

Stakeholder submission for the 43rd session of the Universal Periodic Review

Report on France

The International Campaign to Abolish Nuclear Weapons (ICAN) is a campaign coalition of over 600 non-government organizations in over one hundred countries. Following the historic achievement of the adoption of a strong nuclear weapons ban treaty, ICAN now campaigns for all States to sign and ratify the Treaty as a matter of urgency, take measures towards the global elimination of all nuclear weapons, and provide an overdue response to the victims of the humanitarian and environmental impact of nuclear weapon tests in the Pacific and elsewhere.

ICAN was awarded the Nobel Peace Prize in 2017 for “its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its groundbreaking efforts to achieve a treaty-based prohibition of such weapons.”

*National Human Rights Framework*

The Treaty on the Prohibition of Nuclear Weapons has clear references to and implications for human rights law and practice. Preambular paragraph 8 reaffirms “the need for all States at all times to comply with applicable international law, including international humanitarian law and international human rights law” The most relevant rights concern from a nuclear weapons attack is the right to life, other relevant rights concerns include the prohibition of inhuman and degrading treatment, the right to a home and to property, as well as rights violations resulting from nuclear weapons testing.

*Nuclear weapons possessing state*

France possess approximately 290<sup>1</sup> nuclear weapons which it can launch from submarines or missiles dropped from aircraft. Its submarines are based at the Île Longue peninsula, south of Brest in the Brittany region of France. In 2020, France spent an estimated US\$5.7 billion to build and maintain its nuclear forces.<sup>2</sup> According to the 2023 finance bill<sup>3</sup>, the French Ministry of Defence expects the budget for nuclear deterrence to be 5.6 billion euros.

Between 1960 and 1996, France conducted a total of 210 nuclear tests in Algeria and French Polynesia.

*Legacy of nuclear testing*

1. *Algeria*

Between 1960 and 1967, France conducted 17 nuclear atmospheric and underground tests explosions in Algeria, leaving a legacy of environmental devastation and health problems. After four test above ground in the Reggane region, in 1961 France started to conduct underground tests in Ekker, 70km away in a mountainous area.

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<sup>1</sup> <https://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/>

<sup>2</sup> [https://www.icanw.org/2020\\_global\\_nuclear\\_weapons\\_spending\\_complicit](https://www.icanw.org/2020_global_nuclear_weapons_spending_complicit)

<sup>3</sup> <https://www.defense.gouv.fr/ministere/loi-programmation-militaire-2019-2025/projet-loi-finances-armees-2023-lpm-annee-5>



From the beginning of nuclear tests in Algeria, France set up a policy of burying all waste<sup>4</sup> - including machinery, metal parts, and tanks used under radioactive clouds, in the sand. In addition to these contaminated materials, on the Reggane and Ekker sites there is non-radioactive waste which is related to the French occupation, to the dismantling of the sites, and to the presence of the Algerian army since 1966. In addition, and particularly on the the mountain of Tan Afella in the Ekker site, there are radioactive materials emitted by nuclear explosions (i.e., vitrified sand, radioactive slabs, and rocks). The presence of this waste — which exists to this day — entails considerable risks to the health of local people and future generations, as well as to the environment and to wildlife.

In Algeria, activists in the area state that the testing sites are still contaminated, many fenced off with only barbed wire. The sites are frequently visited by Algerian nomads who, unaware of the danger, collect copper and other metals which were buried after the tests, but have been uncovered by the winds. These metals are frequently turned into jewelry and kitchen utensils.

Since 2020 and the publication of the study “Radioactivity Under the Sand”, French parliamentarians have raised the need for remediation of these former nuclear sites and have called upon President Emmanuel Macron to “publish the data and maps of the areas” of waste resulting from the nuclear test campaigns<sup>5</sup>. In 2021, the historian Benjamin Stora published a report<sup>6</sup> commissioned by Président Emmanuel Macron on colonization in Algeria and the war of independence. The historian signaled that nuclear test and nuclear waste remained a thorn between the two nations and formulate notably the need for France to make public information on the nuclear waste present on the former test sites.

## 2. *Maohi Nui (French Polynesia)*

Between July 2, 1966 and 27 January 1996, France carried out 193 nuclear weapons tests from the atolls of Moruroa and Fangataufa.

