

NEW ZEALAND - FRANCE
RAINBOW WARRIOR AFFAIR

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[NOTE] On 10 July, 1985, the Rainbow Warrior was the subject of a bomb attack which resulted in the sinking of the vessel and the death of a Dutch crew member, Mr. Fernando Pereira. The organization Greenpeace had intended to send the Rainbow Warrior to protest against French nuclear testing in the Pacific. Two French agents, Dominique Prieur and Alain Matari were subsequently found guilty of manslaughter and sentenced to ten years imprisonment. On 7 July 1986, the UN Secretary General Mr. Javier Perez de Cuellan announced that as terms of settlement which included the following:

- the agents would be transferred to French custody to remain on the atoll of Hao for three years;
- France would pay \$US 7 million compensation to New Zealand and make a formal unqualified apology
- France would not use its influence in the EEC to oppose NZ butter exports to the UK in 1987/1988 at levels proposed by the EEC Commission and not to restrict NZ mutton, lamb and goatmeat exports to the EEC]

13 August 1985

Rt Hon. David Lange
PRIME MINISTER

"The Government is taking very seriously", the Prime Minister, the Rt Hon David Lange, said today, "the press reports from Paris about the involvement of the French external intelligence service in the Rainbow Warrior bombing."

"If these rumours prove to be true, the action would constitute a gross breach of the principles of international law.

However, the report by Bernard Tricot is not yet finalised. I await its publication and the reaction of the French Government. I am not prepared to say anything further at this stage.

President Mitterrand has told me that New Zealand can count on France's complete cooperation in this affair.

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22 August 1985

POST CAUCUS PRESS CONFERENCE

RT HON DAVID LANGE

PRIME MINISTER

'Greenpeace' Investigation

Q. The identification by the Police of the woman in custody as a member of the French Intelligence?

A. I think the identification is of a person holding office in one of the military services in France. I am not aware of identification as a French Intelligence officer....

Q. She has been identified as a Captain in the French Army. Would you now say that the French Government has had a hand in the bombing?

A. No, you cannot jump to that conclusion, because a person who was, say, an officer in a military force, is not necessarily, in doing something alleged in another country, acting pursuant to orders.

Q. Prime Minister, given that you seem to have been ahead of the play on this, do you still stand by what you said four or five weeks ago about no government agency being involved?

A. No, I didn't say that. I said there is no evidence which would go to prove that a government agency or an instrument of government was involved....

Q. Does it concern you at all that given that there is still craft being deployed to Mururoa and given that there is still a substantial movement in this country involved with the Kanak independence cause and the proposed Mururoa testing, that there is still or could be reason for French covert action in New Zealand to continue? A. I accept that possibility.

Q. So what are you doing about it?

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A. There is no evidence of it, that is all....

There is no evidence that French spies have been going around New Zealand blowing things up.

Q. Detective Inspector Galbraith this morning expressed some concern about the level of cooperation in France. He said NZ Police were not allowed to interview anyone themselves, that the French do the interview with New Zealanders present and that they are not getting the supply of evidence to bring Now I understand that you had assurances from President Mitterrand that full cooperation would be given?

A. That is correct.

Q. Inspector Galbraith again expressed this morning that there was no extradition treaty. You asked President Mitterrand in your letter to 1896. Have you had a response to whether they will? A. No.

Q. Would you expect a response?

A. Yes, one would expect a response, but I haven't had it.

Q. You are aware of course that that treaty doesn't provide any guarantee

A. None whatever, that is why it is a matter of executive or presidential discretion in my view.

Q. Is there any precedent for that having happened with France?

A. No.

Q. Do you envisage any circumstance at all in which New Zealand could do a swap or exchange deal of the couple?

A. No. Let's be quite clear about it. The New Zealand Government does not determine the future or the liberty of people charged within the criminal justice system. Their future lies in the hands of the court. If it be proved to the level of proof

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required by our New Zealand criminal system, then they will be convicted. They are, however, innocent until they are proved guilty beyond all reasonable doubt, and if they are acquitted then of course they are free to leave. But there is no question whatever of New Zealand even being approached by a government to government level for a so-called exchange, and there is a firm resolve on the part of New Zealand that it would never agree to some form of swap based on the detention of other New Zealanders in other parts of the world. We are not into that, never will be, and all should know it

Q. Has any thought been given to the future of the French Military Attache in Wellington?

A. No.

Mr Palmer's Overseas Trip

Q. What is Mr Palmer's brief going to be when he is in Paris, in his position as Attorney General will he be carrying out further discussions or inquiries on this affair?

A. No, the purpose of the visit is outlined in a press statement which has probably just become available to you. But you will see a résumé of where he will be going and there is a reference to the visit to Paris which, I think, is the last major centre that he is going to....

Q. Would you consider this a lack of cooperation in terms that you said?

A. Well that is the first time that I heard that reservation on the part of Inspector Galbraith. I regard him as a very astute officer and if he expressed that I would accept his judgement of it.

Q. What could be done about it?

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- A. One can't do further than that because one is in the hands of the French when one is in France.
- Q. Will you be approaching President Mitterrand again and ask him to fulfill the spirit of his letter?
- A. I would ask him to fulfil not just the spirit of it, but the letter of it.
- Q. So he is not going as Attorney General, he is going as a representative.
- A. He is going as Deputy Prime Minister, as someone who will be talking about the South Pacific nuclear free zone treaty at the United Nations, someone who will be talking about the question of New Caledonia and its constitutional evolution at the UN and in other places, and since July 10 and the later revelations he will be talking about those important bilateral issues.
- Q. Will he talk specifically about the question of bringing anyone that might be arrested in France to trial in New Zealand?
- A. No, that would be a matter which....it could be if it were of moment then, but that is not the reason why he is going. This journey was planned before anyone was involved.

