is responsible, the New Zealand Government deplors the continued use of the South Pacific area as a site for nuclear experiments. If such testing of weapons is nevertheless carried out during 1971, the New Zealand Government will expect the French Government to minimize potential risks, and to ensure that all explosions take place only in meteorological conditions which afford the greatest possibility of eliminating risk of dangerous fallout in inhabited areas. New Zealand is, however, deeply conscious that, despite the precautions which may be taken, an element of uncertainty must always remain about the potential hazards from any atmospheric nuclear explosion. The New Zealand Government reaffirms, therefore, that it formally reserves the right to hold the French Government responsible for any damage or losses incurred by New Zealand, or the Pacific Islands for which New Zealand has special responsibility or concern, as a result of the weapons tests which France plans to conduct this year.

The Government of the Cook Islands has stated that it strongly shares the views of the New Zealand Government expressed in this note.

The Embassy of New Zealand avails itself of the opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 29 March 1972*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and has the honour, on instructions from the New Zealand Government, to refer to its previous communications concerning the testing of nuclear weapons.

The New Zealand Government notes from reports of statements made by

responsible French officials, and notably the Governor of French Polynesia, that it is the intention of the French Government to carry out a further series of atmospheric nuclear tests in the Pacific during 1972. The New Zealand Government has made it clear on previous occasions that it is firmly opposed to nuclear testing and in particular to the continued atmospheric nuclear testing of nuclear weapons which is an activity in direct conflict with the principles set out in the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water, to which New Zealand is a party.

The New Zealand Government recalls that in its resolution 2828C (XXVI) of 16 December 1971, the United Nations General Assembly urged all States that have not yet done so to adhere without further delay to the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water and meanwhile to refrain from conducting nuclear tests in the environments covered by that Treaty. A further series of atmospheric nuclear tests would thus be in direct conflict with the wishes of the Assembly.

Furthermore, the participants in the South Pacific Forum which met in Wellington from 5 to 7 August 1971 expressed deep regret that atmospheric nuclear tests continued to be held in French Polynesia and addressed an urgent appeal to the Government of France that the series of nuclear tests then being held should be the last held in the Pacific area. This appeal was handed to the French Government on 5 August 1971 by the New Zealand Embassy which was acting on behalf of the participants in the Forum.

The New Zealand Government is also deeply conscious that, despite any precautions that may be taken, an element of uncertainty must always remain about the potential hazards which result from any atmospheric nuclear explosion. The radiation which results is not offset by any benefit to the people of New Zealand or the surrounding areas.

For these reasons, the New Zealand Government is deeply concerned that the French Government should intend to carry out a further series of atmospheric nuclear tests later this year. On behalf of all the peoples for which it is responsible the New Zealand Government deplores the continued use of the South Pacific as a site for nuclear experiments. If such testing of nuclear weapons is carried out during 1972, the New Zealand Government will expect the French Government once again to make every effort to minimize potential risks and to ensure that all explosions take place only in meteorological conditions which afford the greatest possibility of eliminating the risk of dangerous fallout in inhabited areas. The New Zealand Government reaffirms that it formally reserves the right to hold the French Government responsible for any damage or losses incurred by New Zealand, or the Pacific Islands for which New Zealand has a responsibility, as a result of any nuclear weapons tests conducted by the Government of France.

The Embassy of New Zealand takes this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 5 June 1972*

The New Zealand Embassy presents its compliments to the Ministry of Foreign Affairs and, with reference to proposals to conduct nuclear tests in the South Pacific in the near future, has the honour, on the instructions from the New Zealand Government, to request that the commencement of these tests be postponed until after the United Nations Conference on the Human Environment which began in Stockholm on 5 June.

At the same time the Embassy should mention that, at the request of the Federation of Labour (which has imposed a ban on the handling of goods destined for French territory and on ships and, probably, aircraft destined for French territory in the Pacific), the New Zealand Government has undertaken to approach Pacific nations and France to ascertain whether they would be prepared to discuss nuclear tests in the Pacific.

The New Zealand Embassy takes this opportunity of conveying to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Note from New Zealand Embassy
to French Ministry of Foreign Affairs, 19 June 1972*

The Embassy of New Zealand presents its compliments to the Ministry of Foreign Affairs and wishes to refer to the forthcoming series of nuclear tests in the Pacific.

The New Zealand Government has been requested by the Cook Islands Government to convey its protest about the expected test series. The Cook Islands Government feels, moreover, it is necessary to stress that it is one of the closest territories to the test area and that it considers its interests are affected accordingly.

