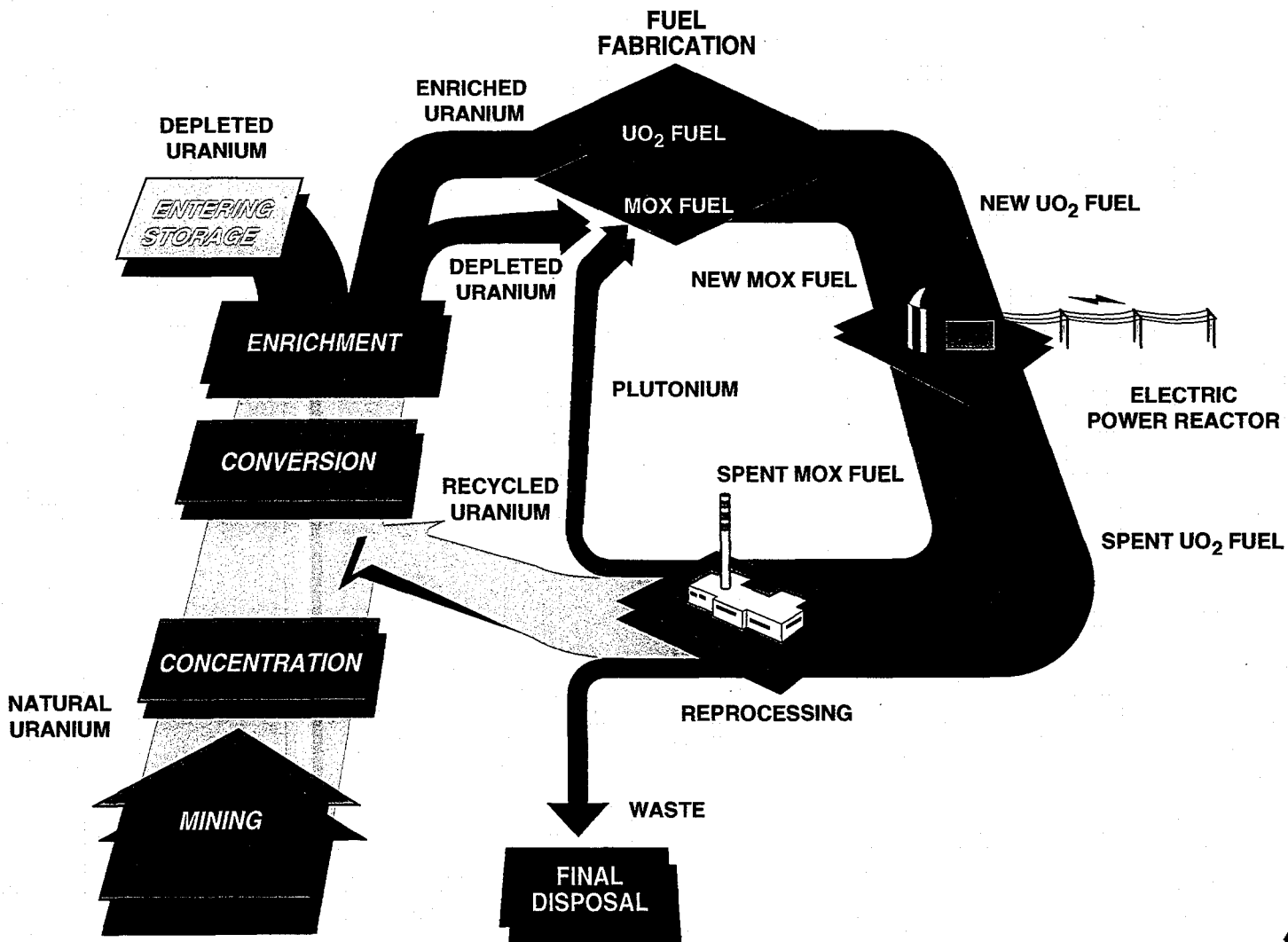
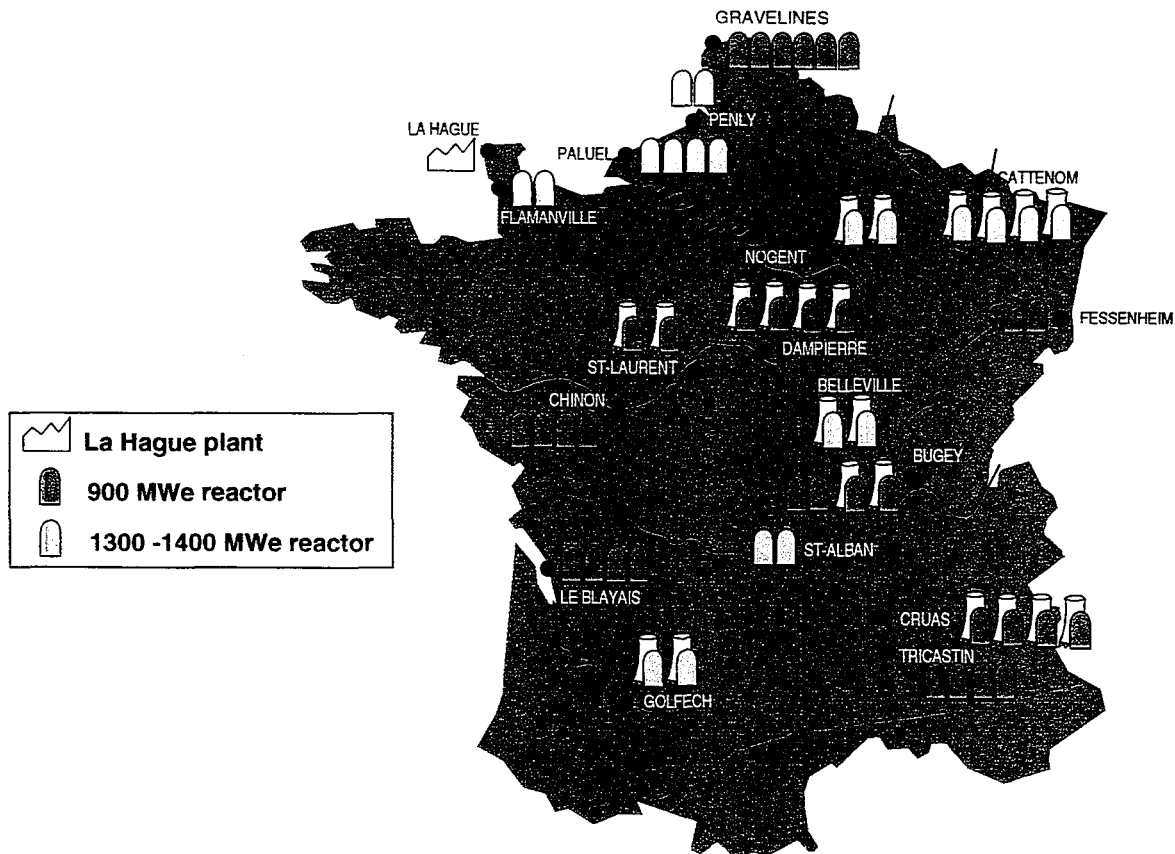


