

08/13/03

6(c)

1. Thank you

Will try to be brief

But issue of great importance - perhaps particularly to Vanuatu because the MUX fuel cargo -- ultra hazardous radioactive cargo-- did go through its EEZ one year ago & we expect another such shipment to take place before the next Forum meeting.

2. Vanuatu would strongly urge returning to the language in the July 22 Addendum to Agenda Item 6(c) rather than the altered (and watered down) August 6 draft
- thus recommending to the Leaders that they task the working group to investigate alternative strategies while continuing to pursue the dialogue with the shipping states.

This is a disagreement among friends

a disagreement of strategy

We respect the good faith of those countries that recommend a less confrontational approach

We all agree on the grave risks created by these shipments of ultrahazardous cargoes.

3. Concerns

Sinking

Collision - High Intensity Fire - release into air

Terrorist Attack

Even if no immediate release of radioactive material

fears - damage to tourism/fishing

SARS analogy

4. Rights Under LOSC & International Law

Prestige Disaster

Spain-France-Portugal is now inspecting single-hulled tankers going through their EEZ & barring those that are substandard .

Navigation can be regulated on the basis of the risks created by its cargoes and ships.

[Chile law]

Consultation - Data - MUX Case

EIS - Public participation

Emergency planning - tugs, ports, salvage

Liability regime

Countries with 57% of the world's nuclear plants - have ratified no nuclear liability treaties

Japan - no ratification
1997 Protocol revising Vienna - 4
 Argentina-Morocco-Latvia-Romania
1997 Convention on Supplementary Compensation - 3
 Argentina-Morocco-Romania

Problems

Limits on amounts
Limits on time
Inadequate definitions of damage
Who can sue
Who can be sued [Not Japan]
Must sue in UK - law favors nuclear industry
 [EEZ exception - only for contracting parties]
 Disincentive to join - must pay for accidents of others]

Bizarre - counter intuitive

6. Nadi Meeting - February } UK - Public Relations
 Patronizing } Japan - Refusal to discuss Japanese law
 Frustration
 Recommended to leaders to consider alternative approaches.

7. IAEA July

Liability? No.

8. UK response

Underwhelming
Acknowledges concern
Offers no assurance of financial help
Misleading on risks
 liability regimes

9. Shipments don't go through Suez Canal because of high insurance requirements

Malacca Strait because of complaints

Cape Horn because of Chilean law

10. Important to keep the pressure on -
 Return to language and explain importance of

The Pacific Stars in the Sea

Thirty-Fourth
Pacific Islands Forum
New Zealand 2003



6(c)

MOX fuel
cargo

8.13.03

12:20-2

- ① Thank you
Will try to be brief
But issue of great importance - perhaps particularly to Vanuatu
because the ultra hazardous radioactive cargo did go
through its EEZ ^{summer} during the summer of 2002. one year ago.
& we expect another shipment to take place ~~for~~ before the next foruming
- ② Vanuatu would strongly urge returning to the language in
the July 22 Addendum to Agenda Item 6(c)
rather than the ~~altered~~ (& watered down) August 6 draft
- thus ~~at~~ recommending to the Leaders that they task
the working group to investigate alternative strategies
while continuing to pursue the dialogue with the
shipping states.

This is a disagreement among friends
a disagreement of strategy

We respect the good faith of those countries that
recommend a less confrontational approach

We all agree on the grave risks created by these
shipments of ultra hazardous cargos.

③ Concerns

Sinking

Collision - High Intensity Fire - release into air

Terrorist Attack

Even if no immediate release of radioactive material
fears - damage to tourism / fishing
SARS analogy



(4) Rights Under LOSC & Intl Law

Prestige Disaster

Spain France Portugal is now inspecting all single hulled tankers going through their EEZ & banning those that are substandard.

Navigation can be regulated on the basis of the risks created by its cargos & ships.
{Chile Law}

Consultation - Data - Mox Case

EIS - Public Participation

Emergency planning - tugs, ports, salvage

Liability regime:

~~57%~~ of Countries with 57% of the world's nuclear plants - have ratified no nuclear liability treaties

Japan - no ratification

1997 Protocol revising Vienna - 4

Arg Morocco Latvia Romania

1997 Convention on Supplementary Compensation - 3

Arg Morocco Romania

Problems

Limits on amounts

Limits on time

Inadequate definitions of damage

Who can sue

Who can be sued [Not Japan]

Must sue in UK - law favours nuclear industry

[EEZ exception - only for contracting parties]

Disincentive to join - must pay for accidents of others

Bizarre - counter intuitive

The Pacific Stars in the Sea



Thirty-Fourth
Pacific Islands Forum
New Zealand 2003



⑥ Nadi Mtg - Feb - { UK - Public Relations
Patronizing } Japan - Refusal to discuss Japanese
Prurition law
Urged Recommended to leaders to
consider alternative approaches.

⑦ IASA July
Liability? No

⑧ UK response
Underwhelming
Acknowledges concern
Offers no assurance of financial help
Misleading on risks
liability regimes.

The Pacific Stars in the Sea



① ~~try to be tried / very imp~~

Thirty-Fourth Pacific Islands Forum
New Zealand 2003



② What do we agree upon [problem]
What do we disagree upon [strategy]

A disagreement among friends, we appreciate the good faith of other delegations that have different strategies

UK Public Relations
Japan - refusal to discuss Japanese law

⑤ Prestige

Consultation - Data - Tech
E.S. - Public Participation
Emergency Planning - T-SS
Ports, Salvage
Liability Regime

③ Concerns

④ Rights under Case

⑥ Nadi Meeting - patronizing / frustration

{ damages, how defined
means of getting compensation

⑦ IAEA

⑧ UK response - acknowledges concern

acknowledges government role
misleading on risks
liability regime

Prestige Oil Spill - France & Spain
Cuban law

④ Must sue in UK
Definition of damage [SARS]
Who can sue
Discriminatory to Japan (must provide compensation)
Who can be sued (not Japan)

- 57% - N
Japan - No
1997 v. China
4
CSC - 3

⑨ Shipments don't go thru Suez Canal because of high insurance quotes

Malacca Strait because of complaints

Cape Horn because of Cuban law.

⑩ Imp to keep the pressure on -

Rep Return to language & explain importance of