Research published in 2021<sup>7</sup> included a study of 2000 documents which had been classified by the French defence ministry until 2013. The study found that illnesses including leukemia, lymphoma, cancer of the thyroid, lung, breast, and stomach are common. The research estimated that approximately 110,000 people were infected, of a population of approximately 125,000 at the time.

In 2010, The French Parliament adopted Law 2010-2 of January 5, 2010, on the compensation of victims of French nuclear testing<sup>8</sup>, which provides for the financial compensation of any person, civilian or military, who suffered from an illness resulting from direct exposure to radiation. A compensation committee - Committee for the Indemnification of Victims of Nuclear Tests – CIVEN (Comite d'indemnisation des victimes des essais nucléaires) was established to review the compensation requests, and if granted, the victim would receive a lump sum. For a person to be recognized as a victim, they must prove that they developed one of more of 23 illnesses, and had been living in Algeria or in French Polynesia at the time of the tests.

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<sup>4</sup> Collin Jean-Marie, Bouveret Patrice, "The Waste From French Nuclear Tests in Algeria Radioactivity Under the Sand; Analysis with regard to the Treaty on the Prohibition of Nuclear Weapons", ICANFrance and Observatoire des Armements, Editor Heinrich Böll Foundation, July 2020.

<sup>5</sup> M. Brotherson Moetai, M. Lambert François-Michel, M. Lecoq Jean-Paul, M. Molac Paul, M. Nadot Sébastien, Mme Panot Mathilde, M. Taché Aurélien, Mme Sage Maina, M. Villani Cédric, "M. Macron, il est temps de donner une impulsion pour réparer les conséquences des essais nucléaires", Journal du Dimanche, 11 avril 2021.

<http://icanfrance.org/tribune-parlementaire-m-macron-donner-une-impulsion-pour-reparer-les-consequences-des-essais-nucleaires/>

<sup>6</sup> Benjamin Stora, Les questions mémorielles portant sur la colonisation et la guerre d'Algérie, Janvier 2021, Présidence de la République.

<sup>7</sup> <https://moruroa-files.org/en/about>

<sup>8</sup> Loi 2010-5 du 5 janvier 2010 relative à la reconnaissance et à l'indemnisation des victimes des essais nucléaires français, Legifrance, <http://www.legifrance.gouv.fr>

The islanders would have been subjected to doses higher than the minimal level of exposure for an individual to be recognised as a victim as set by the CIVEN. This would be almost all of those who at the time were living in Tahiti and its surrounding islands. The CIVEN has been modified many times with changes which have had the effect of limiting the number of Polynesians who can be recognized as victims, and since it was created, just 723<sup>9</sup> (157 Polynesian victims and 1 Algerian) people have received an offer of compensation for cancers caused from exposure to radioactivity, while more than 80% of the cases submitted to it have been rejected. The rejected applicants have no means of knowing why they were turned down, because the commission provides no justification for its decisions, which are not made public.<sup>10</sup> Anecdotal reports include situations where family members suffering the same illnesses over the same periods of time have received inconsistent decisions as to whether or not they are eligible for compensation.

Some patients are discouraged from making claims because of fear of reprisals, citing the case of Pouvanaa a Oopa, who, as an influential Polynesian politician, strongly opposed the plans for nuclear testing by France in 1958. On 10 October 1958, an arson attack took place in Papeete, the capital of Tahiti. It is widely believed that Pouvanaa a Oopa was framed and accused of these attacks, and evidence was planted to ensure his conviction. He was imprisoned until 1960 in Tahiti, then exiled and imprisoned in Paris until 1968. After this, Polynesians were afraid to oppose the nuclear tests. Pouvanaa a Oopa died in 1977, but his family continued to request a new trial.

On 25<sup>th</sup> October 2018, his conviction was quashed by the Court of Revision after new evidence showed that French police had fabricated evidence or extracted it by threats of violence, and that the Governor had reported Pouvanaa's arrest before the fires had even been set. The Court overturned the 8 year prison sentence and the 15 year ban on residence of Pouvanaa a Oopa, but the silencing effect generated by this case remains.<sup>11</sup>

Medical treatment which is adapted to the nuclear history in the region is not available, and many people are not diagnosed, nor treated because they are far from the main island of Tahiti, where the hospital and the two clinics are located.

Many people have to leave Polynesia and go to France to be treated.