The Embassy of New Zealand takes this opportunity of conveying to the Ministry of Foreign Affairs the assurances of its highest consideration.

*Letter from New Zealand Prime Minister
to French Ambassador, 19 December 1972*

My dear Ambassador,

It might be helpful to you if, as you return to Paris for consultations with your Government, I set out briefly for you my hopes for the development of Franco-New Zealand relations and my feelings on the one serious element of discord which enters into them.

There can be no doubt that in many respects the past few years and more

particularly 1972 have witnessed a growth in contacts between our two countries which has served to emphasize how much we have in common. The framework for New Zealand's economic relationship with the new Europe of which France is a leading member has been set for the years ahead in the arrangement concluded in Luxembourg, and we shall wish to remain in continuing contact with the French authorities on these matters. We greatly appreciated the particularly welcoming attitude displayed by the French authorities in our initial soundings about New Zealand membership of OECD, which will further enhance the importance of New Zealand's diplomatic presence in Paris. We have warmly welcomed such events as the visit to New Zealand of a strong Parliamentary delegation in 1972. The visit of the High Commissioner for the Pacific at the time of the Marion du Fresne bicentenary commemoration earlier this year was a token of the many common interests which we share in the South Pacific, as was the occasion itself of New Zealand's appreciation of the historical role played by France. I have noted with interest the intensified cultural effort which you have been making, notably through exhibitions and assistance in the field of French language studies and teaching, and I know that this has brought great satisfaction to many New Zealanders. There are many other areas where French and New Zealand policies are in harmony. I am hopeful, indeed, that in some respects you will find the Labour Government's policies more closely in tune with those of France than has been the case up till now; our stated objectives in the Asian region are a good case in point, and there may be scope for a greater degree of consultation between us on these matters.

These are all hopeful developments and I for my part am ready to commit my Government to a continuing effort to deepen the relationship.

It is a pity, nevertheless, that it should be clouded by the single item of continued nuclear testing on Mururoa. It has been noteworthy that during the past year, in spite of and perhaps because of, our difference on this one point, exchanges between the two countries should have been easier and more sustained than they have ever been. I hope that this climate can be maintained.

You personally are well aware, as I have no doubt your Government is also of the deep-seated opposition of the great majority of New Zealanders to nuclear testing in the South Pacific. This public mood, so widespread that it must be heeded by a democratically elected government, is based, I think, on three factors: anxiety about the possible physical effects of radioactive fallout, concern at this demonstrable evidence of proliferating nuclear weapons, and resentment that a European power should carry out such experiments not on its own metropolitan territory but in an overseas territory in what may seem from Paris a remote region, but which is nevertheless the region in which we and Pacific peoples live.

The New Zealand Government for its part has sought to remain objective in its public presentation of the facts about fallout. I know that the reports on the results of monitoring published by the National Radiation Laboratory and widely disseminated to other governments in the region as well as to the United Nations Scientific Committee on the Effects of Atomic Radiation, have been appreciated by the French authorities as an impartial scientific assessment and even quoted by them. The fact remains, however, that there are unknown factors involved particularly as regards long-term effects. When every effort is made to avoid unnecessary radiation from other sources at the national level, it is surely quite illogical to contend that there are legitimate grounds for the uncontrolled deposition of fallout from nuclear test

explosions for weapons purposes, from which the other populations exposed derive no benefit whatsoever. This is a sober view which does not fall into the excesses of alarmism or emotionalism. As you are aware, it received very general support from the United Nations Conference on the Human Environment.

It is sometimes argued that New Zealand did not give any indication of opposition to similar atmospheric testing activity in the Pacific on the part of the United States and the United Kingdom, and this is largely true. But the fact is that the growth of public and governmental concern about both the physical effects of nuclear testing and its relationship to progress in the field of *disarmament* was a process extending over a number of years. By the time the moratorium was broken by the Soviet Union in 1961, the New Zealand position had evolved significantly. The American decision to follow suit was far from welcomed, both in public and in private exchanges, and in the following year New Zealand voted in the United Nations to condemn all nuclear tests, a position which it has since maintained. Against this historical background, as well as against the background of the Partial Test Ban Treaty, the Non-Proliferation Treaty, the continuing SALT talks and the general détente among the major powers, it is difficult for any New Zealand Government to accept that further nuclear testing, particularly in the atmosphere, can be justified on the grounds of the need to acquire an independent nuclear capability—an argument which could well be employed by a number of near-nuclear powers which do not have the acknowledged nuclear status which France has already attained.