Nuclear Ship Visits

- Q. When Mr Palmer is in Washington he will be talking to Secretary of State Shultz and a few other people on nuclear ship issues. Will he still be likely to be discussing options on the nuclear ships legislation?
- A. Not in the sense that the options are open for selection by the US, but he will be talking about the philosophy behind the legislation and working through with them how that can be seen by them not to be adverse to their interests or anti-American, but anti-nuclear.

Q. Are you able to give us an update on anything available on what is happening at the moment regarding the Rainbow Warrior?...

A. Mr Palmer will have to talk to the French about questions on international law, because those questions are not clear, as France has maintained a strong nationalistic stance. For instance, with respect to the question of persons charged with criminal offences in other countries, just so has France been very cautious to remain supranationalistic, rather than internationalistic, in the whole question of international legal proceedings, so that there is no automatic entitlement to assume that they would honour any adjudication, or indeed take part in the proceedings of an international court of justice. It will be necessary to take up that question together with the question of arbitrating some other form of forum which they might heed, But these are very early days, We are under no pressure of time there at all. This is something a bit like cheese, it will be much better when it matures.

Q. It's early days, but what other forums are there?

A. Well there are forums which are available at the behest of those who seek to create them, perfectly possible to establish a forum of

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one's own arbitration with respect to the civil issues that are involved, there are other world bodies of course that have a specific mandate to do that.

Q. Is it common for people of prime ministerial status to be subject to security checks at airports.

A. I don't know, there is certainly no international practice of declining such people security checks, I would be checked more often than not, and I would certainly wish to volunteer myself more often than not. Just as it is my firm resolve that I declare absolutely everything and try to buy nothing abroad which one could even forget. But I think that it is a perfectly sensible practice, and indeed if I were in a situation where I was asked to go through such a device, I think it incumbent on anyone not to demur, but to actually volunteer one's attendance, and as far as baggage is concerned, I would be anxious to see that it was screened, because in a retinue, such as travel on government mission, it is perfectly possible for people to get at baggage, as any who were with us last year in New Delhi on the September trip would know, when it took some hours to find them all again. Therefore, I would think that any precaution like that would be something that I would welcome. I do not know of any reserve or reluctance by my predecessor about that. I do not know the circumstances attendant on the President of Nauru's exception being taken to it; it may have been the manner in which it was offered; it may have been an order rather than an invitation. I do not know. But I would be astonished if the President was for the first time invited to undergo such screening.

Rainbow Warrior

- Q. Prime Minister, is there any concern in Cabinet that the NZ Police and NZ Government are being led something of a wild goose chase on this exercise?
- A. I think there is no sense of surprise about that. I used to be in court, you know, when the accused would invent a whole series of wild geese. The fact is that there is an enquiry being conducted in Paris; it is being conducted by a man who some years ago dealt with the same possible culpability of the DGSE in respect of Algeria. Now, that inquiry will be released later this week. There has been no investigation carried out in NZ by the inquiry, and therefore it was in fact surprising to read some of the speculation at the weekend that there would be in fact a great whitewash. The implication of the weekend report seemed to be that the DGSE were running some sort of Club Med down here for their operators to come down here and pass the time of the year, it being congenial apparently and happening to coincide with a visit of certain Green Peace activists. I cannot believe for one

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moment that an official investigator would produce that story, and I am surprised that there are sufficient people in the media in France that would swallow it....

Q. So you seem to feel some doubt about the likely outcome of this report simply because they did not come here?

A. There are two ways of getting evidence from NZ, either to come here or to have it given to you in France.

Q. Has that occurred?

A. The latter could well happen....

I think that what we have to do in terms of the French/NZ relationship is to see that it is not, this Warrior Affair, used as some sort of confrontation arouser. That there must be justice between our respective countries, but then we must come back to having a rational relationship. You see if in fact there is a culpability on the part of the French, that could be very useful to NZ's interests long term. Q. Make them pay?

A. I am not talking about money. I am talking about the strength of our diplomacy with respect to Mururoa testing. It would, I think, bring to bear on the French people generally the strength of detestation of that programme.

Q. Prime Minister, do you know where the explosive came from that was used on the Rainbow Warrior?

A. No, although I saw in the paper, or in one of the reports, that the explosives were such that would be used for mining nickel in New Caledonia; it is also used I think to make quarry holes at Te Awamutu. It would be used all around the world.

Q. Do you have any information as to whether the explosive was purchased in this country?

A. No, non at all. I mean it is an explosive which is a fairly universal commodity.

FRANCE - NEW ZEALAND - TRICOT REPORT ON THE "RAINBOW WARRIOR"
AFFAIR - CONCLUSIONS *

En conclusion, Monsieur le Premier Ministre,

- a) Ainsi qu'on le sait pour plusieurs et qu'on n'en doute plus pour les autres, les personnes dites Alain et Sophie TURENGE, DUBAST, VELCHE, AUDRENC et BERT ELO sont des agents de la DGSE ayant la qualité de militaires et dont les grades vont de ceux de sous-officiers à ceux d'officiers supérieurs.
- b) J'ai à peine besoin de dire que la situation de clandestinité où se trouvent des militaires français sur le territoire de leur propre pays doit cesser. Dès que je vous ai fait part de mes suggestions relatives à la présentation des intérêts devant la justice française, vous avez bien voulu les approuver.
- c) Tout ce que j'ai entendu et vu me donne la certitude qu'au niveau gouvernemental il n'a été prise aucune décision tendant à ce que le RAINBOW WARRIOR soit endommagé. Cette année, comme les années précédentes, la politique gouvernementale a été exactement contraire.
- d) Les doutes que j'ai eus sur la façon dont les instructions données par le Ministre de la Défense avaient pu être interprétées ont été levés lorsque je me suis assuré que la large d'interprétation possible se situait en dessous de ce que j'appellerai la zone dangereuse, c'est-à-dire celle où les services auraient pu se croire invités ou simplement autorisés à mettre en œuvre des "méthodes douces", elles-mêmes éloignées des actes de violence.
- e) Il n'y a aucune raison de penser, (et il existe de fortes raisons de croire le contraire), que la DGSE ait donné aux agents en Nouvelle-Zélande des instructions autres que celles tendant à mettre correctement en œuvre les directives gouvernementales.
- f) Bien qu'il soit impossible, aussi longtemps que la procédure suivie en Nouvelle-Zélande n'aura pas atteint la phase contradictoire de se prononcer avec certitude sur la réalité des actes reprochés, au Commandant MAFART et au Capitaine PRIEUR, je crois, dans l'état actuel de mon information, à leur innocence.
- g) C'est ce que je crois aussi, toujours dans l'état actuel de mon information, pour ce qui est de l'Adjudant Chef VERGE et des Adjudants ANDRIES et BERT ELO. Une enquête administrative nécessairement rapide peut être difficilement conclusive. Personnellement, je crois donc utile que ce rapport soit suivi en France d'un examen plus détaillé.