# THE NUCLEAR FUEL CYCLE



# FRENCH NUCLEAR PROGRAM



France produces 75% of its electricity  
with nuclear power generation

**October 18, 1999**  
**Kuala Lumpur, Malaysia**

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**Professor Ibrahim: “Are there any ways of enforcing the safety guidelines on the radioactive shipments, or are they just voluntary?”**

**Mr. Pope: “They are only voluntary.”**

# State Practice Requires Notification and Consultation Prior to Shipments of Ultrahazardous Cargo.

**\*\* Coastal nations have vigorously protested the Japanese transport of radioactive materials, and the Japanese have responded by modifying the routing of their ships. The efforts by the coastal nations to protect their populations and resources from a nuclear accident, and Japan's willingness to acquiesce to these protective claims, contributes to the development of customary international law. These claims and responses appear to establish a recognition that the normal rights of unimpeded navigational transit do not apply in cases of ultrahazardous cargoes.**

# State Practice Requires Notification and Consultation Prior to Shipments of Ultrahazardous Cargo.

## The 1992 Plutonium Shipment

**\*\* South Africa and Portugal explicitly requested Japan to stay out of their exclusive economic zones, and in response to an inquiry from Australia, Japan stated that "in principle" its plutonium vessel would stay outside the 200-nautical mile zone of all nations.**

**\*\* The plutonium ship did try to avoid exclusive economic zones by traveling far from the South African coast and staying south of the exclusive economic zones of Australia and New Zealand.**

**\*\* Finally, however, it did head north through the Pacific, and apparently traveled through the exclusive economic zones of some of the Pacific island nations.**

**State Practice Requires Notification and Consultation Prior to Shipments of Ultrahazardous Cargo.**

**The 1995 Shipment of Glassified Nuclear Wastes**

**\*\* Brazil, Argentina, Chile, South Africa, Nauru, and Kiribati expressly banned the Pacific Pintail from their 200-nautical-mile exclusive economic zones.**

**\*\* On March 8, 1995, the Brazilian air force closely monitored the vessel and demanded all navigational details to ensure that the ship did not enter Brazil's exclusive economic zone.**

**\*\* After Chile demanded that the ship leave Chile's EEZ and sent its ships and aircraft to enforce the ban, the ship did modify its route and left the area.**

**\*\* A number of Caribbean countries also issued statements insisting that the radioactive materials not be transported at all through the Caribbean Sea. These protests apparently forced the vessel to abandon its preferred route--through the Panama Canal.**

**\*\* Another significant group of countries prohibited the Pacific Pintail from passing through its territorial sea and archipelagic waters--Antigua and Barbuda, Colombia, the Dominican Republic, the Federated States of Micronesia, Fiji, Indonesia, the Philippines, Puerto Rico, and Uruguay.**

**\*\* The route ultimately traveled by the Pacific Pintail apparently avoided all exclusive economic zones of coastal countries--except those of Argentina and Chile, which it was forced to leave, and that of French**

## RIOR TO Shipments of Ultrahazardous Cargo.

### The 1995 Shipment of Glassified Nuclear Wastes

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Because of the number and range of these protests--and in particular because the vessels carrying Japanese radioactive materials responded by changing course both in their 1992 and 1995 shipments--it must be recognized that the shipments of ultrahazardous cargoes cannot proceed under the normal regime of navigational freedoms and are instead governed by a much more restrictive regime.

Notice and consultation must precede such shipments, environmental assessments must be conducted and disseminated, and the routes to be used must be accepted by all affected parties as the least dangerous of all the possible routes.