Finally, it would be mistaken to underestimate the strong feeling which is evident throughout the South Pacific and beyond, as shown during the recent debate in the General Assembly, that the French Government has paid inadequate regard to the concern felt in the region itself. It is not without significance that the resolution adopted by the General Assembly this year had so wide a range of Pacific co-sponsors or that this was the first occasion on which countries from various parts of the region had taken joint action on a political question. I might add that the feeling that the legitimate concern of the region itself has not been taken sufficiently into account was greatly accentuated this year by the veil of secrecy which was kept over the timing of the tests and, indeed, the individual explosions when they occurred. The impact on opinion at all levels was decidedly adverse. I believe that this is an aspect of the problem on which the French authorities would do well to reflect.

My Government is committed to working through all possible means to bring the tests to an end, and we shall not hesitate to use the channels available to us in concert as appropriate with like-minded countries. It is my hope, however, Mr. Ambassador, that you will convey to your Government while in Paris my earnest desire to see this one element of serious contention removed from what is in other respects an excellent relationship between our countries. For my part, I see no other way than a halt to further testing.

Yours sincerely,

(Signed) Norman KIRK.

*Letter from French Ambassador
to New Zealand Prime Minister, 19 February 1973*

Monsieur le premier ministre,

Mon gouvernement a pris connaissance avec la plus grande attention des réflexions sur l'état actuel des relations entre la Nouvelle-Zélande et la France, dont Votre Excellence avait bien voulu me faire part dans sa lettre du 19 décembre 1972.

Le Gouvernement français est très heureux de constater que son vif désir de voir se développer les relations entre les deux pays est partagé par le Gouvernement néo-zélandais. De même, considère-t-il, avec Votre Excellence, que ces dernières années ont été particulièrement riches en événements qui témoignent de la multiplication de nos liens et donnent à la traditionnelle amitié franco-néo-zélandaise de nouvelles dimensions.

L'accroissement des échanges entre nos pays constaté depuis deux ans, particulièrement de nos achats, témoigne de possibilités de coopération accrue qui existent entre deux économies en développement rapide. Il est certainement de notre intérêt mutuel de ne pas compromettre cette perspective.

L'élargissement des Communautés européennes devrait aussi fournir l'occasion à nos deux pays de resserrer leurs relations. Le Gouvernement français considère, comme le sait Votre Excellence, que cet événement pourrait conduire la Nouvelle-Zélande à développer ses échanges avec tous les pays membres des Communautés. Il est disposé, pour sa part, à rester en contact avec le Gouvernement néo-zélandais et à examiner, dans les conditions convenues lors de l'élargissement des Communautés, les problèmes particuliers se posant à cet égard à la Nouvelle-Zélande.

La demande d'adhésion de la Nouvelle-Zélande à l'OCDE témoigne aussi de l'importance de nos intérêts communs. Nos deux gouvernements pourront, dans le cadre de cette organisation, poursuivre un dialogue fructueux et examiner de concert les importantes questions qui commandent, dans les prochaines années, l'avenir de l'économie mondiale.

Les perspectives qui s'ouvrent en Asie à l'entente et à la coopération entre les peuples doivent également inciter la Nouvelle-Zélande et la France à élargir le champ de leurs relations et à intensifier leurs échanges. Il n'est pas indifférent à cet égard que nos gouvernements aient des vues très voisines sur un certain nombre d'importants problèmes asiatiques et qu'ils s'apprentent notamment tous deux à participer à l'œuvre de paix que représente la reconstruction des pays d'Indochine.

L'amicale collaboration qui existe entre la Nouvelle-Zélande et la France au sein de la Commission du Pacifique Sud, depuis sa création, fournit à ce propos un précédent encourageant.

L'heureuse évolution dans les relations entre nos deux pays, que Votre Excellence a si justement rappelée dans sa lettre du 19 décembre dernier, tient, le Gouvernement français en est persuadé, non à des circonstances passagères, mais aux changements durables intervenus dans le monde. C'est là un fait essentiel que nous ne pouvons ignorer et qui doit nous conduire, par un dialogue renforcé entre nos deux pays, à mettre l'accent sur ce qui nous rapproche.