Je vous prie, Monsieur le Premier Ministre, d'agréer l'expression de ma haute considération.

Bernard TRICOT.

*[On 8 August 1985, the French Prime Minister M.L. Fabius, requested M. Bernard Tricot to report on the sinking of the Rainbow Warrior in order to ascertain any official French knowledge or even involvement in the affair. We publish M. Tricot's conclusions].



Rt Hon. David Lange
PRIME MINISTER

PRESS STATEMENT
27 August 1985

"On my instructions, the Secretary of Foreign Affairs, Mr Norrish, called in the French Ambassador H E Mr Jacques Bourgoïn personally to hand him a copy of my statement about the Tricot report.

"This is a normal procedure where an issue of importance has arisen between New Zealand and another country" Mr Lange said. "I understand that the discussion did not go beyond the terms of my statement."

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27 August 1985

The publication of the Tricot report on the Rainbow Warrior incident did not, in the event, give grounds for concern about a potential risk to New Zealand tourists in New Caledonia, the Prime Minister, Mr David Lange said this morning.

Mr Lange said that he had earlier been concerned that the report might have laid some of the responsibility for the Rainbow Warrior tragedy at the door of individuals or groups connected with New Caledonia.

Recent newspaper speculation had highlighted such a possible link. Such a connection might have raised the possibility of New Zealanders in New Caledonia becoming a target of local hostility.

The Prime Minister said as no such New Caledonian connection had been established at this juncture he would not be advising New Zealanders not to visit New Caledonia at the moment, although some caution would be prudent.

Mr Lange said the internal situation in New Caledonia was calm at present, although unrest in the run-up to the territorial elections planned for September/October could not be ruled out.

He reiterated earlier advice that it was not advisable for visitors to New Caledonia to go outside Noumea if they could avoid it. New Zealanders visiting the territory should also register their presence with the Consulate-General in Noumea.

27 August 1985

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THE TRICOT REPORT

"I consider Mr Tricot's report totally inadequate. It is shot through with contradictions and inconsistencies," said the Prime Minister, the Rt Hon David Lange today. The Prime Minister was commenting on the official investigation into the involvement of French Government agencies in the bombing of the Rainbow Warrior.

"The report is, by Mr Tricot's own admission, very much a preliminary one. The conclusions are, quite rightly, heavily qualified by assertions that Mr Tricot did not have all the information at his disposal and that a more detailed investigation is required. This is abundantly clear. The report is the work of one man over a period of some two weeks. In contrast a team of New Zealand's most experienced police officers have over the past six weeks carried out an exhaustive investigation into the incident. Mr Tricot had been invited to come to New Zealand. He did not take up that invitation. I can only hope that he, or whoever carries out the proper investigation that he believes is necessary, will visit New Zealand before endeavouring to reach any further conclusions."

The Prime Minister said that from the outset he should spell out one overriding consideration. "The New Zealand Government's primary obligation is to avoid prejudicing the legal process that has already begun in Auckland. Two members of the French secret service, the DGSE, have been arrested and charged with murder and arson. They will come to trial in November. As a result I am not

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President Mitterrand's assertion that the fullest enquiry would be carried out and that no-one will be spared. Certainly Mr Tricot's report is a very unsatisfactory beginning to such an enquiry."

"In the circumstances I have suggested that the French Government might consider recalling the French Ambassador in Wellington for consultations. This might help to make it clear in Paris that we in New Zealand take this whole matter more seriously than Mr Tricot appears to."

The Prime Minister said that he would like to make one thing very clear. "If the two people identified in the report as French agents and currently held in Auckland are found guilty, we shall expect the French Government to accept that verdict. We shall also expect the French Government to draw the necessary conclusions from such an outcome."

In conclusion the Prime Minister said the entire Rainbow Warrior story, and the involvement of French spies on New Zealand territory, showed the insanity that nuclear testing had led to. "The obsession with pursuing these tests has resulted in an infringement of New Zealand's sovereignty by the French Government and an unacceptable insult to New Zealand."

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PRIME MINISTER'S SPECIAL PRESS CONFERENCE OF 28 AUGUST 1985'Rainbow Warrior'

PRIME MINISTER

The statement of the Prime Minister of France was received here this morning. I have had the opportunity of reading the translation. The statement is significant. It is significant because it is abundantly clear that the French Prime Minister is not fastening himself to the Tricot report. It is significant because he has given a commitment that there will be a bringing to justice in France of those against whom proper evidence is tendered. It is significant because he has acknowledged serious deficiencies in the way in which the French External Security Service operates and has proposed a form of parliamentary accountability. It does not amount to an explicit apology, but as handsome and constructive tender of concern as one is likely to get at this stage in the proceedings.

