

United Nations



Nations Unies

Executive Office of the Secretary-General
Cabinet du Secrétaire général

To: CDC (through ODSG),

24/07/14

Please find attached for your approval on behalf of the SG, his report on the environmental, ecological, health and other impacts as a consequence of the 30-year period of nuclear testing in French Polynesia. The slot date is 24 July.

According to para 5 of resolution 68/93, the GA requests that the SG merely "compile" a report on the aforementioned theme in cooperation with "relevant specialized agencies of the UN." DPA requested inputs from 22 UN entities and international organizations and only 2 replied: IAEA and OHCHR. DPA informed PU that it followed the resolution instructions "to the letter" so it did not alter any submissions nor did it provide any analytical or concluding remarks.

In this context, PU suggests one edit to the report: Paras 11 and 12 which refer to the 2008 and 2013 UPRs for France only highlight two conclusions from NGOs/CSOs. In order to avoid questioning around why the Secretariat had chosen these specific submissions among many others, it is advisable that the report refer to the UPRs and underscore that a more complete set of information about this issue can be found in the referenced HRC docs. This was discussed by, and agreed between, PU and DU.

Agree

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AK

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Agenda item 60

**Implementation of the Declaration on the Granting of
Independence to Colonial Countries and Peoples**

**The environmental, ecological, health and
other impacts as a consequence of the 30-year
period of nuclear testing in French Polynesia**

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 5 of General Assembly resolution 68/93, entitled “Question of French Polynesia”, in which the Assembly requested the **Secretary-General**, in cooperation with relevant specialized agencies of the **United Nations**, to compile a report on the environmental, ecological, health and other impacts as a consequence of the 30-year period of nuclear testing in the Territory.

1. On 17 May 2013, the General Assembly adopted resolution 67/265, entitled “Self-determination of French Polynesia”, in which it affirmed the inalienable right of the people of French Polynesia to self-determination and independence in accordance with Chapter XI of the Charter and its resolution 1514 (XV), recognized that French Polynesia remains a Non-Self-Governing Territory within the meaning of the Charter and declared that an obligation exists under Article 73 *e* of the Charter on the part of the Government of France, as the administering Power of the Territory, to transmit information on French Polynesia.

2. In paragraph 5 of its resolution 68/93, the General Assembly requested the Secretary-General, in cooperation with relevant specialized agencies of the United Nations, to compile a report on the environmental, ecological, health and other impacts as a consequence of the 30-year period of nuclear testing in the Territory.

3. In a letter dated 11 April 2014, the Secretary-General brought the resolution to the attention of the executive heads of the following specialized agencies and other international organizations and invited them to submit the information requested, for inclusion in the report referred to in paragraph 2 above, including:

Comprehensive Nuclear Test Ban Treaty Organization

Economic and Social Commission for Asia and the Pacific

Food and Agriculture Organization

International Atomic Energy Agency

United Nations Children's Fund

International Court of Justice

International Maritime Organization

Office of the High Commissioner for Human Rights

UN-Habitat

United Nations Development Programme

United Nations Educational, Scientific and Cultural Organization

United Nations Entity for Gender Equality and the Empowerment
of Women

United Nations Environmental Programme

United Nations Industrial Development Organization

United Nations Institute for Disarmament Research

United Nations Population Fund

United Nations Scientific Committee on the Effects of Atomic
Radiation

United Nations University

United Nations World Tourism Organization

World Food Programme

World Health Organization

World Meteorological Organization

4. Responses were received from eight United Nations entities. The Food and Agriculture Organization, International Court of Justice, United Nations Industrial Development Organization, United Nations Population Fund, World Food Programme and World Meteorological Organization indicated they did not have any information to provide on the issue. Information submitted by the International Atomic Energy Agency and the Office of the High Commissioner for Human Rights is set out below.

International Atomic Energy Agency

5. According to the International Atomic Energy Agency (IAEA), in April 1996, following a request from the Government of France, the IAEA embarked on a Study of the Radiological Situation at the Atolls of Mururoa

and Fangataufa, in French Polynesia¹. The study was designed to assess the residual radiological conditions at the atolls after the end of all of the weapons testing. The study focused on the radiological situation at that time and the potential long-term radiological situation. The study concluded:

- The radiation doses received after the end of the tests by populations in the South Pacific region, as a result of the residual radioactive materials remaining in Mururoa and Fangataufa, are negligible fractions of natural background levels and will continue to be so in the long term,

- Based on the measured and predicted radionuclide activity levels, as well as the low dose levels estimated for the present and the future, no remedial actions at the Mururoa and Fangataufa Atolls are needed on radiological protection grounds, either now or in the future.