Votre Excellence indique toutefois dans sa lettre que les relations franco-néo-zélandaises, par ailleurs fort prometteuses, comportent un « élément sérieux de désaccord », constitué par les expériences nucléaires dans le Pacifique Sud, et précise les raisons sur lesquelles elle fonde son appréciation.

Le Gouvernement français n'ignore pas l'importance attachée à ce problème par le Gouvernement néo-zélandais et souhaite répondre dans un esprit de franchise et d'amitié aux préoccupations exprimées par Votre Excellence.

Entre 1870 et 1940, la France a connu trois fois les souffrances de l'invasion. Sortie victorieuse des deux guerres mondiales grâce au concours de ses valeureux alliés au nombre desquels figurait la Nouvelle-Zélande, elle n'en porta pas moins longtemps la marque des épreuves subies.

Il était naturel qu'instruit par cette dure expérience le Gouvernement français se préoccupât de tout mettre en œuvre pour éviter le retour de semblables tragédies. Une analyse lucide de la situation internationale l'a conduit à considérer qu'aussi longtemps que les conditions d'un véritable désarmement général et complet, et tout d'abord d'un désarmement nucléaire, sous contrôle international efficace, n'étaient pas réunies, il était de son devoir d'assurer la sécurité de la France en la dotant des moyens propres à dissuader tout agresseur éventuel.

Le Gouvernement français n'ignore pas pour autant les progrès de la détente, dont il se félicite, et auxquels il a conscience d'avoir contribué, tant en Europe qu'en Asie, il estime toutefois qu'ils ne sont pas tels que la situation internationale s'en trouve radicalement transformée.

On constate, par exemple, qu'en matière de désarmement, les résultats ne sont malheureusement pas à la mesure des espoirs, car on ne saurait tenir pour des progrès décisifs en ce domaine les mesures intervenues ces dernières années, alors que, *notamment*, les deux plus importantes puissances nucléaires continuent d'entretenir ou même d'accroître des stocks déjà surabondants d'armements nucléaires, ainsi que de perfectionner et de diversifier ces armes.

Le Gouvernement français est convaincu pour toutes ces raisons que sa décision de doter la France d'une arme de dissuasion efficace répond à une nécessité impérieuse de *sécurité nationale*, et il est persuadé que Votre Excellence, qui a la charge des destinées de la Nouvelle-Zélande, comprendra ses préoccupations.

En ce qui concerne les *expérimentations*, la France a toujours considéré qu'il était de son devoir de faire en sorte que soient réunies toutes les conditions et prises toutes les précautions pour qu'elles n'entraînent aucun dommage à la population, à la faune et à la flore mondiales.

Votre Excellence s'étonne que le site retenu se trouve fort loin du territoire métropolitain de la France. La décision du Gouvernement français a été motivée par des considérations scientifiques, en dépit des inconvénients financiers et des longues distances qu'elle impliquait.

Installé dans un archipel de souveraineté française, le site est constitué de deux atolls inhabités, qui se trouvent eux-mêmes à *plusieurs centaines* de kilomètres de lieux habités (à l'exception de l'îlot de Tureia, de souveraineté française, à 100 kilomètres du lieu des explosions, qui compte quelques dizaines d'habitants et où les abris nécessaires ont été construits). Aucune région d'Europe ne présente évidemment de telles caractéristiques.

Le site où ont eu lieu les expériences a été choisi de manière à apporter le moins de gêne possible aux communications commerciales, maritimes et aériennes.

Les distances observées ont toujours assuré les garanties optima de sécurité aux populations les plus proches du lieu des expériences et, *a fortiori*, à la Nouvelle-Zélande, qui s'en trouve éloignée de plus de 4000 kilomètres.

Il ressort d'ailleurs des rapports établis par le « National Laboratory » et

cités par Votre Excellence, que les retombées des essais français n'ont jamais présenté de danger pour la santé de la population néo-zélandaise. Les rapports du « National Radiation Advisory Committee » aboutissent aux mêmes conclusions pour l'Australie.

Au niveau mondial, aucune remarque particulière à l'encontre des expérimentations effectuées dans le Pacifique n'a été formulée dans les rapports établis par le Comité scientifique des Nations Unies pour l'étude des effets des radiations ionisantes et approuvés par la Commission politique spéciale de l'Assemblée générale de l'Organisation des Nations Unies et par cette Assemblée elle-même. Le dernier rapport du Comité scientifique, approuvé à l'unanimité le 6 octobre 1972 par la Commission et adopté sans débat par l'Assemblée générale le 17 octobre, faisait état du très faible niveau mondial des radiations ionisantes.