I think that there is in fact a substantial air of penitence about it including a statement that there have been deficiencies in the way in which the security services operated, but as I observed myself there is no explicit unadorned apology.

- Q. How do you now see the future of the French Ambassador?
- A. The future of the French Ambassador to New Zealand is in the hands of the French, but the fact is that this is a constructive conciliatory statement. I think that can be attributed to two things. One is that there is for the first time, it seems, a genuine indication that the French Government is going to honour what the President of France said. The President in his letter to me said that the whole matter will be treated with the gravest importance and that NZ, 'your country' as he said to me, is certainly able to

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count on the total cooperation of France. For the first time we look as though we might be seeing that. I must say that hitherto there has been a very grave deficiency in French cooperation, and the absurdity of those three trained naval divers being spirited to France, popping up for M Tricot and disappearing again is the reverse of total cooperation which was pledged by the President.

I think there is an even more obvious solution. They are military people, people who operate according to a code of honour, they proclaim their innocence, M Tricot proclaims their innocence. They obviously are not travel shy, they could come to NZ and go on trial ⁱⁿ a country which affords to people a presumption of innocence until they are proved guilty beyond a reasonable doubt. I would have thought that is the least that galant mean of honour would do to vindicate them from such an appalling allegation that they, in a totally alien country, sabotaged a vessel resulting in the death of a person on board. Now that, I would have thought, is a step which goes beyond any legal pendantic requirement; it is, I would have thought, the least that their integrity would demand of them.

Q. You don't seriously expect?

A. I think that when people proclaim their innocence they ought to be taken seriously and to proclaim their innocence from a bolt hole is not a compelling statement of position.

*** and this is the other breakthrough I think, that there is an undertaking now on the part of the Prime Minister to get that legal machinery in gear, which in accordance with the extradition Treaty of 1876 appears on the face of it to be a technical possibility, but the statute of 1927 makes it a legal impossibility. What I am saying to you is this, extradition in terms of relentless legalism appears not on,

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but that does not preclude anyone coming to NZ, honourably proclaiming their innocence and then being able to vindicate themselves to the world....

Obviously NZ expects an apology from any country that plants spies in its territory....

I don't regard it as an explicit apology, as I have said but more has emerged from the Prime Minister of France's statement than could have been expected yesterday, and I regard yesterday's overt diplomacy on my part, very successful.

Q. How do you feel about M Tricot?

A. M Tricot has made an international fool of himself....

We will provide him with the evidence which is appropriate to supply them with, but remember we have a trial of two people in NZ and warrants are out for a further 3. And I will need to be sure that it will be handled responsibly. And as I have said, consider what the options are, the options are for France to try 3 people on their terms, and at the distance from the vast body of evidence, or for 3 people to come to NZ where the evidence is....

Let's also remember, you see, that evidence is evidence and should stand the test. If it has a probity which will stand the ultimate challenge of jury analysis, it should stand premature analysis by defence. I have no qualms about that. If I had evidence which is going to stand up, then I think that it should stand up no matter what forum. Therefore my reservation is not of the quality of the evidence, my reservation is of the impact of disclosure in NZ, remembering that from the public in Auckland 12 people will be selected who, when the jury convenes if there is a finding, if there is a case to answer against these two, must discharge from their minds, and must be able to be expected to have expunged from their minds, any prejudicial prematurely released speculation, evidence or conjecture which could stop them forming a view that

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these two are entitled to the presumption of innocence until they are proved guilty beyond any reasonable doubt. Now those are the limitations under which we work.

Q. Diplomatically, do you now see a case.....

A. There is I think a very interesting part in the Fabius report when addressing the issue of national right he asserts that France as what he describes as a nuclear power and as a Pacific power must protect its interests. That presumably is a tentative justification for having spies in NZ. Were it not so, given that he disavows a connection with the destruction of the Rainbow Warrior, it would be merely provocative. Therefore one assumes that he said that for a reason. I reject that reason, I think that in fact if France had set out to form a tighter coalition of protest in the South Pacific against their testing at Mururoa, they could not have done it more dramatically than to have stated to the world that they had 5 spies in NZ. That will arouse the hackles of people who hitherto were not very vociferous against testing in Mururoa, and it will unite people in process....

And my concern is that, if we have a rupture of relationships which NZ is undoubtedly entitled to do, I mean we would be certainly not misunderstood anywhere in the world if we had taken some ultimate step with respect to the French Ambassador, but you see we also need to have a channel which will get our ultimate goal, which is that these people should be brought to justice. Now, I do not want to poison the well, hence I hope that we can keep working out at this undoubtedly unsatisfactory relationship....

I think that there will be in due course an apology from France.

NEW ZEALAND & FRANCE - THE RAINBOW WARRIOR

13 September, 1985.

Dear Mr President

I wish to thank you for the letter that you have sent to me concerning the Rainbow Warrior incident.

As you know, the attack on that vessel which caused the death of a crewman is the first terrorist incident to take place in this country. It has aroused widespread indignation from all walks of New Zealand society, and also around the South Pacific region. As you say, such an act in the territory of another state is totally unacceptable and I am grateful for your Government's absolute condemnation of it.

The New Zealand authorities are conducting a most thorough investigation. Two people have been arrested. Warrants of arrest have been issued for three others. I have no doubt that even more are involved in this criminal act.

I am aware that there are serious presumptions that this crime was organised in France and that French citizens may be involved. This has led to cooperation between the New Zealand Police and their French counterparts. That cooperation has been welcome.

I wish to thank you particularly for the offer you have made of complete cooperation from all the competent French authorities to those New Zealand officials charged with this enquiry.. This will be of substantial value in seeing that the fullest light possible is cast on the affair, and assist in having the guilty brought to justice.

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As to the matter raised in your letter to me, the instruction that you have given to your Prime Minister to have carried out a most thorough enquiry, is a measure which my Government fully appreciates.

