

**The insecurity legacy of the Rainbow Warrior affair:
A human rights transition from nuclear
to climate-change refugees**

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Abstract

State-backed terrorism as exemplified by the bombing of the *Rainbow Warrior*, the Amsterdam-registered flagship of the Greenpeace environmental movement, on 10 July 1985 in New Zealand, and the assassination of pro-independence leaders and, allegedly, at least one journalist in French Pacific territories by secret agents or military officers in subsequent years, has left a legacy of insecurity. In July 2015, New Zealand marked the thirtieth anniversary of the bombing in a more subdued manner than a decade earlier. While there was considerable focus on a rehashing of the French spy drama from a narrow “how we covered it” perspective, there was little introspection or reflection on broader issues of regional security. For example, the sabotage of the environmental flagship was not addressed in the wider context of nuclear-free and independence movements active in New Caledonia, New Zealand’s near Pacific neighbour, or of nuclear refugees such as those from Rongelap Atoll, from where the *Rainbow Warrior* had relocated an entire community to a safer environment following United States nuclear tests in the Marshall Islands. At the time of the second anniversary, *Le Monde* exposed the responsibility of President François Mitterrand for Opération Satanique and later revealed much of the detail about the so-called “third team” of bombers. This paper examines the broader context of the bombing in the Pacific geopolitical challenges of the time and the legacy for the region, from a journalist’s perspective, as the region has moved from the insecurity of nuclear refugees to that of climate change refugees, or climate-forced migrants. The paper also contextualises a research and publication multimedia project by some forty student journalists in a university partnership with Little Island Press from the perspective of media and terrorism, deliberative journalism (DJ) and human rights journalism (HRJ).

Keywords: climate change refugees, environmental journalism, global warming, human rights journalism, nuclear refugees, peace journalism, security, terrorism

Introduction

Three decades after the bombing of Greenpeace’s flagship, *Rainbow Warrior*, in Auckland’s Waitematā Harbour on 10 July 1985 by French secret agents in a blatant act of state terrorism, and their killing of a photojournalist, a prime minister in Paris was again in a political hot seat, due to extremist attacks on the “city of light” in November 2015. Thirty years earlier, Laurent Fabius, then aged thirty nine and the youngest-ever French prime minister, had tried valiantly to come to terms with the fallout from the 1985 *Rainbow Warrior* bombing while being cynically kept in the dark by elements of his own government.

Ironically, Fabius who was Foreign Minister in François Hollande's socialist government until retiring in early 2016 and chaired the crucial COP21, or United Nations Climate Change Conference, at Le Bourget, Paris, in December 2015, which achieved a binding and universal agreement with the aim of keeping global warming "well below" 2°C (United Nations Conference on Climate Change, 2015). He is one of the few living high-level French protagonists in the *Rainbow Warrior* affair. The Defence Minister at the time, Charles Hernu, died in 1990, just five years after the sabotage of the anti-nuclear ship. The then President, François Mitterrand, remained in office a further five years and died in 1996, the year after he stepped down—ironically when France ceased testing nuclear bombs.

In 2005, two decades after the bombing and nine years after Mitterrand's death, *Le Monde* published a leaked document revealing that the late president had personally approved the sinking of the ship. The newspaper obtained a handwritten account of the operation, written in 1986 by Pierre Lacoste, who was sacked as head of the secret services. He had testified that he had asked President Mitterrand for permission to "neutralise" the *Rainbow Warrior* at a meeting two months before the attack and would never have gone ahead without the president's authorisation (Goodman, 2005; Parmentier, 2015: 188; Robie, 2006: 27).

According to law professor Janet Wilson, the bombing of the Amsterdam-registered *Rainbow Warrior* "dramatised in unprecedented ways issues of neo-imperialism, national security, eco-politics and postcolonialism in New Zealand" (Wilson, 2010: 81). State-backed terrorism as exemplified by this act of sabotage in a New Zealand port and the assassination of pro-independence leaders and allegedly at least one journalist in French Pacific territories by secret agents or military officers in subsequent years, left a legacy of insecurity. While arguably the tension between the two states has since been reconciled, in the last few years there remain unresolved legal and political issues about compensation for Pacific Islanders and their descendants who have suffered from nuclear testing (Bradley, 2011; Clark, 1989; Greener-Barcham, 2002; Jackson, 2008; Palmer, 2015; Veitch, 2010; Wilson, 2010).