Votre Excellence fait d'autre part allusion aux effets à long terme des expériences. Le Gouvernement français est conscient des préoccupations qui s'expriment en ce domaine, mais il constate qu'elles ne peuvent reposer que sur des conjectures. Votre Excellence ne peut ignorer que dans tous les rapports du Comité scientifique des Nations Unies et notamment celui dont il vient d'être rappelé la récente approbation, l'évaluation des effets à long terme de toute nature dus aux expérimentations nucléaires est très faible par rapport à l'irradiation naturelle et à celle imputable aux utilisations pacifiques de l'énergie atomique, notamment l'irradiation à usage médical. Dans cette évaluation globale très faible, la part correspondant aux expérimentations françaises est infime.

Le Gouvernement français tient enfin à souligner qu'il s'est toujours efforcé de répondre aux préoccupations qui ont pu s'exprimer dans le monde et notamment dans la région du Pacifique Sud à propos de ses expérimentations. Il a mis chaque année à la disposition du Comité scientifique des Nations Unies pour l'étude des radiations ionisantes une documentation complète et objective sur les conséquences de ses tirs et il est le seul, parmi ceux qui ont procédé à des expériences nucléaires, à agir de la sorte.

En ce qui concerne plus précisément la Nouvelle-Zélande, Votre Excellence n'ignore pas qu'une invitation à visiter les installations du Centre d'expérimentation du Pacifique a été adressée par le Gouvernement français à une personnalité scientifique néo-zélandaise que désignerait son gouvernement.

Une commission scientifique s'est par ailleurs réunie à Guayaquil les 12 et 13 juin 1972. Composée de représentants scientifiques de l'Equateur, du Pérou, de la Bolivie, de la Colombie, du Chili et de la France, elle a constaté que tous les résultats des mesures effectuées dans les pays participant à cette réunion étaient satisfaisants et vérifié que dans le domaine écologique, maritime et terrestre, la contamination radioactive était non significative. Le Gouvernement néo-zélandais avait été invité à déléguer un observateur à cette réunion.

Le Gouvernement français souhaite vivement que l'ensemble des considérations qui viennent d'être exposées à Votre Excellence retiennent toute l'attention du Gouvernement néo-zélandais et il veut espérer que celui-ci s'abstiendra de tout acte de nature à porter atteinte aux droits et intérêts fondamentaux de la France.

Il ne négligera, pour sa part, aucun effort pour développer avec la Nouvelle-Zélande des relations mutuellement avantageuses et se déclare prêt, dans cet esprit, à poursuivre avec le Gouvernement néo-zélandais des échanges de vues sur tout point qui pourrait paraître utile.

Je prie Votre Excellence de bien vouloir agréer les assurances de ma très haute considération.

(Signed) CHRISTIAN DE NICOLAY.

*Letter from New Zealand Prime Minister
to French Foreign Minister, 9 March 1973*

My dear Minister,

I have read with care the letter addressed to me by your Ambassador in Wellington on 19 February 1973 in which he conveyed your Government's response to my letter of 19 December 1972. It is gratifying that our Governments agree on the significance we attach to our relations and the ways in which we want to see them develop to the advantage of both our peoples and of the regions in which we live. I was pleased to learn from your Ambassador that the views I conveyed through him, including my concern about the one area of serious difference between our two countries, have been considered at the highest levels of government.

I appreciated the careful exposition in the Ambassador's letter of the considerations that have led France to undertake a nuclear weapons programme. Nevertheless, I cannot emphasize too strongly that the disquiet and apprehension to which this programme has given rise among the people of New Zealand is once again mounting at the prospect of a further series of tests in the Pacific. I am bound to tell you that my Government shares this disquiet and apprehension and feels obliged to maintain its opposition to these tests.

The bitter experience suffered by France and by Europe in two world wars is part and parcel of the historical framework within which we in New Zealand seek—not least because of our share in that experience—to construct, in co-operation with others, a more stable and secure world. We have the greatest respect for the courage displayed by France during those ordeals. We are conscious of the role she has played since then in promoting détente and understanding in Europe and elsewhere. In urging the cessation of the tests programme in the Pacific, we are expressing no mere parochial concern. New Zealand's record of opposition to nuclear weapons testing in whatever environment, by whatever country, is clear. We are concerned that the continued development of nuclear weaponry is an increasing danger to world peace. The existing international agreements on the testing and on the proliferation of nuclear weapons, the resolutions of the General Assembly of the United Nations and of other international bodies attest to an overwhelming weight of international opinion in support of the contention that all nuclear tests are a danger to mankind and should cease. We are not alone in looking for a positive lead from France in this crucial area. We continue to believe that by exerting her influence and authority in this direction, France could open up new prospects for further progress towards the peaceful and stable conditions that we all desire.

