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URGENT NEED FOR SUSPENSION OF NUCLEAR AND THERMONUCLEAR TESTS

Letter dated 24 July 1973 from the Permanent Representative of New Zealand to the United Nations addressed to the Secretary-General

I have the honour to refer to our letter of 23 June 1973^{1/} enclosing the text of a message on nuclear tests from the Prime Minister of New Zealand, and to the binding order made by the International Court of Justice on 22 June 1973 requiring France to refrain from testing that gives rise to radio-active fallout.

On the instructions of my Government I have the honour to draw your attention to the fact that, despite the representations of many Governments and in defiance of the order of the International Court of Justice, France has conducted a nuclear weapon test in the atmosphere over Mururoa. The test took place at 1800 hours GMT on 21 July 1973 and was observed by the New Zealand frigate HMNZS "Otago", which was at the time stationed approximately 20 miles off Mururoa.

The New Zealand Government regards this action as a violation of France's obligations under international law. On 22 July 1973 New Zealand presented to the French Government a note of protest, the text of which is attached.

I have the honour to request you to circulate the text of this letter and the accompanying note as an official document of the General Assembly under the item entitled "Urgent need for suspension of nuclear and thermonuclear tests".

(Signed) M. MANSFIELD
Acting Permanent Representative of
New Zealand to the United Nations

* A/9100.

^{1/} A/9081.

TEXT OF A NOTE DATED 22 JULY 1973 FROM THE GOVERNMENT OF
NEW ZEALAND TO THE GOVERNMENT OF FRANCE

Reports that a nuclear weapon test has been conducted at Mururoa have been received with profound dismay in New Zealand. The New Zealand Government must once again affirm its strong opposition to all such tests and deplore this latest act by the French Government in defiance of the renewed and most earnest representations of the peoples of the South Pacific and of many other Governments around the world.

The New Zealand Government views with the utmost concern and disquiet France's disregard for its obligations under the United Nations Charter in thus spurning a binding order of the International Court of Justice. The French Government has indicated that it does not consider that the Court has competence in this matter. The French Government is, however, well aware that it is a long and firmly established principle of international law that it is for international tribunals to establish their competence and not for the parties to the proceedings.

The New Zealand Government must further protest the French Government's violation of the rights of New Zealand citizens on board the yacht "Fri" on 18 July. These citizens were in international waters when the French navy unlawfully boarded the vessel and took it under tow. This act was a violation of the freedom of the high seas and is regarded by the New Zealand Government as illegal.

The New Zealand Government urges France to fulfil its obligations to the International Court of Justice and to New Zealand and other countries in the South Pacific by refraining from any further nuclear weapon tests at Mururoa.

The New Zealand Government reaffirms that it regards the tests as a violation of international law and 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 weapon tests conducted by France.