We shall, of course, be most interested in the results of the enquiry that M. Tricot is to carry out. I assume that a copy of this report will be made available to my Government. I want you to know that my Government stands willing to cooperate with him in the appropriate manner. Should he feel the need to come to New Zealand for the purposes of his enquiry, he will of course be most welcome.

In this spirit I wish to inform you that I have instructed Ambassador McArthur to make a formal request, in accordance with Article IX of the Treaty of 1876 for the mutual surrender of fugitive criminals, that the French authorities arrest and detain certain persons wanted for trial in New Zealand. It is our hope that any person connected with this affair against whom there is evidence of an offence in New Zealand who is extraditable in accordance with the Treaty and the law of France will be returned to New Zealand for trial. I appreciate that, depending on the nationality of the offenders, there may be legal limitations on the ability of your Government to comply with that request. We would hope, however, that you would explore every legal avenue to permit extradition.

Yours sincerely

David Lange

*[The text of this letter was provided by Ms. Robyn Schleiger Consular/Information Officer, NS High Commission, Canberra 1985].

AMBASSADE DE FRANCE A LONDRES

Service de Presse et d'Information

58 Knightsbridge, S.W.1.

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SPEECHES and STATEMENTS

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CTL/DISCOM/141/85

18 September 1985

RAINBOW WARRIOR

COMMUNIQUE ISSUED BY THE MINISTRY OF DEFENCE
(17 SEPTEMBER 1985)

"The Minister of Defence, M. Charles Hernu, vehemently protests against the campaign of rumours and insinuations against senior French military officers regarding the attack against the Rainbow Warrior.

"He regards it as unacceptable that several French general officers exercising or having exercised the highest responsibilities in our military establishment should be implicated.

"He asserts that no service or organization responsible to his Ministry received the order to attack the Rainbow Warrior.

"He asserts that to his knowledge no members of the DGSE were at that time in New Zealand, besides Major Mafart and Captain Prieur, other than the crew of the Ouvéa.

"Finally, M. Charles Hernu reiterates that that attack is unjustifiable and that he has undertaken to do everything possible to establish the truth : if it were established that officers had contravened his orders or lied to him, he would immediately make that known and would ask the Government to draw all the conclusions.

"But, there are no grounds for the moment for thinking that is the case"./.

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3. "Another problem is that of the supervision of intelligence services in a democracy. Any great country needs intelligence services. At the same time, they must be subject to supervision. I do not consider the situation satisfactory in that respect.

"I am instructing the Defence and Home Affairs Ministers, as from now, to send detailed annual reports of the activities of the intelligence services under their responsibility to the Chairmen of the Defence Committees of our two parliamentary Assemblies.

"The question has been raised of our relations with New Zealand. We have always in the past maintained friendly relations with New Zealand. We understand the emotional feelings aroused by a criminal act in that country. Those feelings also exist in France.

"As both a nuclear and a Pacific power, we have to defend what we consider to be France's interests in that region : Some manoeuvrings are going on against our interests, so no-one, especially among those who are encouraging them, can be surprised by our vigilance in preserving those interests.

"Finally, I want to come back to the act of sabotage against the RAINBOW WARRIOR, which, it must not be forgotten, caused a casualty. The conclusion to M. Tricot's report is that he is convinced that the secret services were not responsible. But those who were have not yet been identified.

"We should like the New Zealand authorities to get to the truth as quickly as possible. Our condemnation of this act of sabotage is not, as has sometimes been said, directed at the inefficient execution of a questionable scheme : it is an absolute condemnation of a criminal act"./.

AMBASSADE DE FRANCE A LONDRES

Service de Presse et d'Information

58 Knightsbridge, S.W.1.

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SPEECHES and STATEMENTS

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CTL/DISCOM/144/85

23 September 1985

RAINBOW WARRIOR

STATEMENT OF M. LAURENT FABUS, PRIME MINISTER
(22 SEPTEMBER 1985)

"The new Minister of Defence has just informed me of the first conclusions of the inquiry into the Rainbow Warrior affair.

"I wanted to inform you of them immediately. These conclusions now make it possible to pin down the truth.

"Officers of the DGSE sank that boat. They acted on orders. That truth was hidden from the Conseiller d'Etat M. Tricot.

"I have reported these serious facts to the President of the Republic. considered it absolutely necessary to take immediate measures.

"Firstly, a new head of the DGSE will be appointed at the next meeting of the Council of Ministers. He will have the priority duty of reorganizing all his departments.

"Secondly, the Government is in favour of creating a parliamentary commission of enquiry. Those who simply carried out the act must obviously be exonerated since it would be unacceptable to expose military personnel who simply obeyed orders and who in the past have sometimes carried out very dangerous missions on behalf of our country.

"The truth on this affair is cruel. But it is important, as I have undertaken to do, to establish it clearly and in full"./.

AMBASSADE DE FRANCE A LONDRES

Service de Presse et d'Information

58 Knightsbridge, S.W.1.

01-235 8080

SPEECHES and STATEMENTS

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CTL/DISCOM/146/85

25 September 1985

"RAINBOW WARRIOR"

STATEMENTS OF THE SPOKESMAN OF THE MINISTRY FOR EXTERNAL RELATIONS
(23 SEPTEMBER 1985)

The Quai d'Orsay spokesman said on 23 September that the Prime Minister, M Laurent Fabius, had verbally told the New Zealand Prime Minister, M. David Lange, that he was "grieved" that the Greenpeace affair should have affected Franco-New Zealand relations.

He also stated that the text of the declaration made by M. Fabius on the evening of 22 September regarding the Greenpeace affair had been handed to Mr. Lange by M. Jacques Bourgoïn, French Ambassador to New Zealand, on the morning of the 23rd in Wellington.

M. Bourgoïn, the spokesman said, had also verbally conveyed to Mr. Lange a verbal message from M. Fabius stating that he was "grieved" that this affair has affected relations between France and New Zealand".