In July 2015 New Zealand marked the thirtieth anniversary of the bombing in a more subdued manner than it had done a decade earlier. While there was considerable focus on a rehashing of the French spy drama from a narrow "how we covered it" perspective (Taylor and Field, 2015), there was little introspection or reflection on broader issues of regional security. For example, the sabotage of the Greenpeace flagship was not addressed in the wider context of the nuclear-free and independence movements active in New Caledonia, New Zealand's near Pacific neighbour, or nuclear refugees such as from Rongelap Atoll, from which the *Rainbow Warrior* had relocated an entire community to a safer environment following United States nuclear tests in the Marshall Islands. At the time of the second anniversary, *Le Monde* had exposed the responsibility of President François Mitterrand for Opération Satanique and later revealed much of the detail about the so-called "third team" of bombers (Plenel, 2015). This paper traverses the broader context of the bombing in the Pacific geopolitical challenges of the time and its legacy for the region as the region has moved from experiencing the insecurity of nuclear refugees to another insecurity over climate-refugees, or climate-forced migrants. It also contextualises a research and publication multimedia project by some forty student journalists at Auckland University of Technology (AUT) in partnership with Little Island Press (see Robie, David, Tony Murrow, Pierre Gleizes, AUT television journalism students and others, 2015) from the perspective of media and terrorism (Freedman and Thussu, 2012), deliberative journalism (DJ) (Romano, 2010; Robie, 2014) and human rights journalism (HRJ) (Shaw, Lynch and Hackett,

2011).

Methodology

This paper uses documentary and legal papers' research and interrogates my archives and reflections as a journalist who travelled for more than ten weeks on the *Rainbow Warrior*. It also draws on my background as a media academic who has written three books related to the *Rainbow Warrior* affair and several scholarly papers on the topic over three decades (see Blackall, 2014; Robie, 1986, 1989a, 1992, 2005, 2007, 2014, 2015). Autobiography is invaluable for research in providing "understanding, from the vantage point of the current time, the meaning and movement of the past" (Given, 2013: 45; see also Eakin, 1999; Freeman, 2006). The paper includes the judicial process over the *Rainbow Warrior* affair under international law, realist jurisprudence (Chinkin and Sadurska, 1991: 529) and recollections of legal actors. I have relied on definitions of state terrorism for this paper as espoused by law professor Roger S. Clark, who argued in an analysis of the *Rainbow Warrior* sabotage and international law that any serious attempt to understand the notion of terrorism "must take account of activities both by state officials and by actors not acting on behalf of the state" (Clark, 1989: 394). He also invoked the revolutionary origins of the term:

Often in twentieth century discussions of terrorism, the matter is treated as one exclusively involving non-state actors. It is worth recalling, therefore, that the concept of terrorism had its origin during the French Revolution and referred specifically to *state* actions [original emphasis] (Clark, 1989: 394).

While acknowledging that there was no generally accepted authoritative meaning for the term "terrorism" because it was often used in an everyday sense to "include a wide range of sins", key features were that "human life is put in jeopardy and that an effort is being made to dramatise an issue and to intimidate a state, an individual, a group, or an organisation" (Clark, 1989: 395). New Zealand Prime Minister David Lange described the *Rainbow Warrior* attack as "nothing more than a sordid act of international state-backed terrorism" (cited by Wilson, 2010: 60).

At the time of the *Rainbow Warrior* bombing, terrorism studies was a fairly minor sub-field of security studies, but it has now evolved to become a much broader "stand-alone field with its own dedicated journals, research centres, leading scholars and experts". In fact, according to political scientist Richard Jackson, it is one of the fastest-growing research fields in the Anglophone world (Jackson, 2008: 377). Communication theorists and journalists Des Freedman and Daya Kishan Thussu argue that terrorism and the media are "crucial ideological vehicles in systematising and organising disparate 'acts of terror'" (Freedman and Thussu, 2012: 10). Media are increasingly seen as "active agents" in the conceptualisation of terrorist events.

Background

The context of the sabotage of the *Rainbow Warrior* was, on one hand, the strong anti-nuclear stance of New Zealand and many of its citizens, who were hostile to French nuclear testing in the Pacific, and on the other hand the promotion of the notion of an "independent Kanaky" in New Caledonia (Fraser, 1990; Robie, 1989a, 2014; Ross, 1993, 2016). French authorities had become increasingly defensive over French nuclear testing and the *force de frappe*. In 1973, New Zealand had despatched a protest frigate to the Moruroa test zone. Australia and New

Zealand also filed proceedings against France in the International Court of Justice the following year. Although New Zealand won a judgment, France had announced it was halting atmospheric tests.