Reference was made in your Ambassador's letter to the precautions observed by France in conducting the tests. New Zealand has never contested

the rigorous nature of those precautions. But an activity that is inherently harmful is not made acceptable even by the most stringent precautionary measures. It is further said that any suggestion of hazard to the ecology and to human life rests on conjecture. This observation merely underlines the need, in matters of such gravity, to eliminate avoidable risks. Indeed, this is precisely why the principle that any radiation is harmful is accepted by responsible scientific opinion and by national agencies in setting standards for the peaceful uses of atomic energy and why any exposure to radiation without clear and overriding benefit is regarded as unjustified. The radioactive fallout to which New Zealanders are exposed as a result of the tests in the South Pacific is not by their choice nor is it to their benefit.

I have canvassed in this letter some of the reasons why the nuclear weapons tests conducted by your Government in the Pacific continue to be strongly opposed by the people and Government of New Zealand. My Government regards them as unacceptable and in violation of New Zealand's rights under international law, including its rights in respect of areas over which it has sovereignty.

In delivering his letter to me your Ambassador informed me that your Government would welcome a visit by a New Zealand Minister to Paris to continue the dialogue on this question. This invitation is most timely and I am pleased to accept it. It is my hope that through such discussions, which we approach in the spirit of mutual respect and friendship that governs our relations, the dispute that exists between us on this one issue may be resolved. It would of course be our understanding that no nuclear weapons would be tested by France while the talks are in progress.

I envisage sending my colleague, the Deputy Prime Minister, the Honourable Hugh Watt, and should like him to travel to Paris at the earliest opportunity convenient to both sides. He himself will be in Europe in the latter part of March and early April and could be available for talks in Paris at that time.

Yours sincerely,

(Signed) Norman KIRK.

*Letter from New Zealand Prime Minister
to the French President, 4 May 1973*

I am grateful to you for making time available to discuss with our Deputy Prime Minister the question of nuclear testing. Mr. Watt has reported to me that he has received throughout his talks a full and courteous hearing for New Zealand's case.

I regret very much that it has not proved possible, as a result of these talks, to convince the French Government that its policy should be changed. I hope, however, that Mr. Watt through personal contact has succeeded in creating a greater awareness both at the governmental level and among the people of France, of the grave public concern which exists in my country about the continuance of atmospheric nuclear testing in the South Pacific, contrary to the wishes of the people living there and without their consent.

Mr. Watt has reported to me that you have invited us to keep France informed of our views and our intentions. This we shall certainly do.

Since France has not agreed to our request that nuclear weapons testing in the atmosphere in the South Pacific be brought to an end, and since the French Government does not accept New Zealand's view that these tests are unlawful, the New Zealand Government sees no alternative to its proceeding with the submission of its dispute with France to the International Court of Justice.

I stress again that we see this as the one question at issue between us, and that our efforts are solely directed at removing it from contention. It is our earnest hope and aim, by so doing, to strengthen still further the longstanding friendship between France and New Zealand.

Yours sincerely,

(Signed) Norman KIRK.

Annex IV**DIPLOMATIC CORRESPONDENCE CONCERNING
CLEARANCES FOR FRENCH AIRCRAFT AND SHIPS
HAVING A POSSIBLE CONNECTION WITH THE FRENCH
TESTING PROGRAMME IN THE SOUTH PACIFIC REGION**

New Zealand to France, 15 April 1966.
New Zealand to France, 19 April 1966.
France to New Zealand, 21 April 1966.
New Zealand to France, 11 May 1970.
New Zealand to France, 22 September 1971.

*Note from New Zealand Ministry
of External Affairs to French Embassy, 15 April 1966*

The Ministry of External Affairs presents its compliments to the Embassy of France and has the honour to refer to the Embassy's Note No. 23 of 13 April 1966, which requested authorization for an aircraft of the French Air Force to overfly the islands of Niue and Aitutaki in the course of a flight from Noumea to Hao.