6. Based on the assessment of radiation doses after the end of the tests, it was concluded that there will be no radiation health effects which could be either medically diagnosed in an individual, or epidemiologically discerned in a group of people, which would be attributable to the estimated radiation doses that were being received at the time of the study in 1998, or that would be received beyond this time by people as a result of the residual radioactive material at the Mururoa and Fangataufa Atolls. The study emphasized that at

¹ INTERNATIONAL ATOMIC ENERGY AGENCY, The Radiological Situation at the atolls of Mururoa and Fangataufa, Main Report, IAEA, Vienna (1998)

the very low levels of doses estimated in the study there will be no changes in cancer incidence rates in the region attributable to radiation exposure caused by the residual radioactive material at the Mururoa and Fangataufa Atolls.

7. During the investigation performed after the end of the tests, dose rates to native biota resulting from the residual radioactive material at the Mururoa and Fangataufa Atolls were assessed. In the great majority of cases, dose rates to biota were found to be similar to, or lower than, dose rates due to natural radiation sources. Overall, the study concluded that the expected radiation dose rates and modes of exposure are such that no effects on biota population groups could arise.

8. France carried out 41 atmospheric and 137 underground weapon tests in French Polynesia. The radiation doses received after the end of the tests and still to be received by populations in the South Pacific region, as a result of the residual radioactive materials remaining in Mururoa and Fangataufa, are negligible fractions of natural background levels. Radiological impacts to biota arising from residual radioactivity will not cause effects on biota populations.

Office of the High Commissioner for Human Rights

9. According to information submitted by the Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteur on the

implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes noted in a report to the Human Rights Council (A/HRC/21/48/Add.1, para. 9) that people in territories where countries conducted nuclear testing programmes, including in French Polynesia, were affected by these nuclear testing programmes. The Special Rapporteur also referred to a report of the United Nations Scientific Committee on the Effects of Atomic Radiation, which found that the testing of nuclear weapons in the atmosphere involved unrestrained releases of radioactive materials to the environment locally, regionally or globally (depending on the altitude of the explosion), causing the largest collective dose thus far from man-made sources of radiation².

10. With regard to the right to health, the Special Rapporteur stressed that radiation doses are not frequently encountered in everyday life, although people may be exposed to natural “background” radiation from the air, land, sea, foodstuffs and the human body itself, as well as from various beneficial practices, such as radiological medicine. Referring to a public information document by the International Atomic Energy Agency on “Nuclear Tests in French Polynesia: Could Hazards Arise?”³ The Special Rapporteur assumed

² United Nations Scientific Committee on the Effects of Atomic Radiation, Report on the Effects of Atomic Radiation to the General Assembly, Annex C (available online at <http://www.unscear.org/docs/reports/annexc.pdf>), paras. 6 and 18.

³ See <http://www.iaea.org/Publications/Booklets/mururoabook.html>. The International Advisory Committee’s main report on “The Radiological Situation at the Atolls of Mururoa and Fangataufa” is available online at http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1028_web.pdf

that any increase in a dose of radiation, however minute, will result in a proportionate increase in the risk of cancer (A/HRC/21/48/Add.1, para. 20). Furthermore, the Special Rapporteur stated that human beings are exposed to radiation from the release of radioactive elements or radionuclides, generally through (a) rain washing hazardous radioactive materials out of the air in the form of acid rain; (b) direct external exposure to a nuclear explosion cloud; (c) direct external exposure to hazardous radioactive materials in the ground; (d) internal exposure from eating, drinking, or inhaling hazardous radioactive materials in food, water or air; or (e) internal and/or external exposure from contact with contaminated water (A/HRC/21/48/Add.1, para. 21).

41.—In the context of the first cycle of the Universal Periodic Review of France in 2008, one question raised in the Working Group was whether measures were being envisaged to prevent or reduce the consequences of nuclear tests for the population living in overseas territories (A/HRC/8/47, para. 13). Furthermore, the summary of stakeholders' submissions noted that between 1966 and 1996, France conducted in French Polynesia 46 nuclear tests in the atmosphere as well as 147 underground nuclear tests on the atolls of Moruroa and Fangataufa (A/HRC/WG.6/2/FRA/3, para. 20)⁴. According to the Society for Threatened Peoples, up to 15,000 Maohi aborigines worked in the nuclear testing facility but the authorities denied that the nuclear tests had

⁴ This report does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims.

negative medical consequences although recent medical surveys showed that 85 per cent of the veterans of the nuclear testing facility suffered from medical problems and that 32.4 per cent got cancer⁵. During the second cycle of the Universal Periodic Review of France in 2013, the summary of stakeholders' submissions recalled that 17 years after the last French nuclear test was held in the Pacific, Maohi islanders were still living with the legacy of hundreds of nuclear tests (A/HRC/WG.6/15/FRA/3, para. 74)⁶. More information on these issues can be found in the referenced, and related, documents. In this context, a civil society organisation noted that veterans of the French army and marine had been able to obtain compensation under the strict regulations of the "Directive Morin" and urged that access of Maohi victims to compensation be facilitated and more medical data be provided by the authorities in order to launch a comprehensive study on the impact of French nuclear testing⁷. Another civil society organisation called on France to fulfil its promises to the Tahitian workers in Moruroa and Fangataufa,

⁵ Society for Threatened Peoples, UPR submission 2008, p. 2, available online at http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/FR/STP_FRA_UPR_S2_2008_SocietyforThreatenedPeoples_uprsubmission.pdf

⁶ This report does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims.