France detonated 193 out of a global total of 210 nuclear tests in the South Pacific, at Moruroa and Fangataufa atolls, before halting the tests in 1995 in the face of Pacific-wide protests. (The other seventeen tests were at Reggane and Ekker in Algeria.) Opposition in New Zealand to nuclear weapons and testing grew sharply (by 1976, 333,000 people had signed the Campaign Half Million and by 1984 more than sixty-six percent of New Zealanders lived in Nuclear Weapons-Free Zones (Dewes, 2015). By June 1987, New Zealand's Nuclear Free Zone, Disarmament and Arms Control Act was in force. In addition, nuclear-free policies had been gaining ground across the Pacific with Belau/Palau adopting a nuclear-free constitution in 1979, followed by newly independent Vanuatu in 1982 and the Solomon Islands in 1983. Even in French Polynesia, the capital Pape'ete's airport suburb of Fa'aa had declared itself nuclear-free.

On 10 July 1985, French secret agents of the Direction Générale de la Sécurité Extérieure (DGSE) bombed the Greenpeace flagship *Rainbow Warrior* in Auckland's Waitematā Harbour, killing photographer Fernando Pereira, in an attempt to prevent a protest flotilla led by the *Warrior* going to Moruroa. Greenpeace campaign coordinator Steve Sawyer described the consequences and drama that unfolded as:

[Having] all the elements of a best-selling spy thriller, replete with high-level diplomatic meetings, political scandal, nuclear intrigue, government cover-up, military strategy, submarines on secret missions, trade sanctions, and a pair of saboteurs masquerading as honeymooners (Sawyer, 1986: 1325).

The sabotage of the Greenpeace ship was "one of the most serious international incidents suffered by New Zealand in peacetime," reflected Sir Geoffrey Palmer, then deputy prime minister and attorney-general, in a Victoria University of Wellington seminar in May 2015 marking the thirtieth anniversary of the bombing. These actions constituted an unlawful violation of New Zealand sovereignty at international law and constituted serious offences under the Crimes Act 1961. A [Portuguese-born] Dutch national was killed as a result of the action. The news broke in a dramatic fashion and inflamed New Zealand public opinion. It strained relationships between France and New Zealand to breaking point. Wars have begun over less (Palmer, 2015: 1).

Palmer argued that the Labour government of the day faced an "extraordinarily difficult" time over political management of the crisis. Two of the thirteen French agents reputedly in the country at the time, Captain Dominique Prieur and Major Alain Mafart, who had been posing as a Swiss honeymooning couple, were arrested and charged with murder and arson. They later pleaded guilty to lesser charges of manslaughter—a crime parodied in some French media as "man's-laughter"—and wilful damage. On 22 November 1985, Chief Justice Sir Ronald Davison sentenced both to ten years' imprisonment (Robie, 1986a, 2005, 2015).

The dispute posed serious challenges for the Lange government. Even following the arrest of Mafart and Prieur, the French government refused to admit it was to blame. The Tricot inquiry offered only a whitewash (Figure 1). As Palmer noted, it was not until after the New Zealand police file was sent to French authorities that Prime Minister Fabius read a statement on 22 September 1985 admitting that French secret service agents had sunk the boat acting under orders. But in fact this had more to do with new revelations by French investigative journalist

Edwy Plenel of *Le Monde* concerning a “third team” of bombers (Parmentier, 2015; Plenel, 2015). “It is hard to fathom, even at this distance, what the French authorities in 1985 thought they could achieve by authorising the operation. It turned out to be a serious embarrassment for France as well as an ordeal for New Zealand” (Palmer, 2015: 2). The politics of the situation were very fraught. Palmer summarised the predicament:

New Zealand was not in an enviable position. New Zealand is a small country. France is a major political power, a permanent member of the United Nations Security Council, a militarily powerful state, and a nuclear weapons state. The legal options were few. France had renounced its acceptance of the compulsory jurisdiction of the International Court of Justice as a result of the Nuclear Test cases. We had to negotiate because we could not force France to adjudication (Ibid.).