The Ministry desires to inform the Embassy that steps have been taken to advise the Ministry of Foreign Affairs in Paris that if the French Government proceeds with its intentions to conduct a series of nuclear weapons tests in the South Pacific Ocean, New Zealand, consistent with its obligations under the Partial Nuclear Test Ban Treaty of 1963, will be unable to grant authority for any visits to New Zealand territory by French military aircraft or ships or overflights of New Zealand by French military aircraft, unless assured that they are not carrying material intended for the test site, or for the monitoring of the tests, or for the support of forces and personnel engaged in the tests or in monitoring the tests, other than monitoring to detect possible health hazards.

Accordingly the Ministry is not in a position to give authority for the aircraft concerned to overfly Niue Island without receiving an assurance in the terms outlined above.

The Island of Aitutaki is under the jurisdiction of the Government of the Cook Islands and the Ministry has not yet had an opportunity to consult that Government as to its attitude towards the request submitted by the Embassy. It is probable, however, that the Government of the Cook Islands would take a similar position to the New Zealand one with regard to the overflight of Aitutaki. The Ministry will inform the Embassy of the nature of the Cook Islands Government's response as soon as it is known.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of France the assurances of its highest consideration.

*Note from New Zealand Ministry of External Affairs
to French Embassy, 19 April 1966*

The Ministry of External Affairs presents its compliments to the Embassy of France and has the honour to refer to the Embassy's Note No. 23 of 13 April and the Ministry's Note No. PM 59/5/6 of 15 April 1966.

The Ministry has been in consultation with the Government of the Cook Islands concerning the Embassy's request for authorization for a DC8 of the French Air Force to overfly Aitutaki on 24 April in the course of a flight from Noumea to Hao. The Government of the Cook Islands has requested that the Embassy be informed that its position is precisely the same as that of the New Zealand Government and that it cannot grant permission for the overflight without a similar assurance to that requested by the New Zealand Government.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of France the assurances of its highest consideration.

*Note from French Embassy
to the New Zealand Ministry of External Affairs, 21 April 1966*

L'Ambassade de France présente ses compliments au Ministère des affaires extérieures, et a l'honneur de lui accuser réception de ses notes en date des 15 et 18 avril derniers, qui contiennent la réponse du Gouvernement néo-zélandais à la demande d'autorisation de survol de l'île Niue et de l'archipel des Cook présentée au nom de son gouvernement.

Les modalités de la réponse néo-zélandaise ont été communiquées au Gouvernement français. Celui-ci a fait savoir à l'Ambassade qu'il souhaitait annuler sa demande. De ce fait, au cours de l'étape Nouméa-Hao, qui avait fait l'objet de cette demande, l'appareil militaire français se tiendra à l'écart de tout territoire et eaux territoriales néo-zélandais.

L'Ambassade de France saisit cette occasion pour renouveler au Ministère des affaires extérieures les assurances de sa très haute considération.

*Note from New Zealand Ministry of Foreign Affairs
to French Embassy, 11 May 1970*

The Ministry of Foreign Affairs presents its compliments to the Embassy of France and has the honour to refer to the Embassy's Note No. 46 of 14 November 1969 and No. 7 of 3 March 1970 concerning proposed training flights by French military aircraft between Papeete and Auckland.

The Ministry has given full consideration to the request for a blanket clearance until 31 December 1970 for these flights to New Zealand, with a landing at Auckland. The Ministry would, however, prefer that the present procedure of making an individual request in respect of each flight should be continued. The Ministry will ensure that all requests are given prompt consideration.

In the meantime, the Ministry would draw the attention of the Embassy to the second paragraph of the Ministry's Note PM 59/5/6 of 15 April 1966, concerning certain assurances to be sought in respect of visits by French military aircraft and ships to New Zealand territory or overflights of New Zealand by French military aircraft, if the French Government proceeds with its intentions to conduct a series of nuclear weapons tests in the South Pacific Ocean.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of France the assurances of its highest consideration.

*Note from New Zealand Ministry of Foreign Affairs
to French Embassy, 22 September 1971*

The Ministry of Foreign Affairs presents its compliments to the Embassy of France and has the honour to refer to the Embassy's Note No. 45 of 2 September 1971 concerning proposed training flights by French military aircraft between Papeete and Auckland.

The Ministry has given full consideration to the request for a blanket diplomatic clearance from 1 January to 31 December 1972 for these flights but would prefer that the present procedure of making an individual request in respect of each flight be continued. The Ministry will ensure that all requests are given prompt consideration.