The spokesman added that letters from M. Roland Dumas, Minister for External Relations, were to be sent to the family of Fernando Pereira, the Portuguese photographer killed in the sabotaging of the Greenpeace vessel, and to the Greenpeace Chairman Mr. McTaggart.

He indicated that the Minister for External Relations, M. Roland Dumas, and the New Zealand Deputy Prime Minister and Minister of Justice, Mr. Geoffrey Palmer, would meet this week in New York on the sidelines of the United Nations General Assembly./

(Source : Agence France Press)

AMBASSADE DE FRANCE A LONDRES

Service de Presse et d'Information

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SPEECHES and STATEMENTS

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CTL/DISCOM/149/85

27 September 1985

TELEVISION INTERVIEW WITH M. LAURENT FABIUS, PRIME MINISTER
(25 SEPTEMBER 1985)

GREENPLACE

Q. - Who sank the "Rainbow Warrior" ?

M. FABIUS - I already answered that question last Sunday. It was the French secret service, which means categorically that it was not an individual initiative, or that of any particular commando, but of the French secret service.

Q. - Who ordered the French secret service to sink the vessel ?

M. FABIUS - The answer is not easy because, as you can well imagine, there is no written order. Like many French people I asked myself that question and I had the investigation made on Saturday and Sunday by M. Quilès, the new Defence Minister, to help me find the answer. But that was not enough, so this very afternoon I summoned in turn Admiral Lacoste and Charles Hernu to this office, they sat in your seat and I asked them.

It is my conviction that both of them acted in accordance with what they thought was our country's interest.

It is my conviction that the responsibility lies at their level.

But I have certain things to add :

It was a bad decision.

Its regrettable implementation has created serious circumstances and consequences.

Admiral Lacoste has been relieved of his duties.

Charles Hernu has resigned.

But to complete my reply and make myself perfectly clear I must say exactly this : in a democracy such as ours the responsibility for this kind of decision rests with the political authority, namely the Minister.

Q. - Can't you give us any more details ?

M. FABIUS - I have spoken clearly..

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Q. - Why such a long delay ? You will tell me, of course, that M. Hermu's resignation and Admiral Lacoste's dismissal date back a few days, but the "Rainbow Warrior" sank on 10 July ; M. Tricot's report and the investigations have followed on one another since August.

M. FABIUS - It took rather a long time precisely because the truth was kept from the President of the Republic, M. Tricot and myself for rather a long time. And you will note that it is since Admiral Lacoste was relieved of his duties and the Minister resigned that the truth has made considerable strides.

Q. - And how long have you yourself known ?

M. FABIUS - Known what ?

Q. - That the secret service was implicated ?

M. FABIUS - Since exactly last Saturday. I was never informed by the Defence Minister of the preparations for this plan, and when the attack took place my questions as to whether the French service was implicated, whether it was responsible, always drew the answer "no".

Q. - How was the operation financed ?

M. FABIUS - By what is known in technical terms as an incidental expenses decree, it is issued by the Government Secretariat-General which endorses it with the Prime Minister's stamp. It is a normal procedure which is used five or six times a year.

Q. - So the procedure was carried out, but the importance of what was going to happen at the other end of the world was not realized ?

M. FABIUS - No, it was presented as another intelligence operation.

Q. - Why have you proposed a parliamentary investigating commission ? As you know, in France, when an investigating commission is set up, usually...

M. FABIUS - No, when commissions are set up, problems are consigned to oblivion, but investigating commissions are quite another matter. They have considerable powers. Why ? Simply because I think that, in a democracy such as ours, it is proper that the national representation, the elected body be able to check the facts and establish the truth of a matter like this one.

Q. - That initiative has not been very successful so far...

M. FABIUS - I don't think one can maintain two things simultaneously : one can't say "we want the truth, we don't believe the Government... and we refuse an investigating commission". One must think straight, otherwise the object can only be to perform some sort of political acrobatics.

Q. - On this whole affair and its surrounding circumstances we have hesitations here, lies there, struggles between secret services perhaps ? I myself have an impression of general confusion. What lessons will you learn from it ?

M. FABIUS - I think one must recognize in all honesty that this impression of general confusion is due to a combination of several factors :

- firstly, the order that was given was a bad one, then the implementation was obviously regrettable. Then, in the circumstances I have explained, the truth was covered up. Lastly, it is a secret service matter.

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When you add all that together, I don't want to joke about what is certainly no laughing matter, but, I would almost say, what is surprising is that on such a complex affair involving the secret service, the truth should be uncovered after two months.

Q. - You talk about the truth being covered up, that's certainly so, some facts were kept hidden, but some were also revealed, and isn't it paradoxical that the informers, the press in particular, should now be prosecuted and sanctioned ?

M. FABIUS - It is not paradoxical, as we saw earlier on television...

Q. - They helped uncover the truth.

M. FABIUS - Yes, but there's a point you should bear in mind. The press has to do its job, it is free, and it has to be said in all honesty that it was the press that pulled out the plug on the sterile matter, the lie.

But look at the question from the other side. We can't possibly allow soldiers or anyone else to divulge the identity of secret servicemen, for if you put your finger in that pie you are endangering the lives of those agents.

Those agents are people who work for the good of the country, they have carried out extremely dangerous assignments, sometimes under different identities ; if they are recognized their lives are at risk, you can't allow that. So the reaction is that that sort of behaviour can on no account be allowed, otherwise we shan't have a secret service any more and, above all, agents' lives will be at risk.

Q. - That's quite understandable, but it introduces a leaks affair on top of the Greenpeace affair.

M. FABIUS - There are two affairs, unquestionably.

Q. - Certain pre-detectable agents went and did a kind of hop-o'-my-thumb act in New Zealand, which gave rise to a suggestion that such a visible operation might have been a set-up designed to harm the Government. What do you think of that ?