Figure 1: A cartoon by Le Monde’s Plantu marking the 20th anniversary of the bombing. President Mitterrand says: “At this time, only presidents had the right to carry out terrorism!” Investigative journalist Edwy Plenel is sitting in the classroom. CREDIT: © PLANTU, EYES OF FIRE, p. 180.

The negotiations “proved to be horrendously difficult” (Ibid.). Participants included all the involved states (France, New Zealand, the United Kingdom, the Netherlands and Switzerland), Greenpeace as a non-government organisation, lawyers representing the killed photojournalist Pereira, the accused who were state secret agents and the United Nations Secretary-General (Chinkin and Sadurska, 1991: 535). In his ruling, Secretary-General Javier Pérez de Cuéllar required France to make a formal apology for the attack and pay US\$7 million in compensation. He also ordered the release of the two jailed agents on condition that they be transferred immediately to the remote French Polynesian atoll of Hao and be kept there for three years. Their contact with people other than military and family was prohibited. France was required to guarantee European Union trade access to New Zealand, and an arbitration mechanism was established for disputes (cited by Clark, 1989; Ruling of the Secretary-General, 1986). The compensation money was used in an anti-nuclear projects fund and formed part of the Pacific Development and Conservation Trust.

New Zealand had also sought “adequate compensation” for the Pereira family and to Greenpeace. By the time of the Secretary-General’s ruling, compensation had already been paid to the Pereira family. An arbitration tribunal awarded Greenpeace US\$5 million in compensation and \$1.2 million in aggravated damages plus legal fees, setting a remarkable precedent for a non-government organisation’s case against a state (Clark, 1989: 401).

When France later released the two secret agents in breach of the agreement that they would serve three-year terms on Hao Atoll, the French military’s “Club Med” in the Pacific, New Zealand successfully sought arbitration under the terms of the Secretary-General’s ruling. The

tribunal ruled that France and New Zealand should establish a “Friendship Fund” with Paris contributing an initial \$US2 million in 1991. According to the fund’s bilingual website, the aim is to “enhance and deepen the historical, constructive and vibrant relationship between the two countries (New Zealand-France Friendship Fund, 2013). During the disputes, principles important to the political health of small states were vindicated and the principles of international law upheld. “If the case was a game changer,” recalled Palmer, “it was the innovative methods used to resolve it.” International law was twice vindicated to uphold New Zealand’s rights, once by negotiations and with the assistance of the UN Secretary-General, and on the second occasion by arbitration. The matter is behind us now, but we should not forget what a heavy test it was for New Zealand and how wickedly difficult was the resolution (Palmer, 2015: 4).

The fallout from the *Rainbow Warrior* bombing and then Prime Minister Lange’s “unwavering anti-nuclear stance” also severely strained New Zealand’s relations with the United States, and to a lesser extent with the United Kingdom, as well as with France. It also “dramatically magnified” Greenpeace’s role as a coordinator of South Pacific resistance to French bomb-testing (Veitch, 2010, Wilson, 2010). In a twenty-five-year retrospective about the “sordid act”, political scientist James Veitch concluded:

Rather than challenging the country’s aspirations to be nuclear-free, the incident became the catalyst. What reinforced this nuclear-free stance was the realisation that the bombing was an act of state terrorism inflicted on New Zealand by an ally—an action that other allies did not condemn even though New Zealand sovereignty had been severely violated (Veitch, 2010: 9).

One of the few analysts to have recognised Lange’s contribution over the issue of New Caledonian independence from France, former External Assessments Bureau analyst Ken Ross, has lauded Lange’s role. “Lange’s exposure of French culpability in the bombing of the *Rainbow Warrior*, his firm advocacy for the French South Pacific territory of New Caledonia to become the independent Kanaky and his being at the forefront of international opposition to French nuclear testing at Moruroa together present a major portfolio,” he has argued (Ross, 2016). According to a thesis by journalist Sarah Bradley on the changing relationship between New Zealand, France and New Caledonia with regard to the latter’s “road to independence”, Foreign Affairs and Trade Minister Murray McCully said the *Rainbow Warrior* bombing had “cast a pall over the relationship for a long time, but both sides have now moved on” (Bradley, 2012). Bradley also described the then Australian Consul-General in Nouméa, Anita Butler, as believing that any lingering resentment between New Zealand and France could stem from the way the bombing “became so personal to New Zealand citizens” (ibid.). This was in contrast to disagreements between Canberra and Paris over colonisation and nuclear testing in the Pacific, which were on a government-to-government level. Bradley, who interviewed some twenty diplomatic policymakers and stakeholders in the course of her research, summarised:

Interviews ... suggest that, perhaps not surprisingly, New Zealanders and the French are divided over the influence of the *Rainbow Warrior* on relations between the two countries. While one must be careful drawing too much from a relatively small sample of in-depth interviews and some anecdotal conversations, there must be significance in the fact that more than half of those formally interviewed felt the *Rainbow Warrior* was still important in shaping relations between New Zealand and France. The wounds are not as fresh as they were 25 [now 30] years ago, but indubitably the relationship has been damaged. Although New Zealand diplomats and politicians are eager to strengthen ties both economically and politically with France, New Caledonia and French Polynesia, public sentiment cannot be discounted (Bradley, 2015: 30).

The bomber “outed” himself in September 2015, more than three decades after the bombing, and apologised to Greenpeace, the Pereira family and the people of New Zealand, describing the operation as a “big, big failure”. Retired colonel Jean-Luc Kister (alias Alain Tonel), revealed in simultaneous interviews with TVNZ’s *Sunday* programme reporter John Hudson and French investigative journalist Edwy Plenel, publisher of *Mediapart*, in admitting his role:

Thirty years after the event, now that emotions have subsided and also with the distance I now have from my professional life, I thought it was the right time for me to express both my deepest regret and my apologies...For us it was just like using boxing gloves in order to crush a mosquito. It was a disproportionate operation, but we had to obey the order, we were soldiers. Many times I think about these things because, for me, I have an innocent death on my hands (see Pacific Media Watch, 2015a).

Nuclear refugees: Marshall Islands and Polynesia

The so-called nuclear “war” in the Pacific dates back to the US bombing of Hiroshima and Nagasaki in 1945. The bombing was followed by atmospheric nuclear testing by the United States in the Marshall Islands between 1946 and 1958, arguably the “dirtiest” nuclear testing. Then came the British tests at Christmas Island (now Kiribati) and in the Australian outback; the start of the French testing at Moruroa in 1966; more US tests at Johnston Atoll in the early 1960s; flight testing of ICBMs, anti-satellite weapons; and now “Star Wars” technology at the Kwajalein Missile Range in the Marshall Islands. As Sawyer noted, “the displacement of local populations and adverse health effects as a result of these programmes has not been without opposition, but that opposition has been so scattered and unorganised until recently that it has been little felt in Washington and Paris” (Sawyer, 1986: 1333).

The first so-called nuclear refugees in the Pacific were the Bikini Atoll Islanders who were relocated into “exile” for the first US weapons tests in 1946 (Malcolmson, 1990: 77). When US government scientists declared Bikini atoll safe for resettlement in the early 1970s, some of the islanders were allowed to return. But they were removed again in 1978 after receiving high levels of radiation from eating food grown on the former nuclear test site (Agence France-Presse/*The Guardian*, 2014). The Marshall Islands Nuclear Claims Tribunal awarded US\$2 billion in personal injury and land damage claims arising from the nuclear tests but stopped paying after a compensation fund was exhausted.

On 1 March 1954, known as the “day of the double sunrise”, the United States detonated the hydrogen bomb Bravo in the Operation Castle series on Bikini Atoll. The 15-megaton bomb was more than 1,000 times as powerful as the bomb that devastated Hiroshima, “and its explosion opened a terrifying chapter in the arms race” (Dibblin, 1988; Robie, 1986a, 1986b, 1989b, 2015: 19; Pilger, 2016). Hundreds of people living on the nearby downwind atolls of Rongelap, 150 kilometres to the east, and on Rongerik and Utirik, were exposed to massive fallout. After years of suffering from radiation-induced diseases, many of the Rongelap community moved to Mejato Island on Kwajalein on the *Rainbow Warrior* in a series of four voyages during an environmentally induced relocation (Figure 2) (see Robie, 1986a: 47–66).



Figure 2: Nuclear refugees from Rongelap on board the Rainbow Warrior bound for Mejato atoll in 1985 CREDIT: © DAVID ROBIE, *EYES OF FIRE*, 2015, p. 62.