⁷ Society for Threatened Peoples, UPR submission 2012, p. 2, available online at http://lib.ohchr.org/HRBodies/UPR/Documents/Session15/FR/STP_FRA_S15_2012_SocietyforThreatenedPeoples_uprsubmission.pdf. On 4 April 2014, the *Comité d'indemnisation des victimes des essais nucléaires* (CIVEN) examined 772 out of the 895 requests it had received for compensation and awarded compensation in 14 cases, including to 9 persons belonging to the Polynesian population (see <http://www.defense.gouv.fr/sga/le-sga-en-action/ressources-humaines/comite-d-indemnisation-des-victimes-des-essais-nucleaires-civen>).

~~including the release of their health records so they can continue their treatments to secure the basic right to health⁸.~~

12.11. In its General Comment No. 14 on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights stressed that States should refrain from using or testing nuclear weapons if such testing results in the release of substances harmful to human health (E/C.12/2000/4, para. 34). Furthermore, monitoring the health of people for adverse effects of radiation and providing timely health care are an important aspect of the fulfilment of the right to health, as highlighted by the Special Rapporteur on the **right** of everyone to the enjoyment of the highest attainable standard of physical and mental health in his report on the aftermath of a nuclear disaster (A/HRC/23/41/Add.3, para. 13). In addition, transparency and accountability in governance, access to remedies and participation of the affected population in decision-making processes are necessary to the enjoyment of the right to health (ibid. and E/C.12/2000/4, paras. 11, 55 and 59).

13.12. The Human Rights Committee, in its General Comment No. 14 on the right to life, stated that it was evident that the designing, testing, manufacture, possession and deployment of nuclear weapons were among the

⁸ OceaniaHR, UPR submission 2012, p. 2, available online at: http://lib.ohchr.org/HRBodies/UPR/Documents/Session15/FR/Oceania_UPR_FRA_S15_2012_OceaniaHumanRights_E.pdf.

greatest threats to the right to life which confront mankind today. Furthermore, the Human Rights Committee recommended that the production, testing, possession, deployment and use of nuclear weapons should be prohibited and recognized as crimes against humanity (A/40/40, annex VI, paras. 4 and 6).

ACTION

AG

EX-100

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ROUTING SLIP FICHE DE TRANSMISSION		<input checked="" type="checkbox"/> Routine	<input type="checkbox"/> Immediate	<input type="checkbox"/> Most Immediate
		<input type="checkbox"/> Unclassified	<input type="checkbox"/> Confidential	<input type="checkbox"/> Strictly Confidential
TO/A: Mr. Jan Eliasson, Deputy Secretary-General				
CC:				
THROUGH/WISE PAR:				
FROM/DE: Mr. Jeffrey Feltman, USG, DPA <i>JF</i>				
Date: 11 July 2014	Ext: 3-5055	Room No. – No de bureau: S-3516		
FOR ACTION		POUR SUITE A DONNER		
FOR YOUR ATTENTION		FOR VOTRE ATTENTION		
FOR INFORMATION		POUR INFORMATION		
FOR APPROVAL / SIGNATURE	X	POUR APPROBATION / SIGNATURE		
FOR COMMENTS	X	POUR OBSERVATIONS		
AS REQUESTED		SUITE A VOTRE DEMANDE		
RETURN	X	RETOURNER		

DEPARTMENTS CONSULTED

EOSG ☐ OIOS ☐ OLA ☐ ODA ☐ DPKO ☐ DFS ☐ OCHA ☐ DESA ☐DGACM X DPI ☐ DSS ☐ DM ☐ UNDP ☐ Other _____

SUBJECT/MESSAGE: REPORT OF THE SECRETARY-GENERAL: THE ENVIROMENTAL, ECOLOGICAL, HEALTH AND OTHER IMPACTS AS A CONSEQUENCE OF THE 30-YEAR PERIOD OF NUCLEAR TESTING IN THE TERRITORY (FRENCH POLYNESIA).

Please find attached a report for the Secretary-General's approval. The slot date is 24 July 2014.

RECEIVED

JUL 11 2014

14-06161

EXECUTIVE OFFICE
OF THE SECRETARY-GENERAL

POL/04/006

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