M. FABIUS - I would be more cautious. I think that, as far as the initiative is concerned, my answer is no. I have said under what conditions the thing was done, having gone back up the chain, and there's no reason whatsoever to think that the object was to destabilize the Government.

As for the way the plan was actually carried out, I find like you that there were many blunders, to use a neutral term, and I wonder... General Imbot, who has just been appointed to replace Admiral Lacoste, will have to throw light on that. Didn't someone try to sabotage the sabotage ? I have no idea. It's a question I am asking myself.

At a third level, that of the comments or attacks made in some quarters over the affair, there is certainly an intention, I wouldn't say to destabilize the Government, but a political intention against it. It leaves me unconcerned.

Q. - Regarding what happened in the field, maybe it wasn't a matter of bad faith but of the poor quality of our agents. Is that a problem ?

M. FABIUS - One can't generalize, but there are certainly many deficiencies.

Q. - What will happen now ?

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M. FABIUS - Several things at the leadership level. M. Hernu has resigned and been replaced by the new Defence Minister, M. Paul Quilès, who has taken office. Admiral Lacoste has been relieved of his duties and has just been replaced this morning by General Imbot, who is an officer of considerable stature and character...

Q. - ... Who called just now for compliance with the rules regarding, precisely, leaks and disclosures of information.

M. FABIUS - He did right. At the parliamentary level there's that proposal to set up a parliamentary investigating commission. At the practical level, there's something to be done very quickly : the Government must, of course, get in touch with the victim's widow and family and - the term is hardly appropriate - offer compensation.

Q. - The claims for compensation will presumably be taken into consideration by the French Government ?

M. FABIUS - As far as the family and the widow are concerned, it is of the utmost immediacy.

Q. - And the reorganization of the services, of course ?

M. FABIUS - That is General Imbot's job, it is now going to be done, the Government has every confidence in him.

But I should like to add several comments on this affair. I have answered your questions in specific terms because I think the French are interested in this matter, even though they have much else to think about, also because they doubt our ability to uncover the truth, since there have been many unresolved affairs, and because it is a matter involving the secret service.

I should like to make three or four comments :

The first is that we must seek the truth, even if it's unpalatable. ~~I~~ think that, on a government's part, deciding this and in some cases taking sanctions is something fairly new. I am certainly not going to boast, like all the French I could well have done without this affair, but when one thinks of the list of genuine affairs, if I may call them thus, ranging from the de Broglie affair to the Boulin affair, with goodness knows what in between ... I really think some people should keep their mouths shut.

My second comment - because we have heard a lot of silly talk - is that the armed forces are in no way, and must not be, implicated. They do their job with a very high sense of duty, they serve our country with exemplary virtue, and as Head of Government, I want to make a point of paying tribute to them, they are absolutely not implicated in all this.

My third comment is that this regrettable affair is not going to put our nuclear policy, our defence policy at the mercy of some Government or association. France's policy is decided by France, and by her alone, by reference to her interests, but the law must be observed.

My fourth comment is that this affair has stirred up and is still stirring up a lot of emotion, some of it quite rightly, but it seems to me that there is also a kind of political exploitation and I can't help thinking that, with the elections six months ahead, it suits quite a few people's book. And I want to say to them, to the dirty tricks practitioners, that I am not impressed. I am the Prime Minister of France's Government, I enjoy the confidence of the President of the Republic and I mean to exercise my responsibilities.

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SPEECHES and STATEMENTS

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CTL/DISCOM/183/85

7 November 1985

RAINBOW WARRIOR CASE

REPLIES OF M. ROLAND DUMAS, MINISTER FOR EXTERNAL RELATIONS,
ON RADIO FRANCE INTERNATIONAL (5 NOVEMBER 1985)

Q. - Deal ? Diplomatic negotiation ?

THE MINISTER - Deal, no, diplomatic negotiation, yes. On 23 September, in New York, I saw Mr. Palmer, New Zealand Deputy Prime Minister and Minister of Justice. I saw him again on 26 September. We published a communiqué in which we said that the problems would be examined on a basis of respect for the two countries' rights and by reference to international law. Since then, contact has been maintained between the New Zealand authorities and representatives of my Ministry.

Q. - Does this mean that the Auckland court's decision is the result of those negotiations ?

THE MINISTER - I respect the sovereignty and independence of the New Zealand Judiciary. But I have an opinion. I can say that the New Zealand Judiciary came round to a more correct assessment of the facts of the case.

Q. - Was there a deal - I know you reject the term - involving freedom for the Turenge couple and butter and sheep for the European Community ?

THE MINISTER - I think I have already told you that the term is incorrect. The negotiation is pursuing its course and I shall make every effort to obtain the release of the two French officers at the earliest and under the best conditions./.

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SPEECHES and STATEMENTS

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CTL/DISCOM/186/85

7 November 1985

RAINBOW WARRIOR CASEREPLY OF M. ROLAND DUMAS, MINISTER FOR EXTERNAL RELATIONS, TO A
PARLIAMENTARY QUESTION (NATIONAL ASSEMBLY, 6 NOVEMBER 1985)

"The relations between France and New Zealand are traditionally good. The New Zealand leaders themselves, and in the first place the Prime Minister, Mr. David Lange have several times expressed the wish that the traditional ties of friendship with our country should not be globally affected by an affair which, when all is said and done, has remained fairly circumscribed.

"Thanks to this, as far as the case itself is concerned, the exchanges of views between the two Governments have been pursued continuously. I myself twice met the New Zealand Deputy Prime Minister, Mr. Geoffrey Palmer, on the sidelines of the United Nations General Assembly in New York. Those talks, with which Mr. Palmer declared himself satisfied, led to the setting up of a Franco-New Zealand group of experts.