In the meantime, the Ministry would draw the attention of the Embassy to the second paragraph of the Ministry's Note PM 59/5/6 of 15 April 1966, concerning certain assurances to be sought in respect of visits by French military aircraft and ships to New Zealand territory or overflights of New Zealand by French military aircraft, if the French Government proceeds with its intentions to conduct a series of nuclear weapons tests in the South Pacific Ocean.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of France the assurances of its highest consideration.

Annex V

NEW ZEALAND ACCESSION TO THE GENERAL ACT FOR THE
PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES, 1928

New Zealand acceded to the whole of the General Act for the Pacific Settlement of International Disputes, 1928, on 21 May 1931 subject to the following conditions:

(1) That the following disputes are excluded from the procedure described in the General Act, including the procedure of conciliation:

- (i) Disputes arising prior to the accession of His Majesty to the said General Act or relating to situations or facts prior to the said accession;
- (ii) Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (iii) Disputes between His Majesty's Government in New Zealand and the Government of any other Member of the League which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
- (iv) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States; and
- (v) Disputes with any Party to the General Act who is not a Member of the League of Nations.

(2) That His Majesty reserves the right, in relation to the disputes mentioned in Article 17 of the General Act, to require that the procedure described in Chapter II of the said Act shall be suspended in respect of any dispute which has been submitted to, and is under consideration by, the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given *within ten days of the notification of the initiation of the procedure*, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute, or determined by a decision of all the Members of the Council other than the parties to the dispute.

(3) (i) That, in the case of a dispute, not being a dispute mentioned in Article 17 of the General Act, which is brought before the Council of the League of Nations in accordance with the provisions of the Covenant, the procedure described in Chapter I of the General Act shall not be applied, and, if already commenced, shall be suspended, unless the Council determines that the said procedure shall be adopted.

(ii) That in the case of such a dispute the procedure described in Chapter III of the General Act shall not be applied unless the Council has failed to effect a settlement of the dispute within twelve months from the date on which it was first submitted to the Council, or, in a case where the procedure prescribed in Chapter I has been adopted without producing an agreement between the parties, within six months from the termination of the work of the Conciliation Commission. The Council may extend either of the above periods by a decision of all its Members other than the parties to the dispute.

By a communication which was received by the Secretary-General of the League of Nations on 15 February 1939, New Zealand made the following declaration:

His Majesty's Government in the Dominion of New Zealand will continue, after the 16th August 1939, to participate in the General Act for the Pacific Settlement of International Disputes subject to the reservation that, as from that date, the participation of the New Zealand Government will not, should it unfortunately find itself involved in hostilities, cover disputes arising out of events occurring during the war. This reservation applies also to the procedure of conciliation.

The participation of the New Zealand Government in the General Act, after the 16th August 1939, will continue, as heretofore, to be subject to the reservations set forth in its instrument of accession.

Annex VI**FRENCH ACCESSION TO THE GENERAL ACT FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES, 1928**

France acceded to the whole of the *General Act for the Pacific Settlement of International Disputes 1928* on 21 May 1931 subject to the following declaration:

«Ladite adhésion concernant tous les différends qui s'élèveraient après ladite adhésion au sujet de situations ou de faits postérieurs à elle, autres que ceux que la Cour permanente de Justice internationale reconnaîtrait comme portant sur une question que le droit international laisse à la compétence exclusive de l'Etat; étant entendu que, par application de l'article 39 dudit acte, les différends que les parties ou l'une d'entre elles auraient déférés au Conseil de la Société des Nations ne seraient soumis aux procédures décrites par cet acte que si le Conseil n'était pas parvenu à statuer dans les conditions prévues à l'article 15, alinéa 6, du Pacte.

En outre, conformément à la résolution adoptée par l'Assemblée de la Société des Nations «pour la présentation et la recommandation de l'Acte général», l'article 28 de cet acte est interprété par le Gouvernement français comme signifiant notamment que «le respect des droits établis par les traités ou résultant du droit des gens» est obligatoire pour les tribunaux arbitraux constitués en application du chapitre 3 dudit Acte général.»

On 13 February 1939 the following further declaration was notified by France to the Secretary-General of the League of Nations:

«Le Gouvernement de la République française déclare ajouter à l'instrument d'adhésion à l'Acte général d'arbitrage déposé en son nom, le 21 mai 1931, la réserve que désormais ladite adhésion ne s'étendra pas aux différends relatifs à des événements qui viendraient à se produire au cours d'une guerre dans laquelle il serait impliqué.»
