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URGENT NEED FOR SUSPENSION OF NUCLEAR AND THERMONUCLEAR TESTS

Letter dated 25 July 1973 from the Permanent Representative of  
Australia to the United Nations addressed to the Secretary-  
General

On instructions from my Government, I have the honour to bring the following to Your Excellency's attention.

The recent actions of the Governments of France and China in detonating nuclear devices in the atmosphere at Mururoa Atoll in the South Pacific and the Sinkiang region of north-west China respectively have caused deep concern to the Government and people of Australia. The Government of Australia is compelled to state in addition that these actions reveal a regrettable disregard for the clearly expressed views of the United Nations and its institutions.

The United Nations, through resolutions adopted by the General Assembly and specialized agencies, has repeatedly condemned nuclear weapon testing in the atmosphere. The radio-active fall-out from such tests creates hazards to the health of present and future generations and to the environment. Moreover, opposition to atmospheric testing by the preponderance of international opinion has found expression in multilateral instruments, including the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water of 1963. <sup>1/</sup> Prohibition of atmospheric testing may fairly be claimed to have become a rule of customary international law.

Australia has consistently advocated the negotiation and achievement of effective measures of complete and general disarmament and was one of the co-sponsors of General Assembly resolution 2934 A (XXVII), adopted on 29 November 1972 by an overwhelming majority, which called upon all nuclear-weapon

\* A/9100.

<sup>1/</sup> United Nations, Treaty Series, vol. 480, No. 6964, p. 43.

States to suspend nuclear weapon tests in all environments and called upon the Conference of the Committee on Disarmament to give urgent consideration to the pressing need for the early conclusion of a treaty banning all nuclear weapon tests.

As recently as 23 May 1973 the World Health Assembly, meeting in Geneva, adopted a resolution 2/ which recognized that the fall-out from nuclear weapon tests is an uncontrolled and unjustified addition to the radiation hazards to which mankind is exposed, condemned all nuclear weapon testing which results in an increase in the level of ionizing radiation in the atmosphere and urged its immediate cessation.

In respect of the programme of nuclear testing by the Government of France, it will be recalled that in 1963, following the development of strong opposition, especially in northern Africa, to the atmospheric testing of nuclear weapons in the desert region of Algeria, that Government decided to move its nuclear weapon testing centre to the South Pacific Ocean.

Since then, the Australian Government and the Governments of other countries in the South Pacific region and elsewhere have repeatedly expressed their apprehension and concern at the conduct of atmospheric nuclear weapon tests in the region adjacent to them.

The people of Australia are entitled to the protection of Australia's territorial sovereignty, which they regard as clearly infringed by the continued deposit upon Australian soil, without the consent of the Government of Australia, of radio-active substances from French nuclear tests in the Pacific, and they cannot be expected to accept the progressive pollution of their environment which these successive atmospheric explosions have been shown to cause.

By a note of 3 January 1973 the Australian Government sought an assurance from the French Government that no further tests would take place in the southern Pacific region. No such assurance was given in the reply of the Government of France dated 7 February 1973. The Australian Government subsequently demonstrated its desire to resolve the situation amicably by seeking the assurance in question through direct and detailed discussions with the Government of France. At the end of these discussions, however, it was evident that the French Government adhered to its firm intention to conduct further atmospheric nuclear weapon tests in the South Pacific region.

It was against this background that the Australian Government on 9 May 1973 instituted proceedings in the International Court of Justice.

On 22 June 1973 the Court ruled in favour of an Australian request for interim measures of protection pending its final judgement on the merits of the case. It indicated that the Governments of Australia and France should each of them ensure that no action of any kind be taken which might aggravate or extend the dispute

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2/ See A/9093.

submitted to the Court or prejudice the rights of the other party in respect of the carrying out of whatever decision the Court may render in the case and, in particular, that the French Government should avoid nuclear tests causing the deposit of radio-active fall-out on Australian territory.

In detonating a nuclear device on 22 July (Australian time) the Government of France has openly disregarded the Court's ruling. The nuclear explosion carried out on that date will cause widespread radio-active fall-out. There is a virtual certainty that this will cause the deposit of such fall-out on Australian territory. On 22 July the Australian Embassy in Paris handed over a note of protest at the action of the Government of France.

The Government of the People's Republic of China has tested some 15 nuclear weapons devices in the atmosphere since 1964. These tests are reported to have taken place at the Lop Nor test site in the Sinkiang region in north-west China. The Australian Government formally protested to the Government of China on 10 April 1973, expressing Australia's strong opposition to the conduct of nuclear weapon tests, particularly in the atmosphere, and reaffirming the Australian Government's view that atmospheric nuclear weapon testing is contrary to international law.

The Government of China exploded a nuclear weapons device in the atmosphere on 27 June 1973. The Australian Ambassador in Peking handed over on 29 June 1973 a further note of protest, reiterating Australia's opposition to atmospheric nuclear weapon testing and expressing deep regret that China had not taken full account of the views of the Australian Government and the world community as a whole, as shown in repeated resolutions of the United Nations General Assembly. The note also drew to the attention of the Government of the People's Republic of China the recent decision of the International Court of Justice in favour of the Australian application for interim measures of protection and stated that all Governments, including the Government of the People's Republic of China, have a clear international obligation to prevent the danger of environmental pollution. The note called upon the Government of China to cease nuclear tests in the atmosphere and to associate itself with the international community in moves to bring about the ending of all nuclear weapon testing.

I have the honour to request that this letter be circulated as a document of the General Assembly under the item "Urgent need for suspension of nuclear and thermonuclear tests".

(Signed) L. R. McINTYRE  
Permanent Representative

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