"The task of these specialists was to examine the range of solutions to be applied to the problems between the two Governments. We have our grievances : New Zealand has encouraged the activity of a movement hostile to our nuclear tests. They have theirs. The whole range must be settled by negotiation, including the release, when the time comes, of the two detained officers.

"Finally, regarding the Auckland trial, I have read and heard from all sorts of quarters that there might have been a 'deal'. The term is incorrect and the substance inaccurate. New Zealand has an independent and sovereign Judiciary. It has its rules, which I respect. It is not for me to evaluate its decisions here, even though I make up my mind about their merits. I simply welcome the successes achieved by the defence, which was also skilfully and independently conducted. We have to be cautious. The successes achieved by the lawyers are only a start. Our two officers are not yet free, but rest assured that that is the main thing the Government is concerned about. No-one can find fault with the Government of the Republic for taking an interest in the fate of two French army officers who, as has been said by the highest Government authority, conducted themselves in accordance with the orders they had received"../.

NEW ZEALAND - FRANCE - RAINBOW WARRIOR AFFAIR - ALLEGED
TRADE BOYCOTT *

TEXT OF PM'S LETTER IS AS FOLLOWS:

MONSIEUR ROLAND DUMAS
MINISTER OF FOREIGN AFFAIRS
PARIS

DEAR MINISTER

IT HAS BEEN BROUGHT TO MY ATTENTION THAT THE IMPORT OF CERTAIN NEW ZEALAND PRODUCTS TO FRANCE IS BEING OBSTRUCTED BY ADMINISTRATIVE DECISION OF THE FRENCH AUTHORITIES, BOTH IN METROPOLITAN FRANCE AND NEW CALEDONIA. SINCE MY AMBASSADOR IN PARIS HAD DRAWN THESE OBSTRUCTIONS TO THE ATTENTION OF FRENCH OFFICIALS, AND AS I HAVE MENTIONED TO YOUR AMBASSADOR, I AM SURE YOU ARE AWARE OF THE DETAILS.

THESE BARRIERS ARE, OF COURSE, CONTRARY TO FRANCE'S INTERNATIONAL OBLIGATIONS AND INFRINGE CERTAIN GATT PROVISIONS BECAUSE OF THEIR ARBITRARY NATURE. WE HAVE DRAWN THIS TO THE ATTENTION OF BOTH THE EUROPEAN COMMISSION AND THE OECD, AND ARE CONSIDERING ACTION IN THE GATT.

I CAN ASSUME ONLY THAT THESE MEASURES HAVE BEEN DELIBERATELY APPLIED AS SOME INDICATION OF FRENCH DISPLEASURE AT THE PRESENT STATE OF OUR BILATERAL RELATIONS. IF SUCH IS THE CASE, I SHOULD ADVISE YOU THAT I AM SURPRISED AND DISAPPOINTED THAT YOUR GOVERNMENT HAS TAKEN SUCH A DECISION. IT DOES NOTHING, IN MY VIEW, TO MAKE THE HANDLING OF A DIFFICULT PERIOD IN BILATERAL RELATIONS ANY EASIER.

*[This is the text of a letter forwarded in March by the New Zealand Prime Minister, the Honourable David Lange, to His Excellency Roland Dumas, French Minister for Foreign Affairs.]

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THE MEASURES TAKEN CERTAINLY DO NOT INFLUENCE THE ATTITUDE THAT MY GOVERNMENT HAS TOWARDS THE RESOLUTION OF OUR BILATERAL PROBLEMS. BUT THEY COULD, IF PURSUED FURTHER, SERIOUSLY INHIBIT OUR CONTINUING EFFORTS TO FIND A SOLUTION. YOU SHOULD KNOW THAT WE HAVE RESISTED TAKING SOME SORT OF RETALIATORY ACTION WHICH WOULD, IN MY VIEW, NOT HELP EITHER COUNTRY. I WOULD ADD THAT THE TRADE BARRIERS PENALISE FRENCH CONSUMERS AS WELL AS NEW ZEALAND EXPORTERS.

THROUGHOUT THE PERIOD SINCE YOUR GOVERNMENT ADMITTED ITS RESPONSIBILITY IN THE CRIMINAL ATTACK AGAINST THE RAINBOW WARRIOR, THE NEW ZEALAND GOVERNMENT HAS ACTED IN A RESTRAINED AND PRINCIPLED MANNER TOWARDS FRANCE. WE DECIDED AT THAT TIME NOT TO TAKE ACTION AGAINST FRANCE IN INTERNATIONAL BODIES, BELIEVING THAT IT WOULD BE POSSIBLE FOR TWO TRADITIONALLY FRIENDLY COUNTRIES TO RESOLVE THE MATTER IN PRIVATE BILATERAL DISCUSSIONS. NEW ZEALAND SOUGHT ONLY TO OBTAIN THAT WHICH INTERNATIONAL LAW AND CUSTOMARY INTERNATIONAL PRACTICE WOULD ALLOW WAS ITS DUE. WE HAVE MADE EVERY EFFORT TO BRING TO A SATISFACTORY CONCLUSION, IN THE INTERESTS OF BOTH COUNTRIES, THE PROBLEMS ARISING FROM THAT UNHAPPY AFFAIR

I REGRET THAT FRANCE HAS SEEN FIT NOT TO FOLLOW THE SAME COURSE OF ACTION. I AM SURE THAT REMOVING THE TRADE BARRIERS IT HAS IMPOSED ARBITRARILY WOULD BE SEEN NOT JUST IN NEW ZEALAND BUT ELSEWHERE, AS A SENSIBLE WAY OF RESTORING CONFIDENCE IN FRANCE'S COMMITMENT TO FINDING A PRINCIPLED SOLUTION TO THE ISSUES THAT FACE US. THAT IS CERTAINLY MY HOPE.

YOURS SINCERELY

DAVID LANGE