No epidemiological study has been carried out, despite many requests for this over the last 30 years. The extent to which the illnesses caused by the nuclear testing can be passed down to children born of test survivors, is not known. Children who become unwell are not recognized as victims of nuclear tests, because the possibility to claim compensation is limited to individuals born before 1998.

Since 2018, a working group named "Teaching nuclear Facts", led by educational inspector Yvette Tommasini, has begun to develop a curriculum for teaching nuclear facts in elementary, middle and high school. This program began in October 2021<sup>12</sup> and was presented in May 2022 during a symposium called "History and memories of CEP (Pacific Experimentation Center): a second contact held at the University of French Polynesia".<sup>13</sup> However, this symposium highlighted that many historical facts have been minimized, including the adverse effects on health and the environment,

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<sup>9</sup> Rapport d'activité CIVEN 2021, p 36.

<sup>10</sup> Supra note 3

<sup>11</sup> [https://www.lemonde.fr/politique/article/2018/10/25/l-ancien-depute-polynisien-pouvana-a-a-oopa-innocente-soixante-ans-apres\\_5374377\\_823448.html](https://www.lemonde.fr/politique/article/2018/10/25/l-ancien-depute-polynisien-pouvana-a-a-oopa-innocente-soixante-ans-apres_5374377_823448.html)

<sup>12</sup> "Pour une histoire transnationale des installations et des essais nucléaires", MSHP – CRÉSAT – INALCO, <http://www.cresat.uha.fr/histoire-nucleaire-2021-2022/>

<sup>13</sup> <http://www.upf.pf/fr/actualites/colloque-histoire-et-memoires-du-cep-un-deuxieme-contact-11-13-mai-2022>



as well as the historical facts of the political situation of that time. For example, during this symposium, a researcher from metropolitan France spoke about the Rainbow Warrior affair using the term "shipwreck", rather than describing the attack on an unarmed vessel by the French intelligence services which sunk the ship and killed photographer Fernando Pereira in 10 July 1985.

*Recommendations:*

ICAN now calls upon France to ratify the TPNW, as a matter of international urgency, and immediately start the process of eliminating nuclear weapons from its territory.

The health system and infrastructure in Polynesia must be strengthened and adapted to adequately address the on-going consequences and illnesses of the 193 nuclear tests.

For those Polynesians who must travel to France for treatment, they must be provided with sufficient financial resources for this, and other necessary support including interpretation for those who don't speak French.

Measures must be taken to ensure that the Committee for the Indemnification of Victims of Nuclear Tests (CIVEN) operates in a transparent, consistent and effective manner – particularly ensuring that applicants are treated fairly and are given comprehensive reasons for the outcome of their cases. In case of rejection, applicants must be able to appeal the decisions, and given free legal assistance to do so.

A comprehensive epidemiological study must be carried out. This has been requested by Polynesians since the tests were first carried out, in order to inform the affected communities on the length of time they can expect future generations to continue to suffer the consequences of the 193 nuclear bomb tests.

The rights to freedom of information, freedom of expression, and freedom to protest must be protected for Polynesians who fear reprisals for speaking out about the suffering that they have endured and seeking compensation.

The new curriculum to teach about the history and on-going legacy of nuclear testing in elementary, middle and high school must be a truthful representation as to the facts of the situation, and not minimise the extent of the harm which was done and the on-going suffering which was experienced.

At the First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, States decided in Action 20: "Engage and promote information exchange with states not party to the Treaty that have used or tested nuclear weapons, or any other nuclear explosive devices, on their provision of assistance to affected states parties for the purpose of victim assistance and environmental remediation". Accordingly, ICAN now call France to engage a dialogue in order to answer to the humanitarian problems, existing in the Algerian south, created by its own nuclear tests.

As recommended by the Committee for the Indemnification of Victims of Nuclear Tests CIVEN in 2018, the French state needs to improve access for Algerian citizens to the medical archives held by the Department for army hospital medical records.<sup>14</sup>

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<sup>14</sup> [20190625\\_civen\\_rapport\\_dactivite\\_2018.pdf \(tntv.pf\)](#) p56



France should provide the Algerian authorities with a full list of sites where contaminated waste was buried, in addition to the precise location of each of these sites (latitude and longitude), a description of this material, as well as the type and thickness of the materials used to cover them.