In 2013, *Marshall Islands Journal* editor, Giff Johnson, published his biography, *Don't Ever Whisper*, about the life of his charismatic wife, Darlene Keju Johnson, who campaigned against nuclear testing, for justice and the health of her fellow Marshall Islanders, until she died from cancer in 1996—the year French nuclear testing ended. Johnson wrote: “Darlene’s message to us, clear in life as well as in death: Don’t be afraid to make your way through strong ocean currents to get to the next island” (Johnson, 2013).

Like most Marshall Islanders, Darlene Keju remained ignorant for decades about the full impact of the cancer-causing radioactive fallout that rained down on remote islands and their people. America shrouded its nuclear testing program in Cold War secrecy, aided by a compliant United Nations that ignored Marshall Islands’ petitions complaining that the United States was violating the requirements of its UN trusteeship by failing to protect the health and lands of its wards. It wasn’t until Darlene was 27 years old that she discovered how little she knew about US nuclear testing in her islands. Her nearly insatiable thirst for knowledge about the history of her islands fed her awakening self-respect as a Pacific island woman, ending years of believing she was inferior because she came from the Marshall Islands (Johnson, 2013: 7–8).

The United States provided US\$150 million as part of the Compact of Free Association that ended the United Nations trust territory, and a nuclear claims tribunal was established to deal with Marshall Islander claims. But that fund was nowhere near enough to cope with the number of claims received. The United States also gave the Rongelap people US\$60 million for cleaning up their atoll and undergoing resettlement. However, the Marshall Islands government has continued to argue to the US Congress that there “is a change in circumstances”. In other words, what was known about the impact of the tests in the mid-1980s, when the compensation package was agreed, is different from what is known today. The United States refuses to acknowledge this and was condemned over its stance in the John Pilger documentary

The Coming War on China (McDiarmid, 2015: viii; Pilger, 2016).

The frustrated Marshall Islands government in 2014 filed unprecedented lawsuits in the International Court of Justice (ICJ) and US Federal Court against nine nuclear-armed countries. It argued that the nuclear powers—the United States, Russia, Britain, France, China, Israel, India, Pakistan and North Korea—were in “flagrant violation of international law” for failing to disarm. However, a US Federal Court ruled that the lawsuit against the United States had no grounds, on the basis that the United States’ breach of the Treaty on Non-Proliferation of Nuclear Weapons (NPT) was “speculative”. The Nuclear Age Peace Foundation supporting the Marshall Islands government said an appeal would be lodged (Australian Broadcasting Corporation, 2015). Some commentators described the standoff as “nuclear apartheid” at the expense of small and vulnerable Pacific states (Fihn, 2016). The International Court of Justice ruled against proceeding with the Marshall Islands’ lawsuit. India, Pakistan and the United Kingdom defended themselves, achieving an initial tied vote (8–8) on the jurisdiction issue, and the court upheld (nine in favour, seven against) India and Pakistan’s objections over lack of evidence (Agence France-Presse/*The Guardian*, 2016).

Climate Refugees: The new paradigm

According to the Environmental Justice Foundation (EJF), some 150 million people will become “climate refugees” by 2050, being forced to move to other countries (Vidal, 2009; Robie, 2011). In 2008 alone, more than twenty million people were displaced by climate-related natural disasters, including 800,000 people by cyclone Nargis in Asia, and almost 80,000 by heavy rains and floods in Brazil. *The Guardian* reported EJF statistics to show that 500 million to 600 million people, nearly ten percent of the world’s population, would be at risk of displacement by climate change by 2050 (Vidal, 2009). The agency warned that global warming could create “ghost states” due to land being lost to rising seas.

Among countries cited by the EJR report as being at risk are Fiji, the Marshall Islands, Solomon Islands and Tuvalu, along with the Maldives. Other countries that could see large movements of people from coastal areas or lakesides include Bangladesh, Chad, Ethiopia, Kenya, Papua New Guinea, Rwanda, Somalia, and Yemen (Ibid.). The Pacific and small island states contributed powerful advocacy in COP21 leading to the Paris Agreement (United Nations Framework Convention on Climate Change, 2015), which seeks to limit global warming to much less than 2°C above the pre-industrial average. This inspired diplomacy ultimately contributed to Fiji Prime Minister, Voreqe Bainimarama, becoming joint “host” and co-chair of COP23 due in Bonn, Germany, in November 2017 in what has been described as the “Pacific COP” (Morgan, 2016).

“There are many reasons populations may be forced to leave the regions in which they currently live, thus becoming ‘climate refugees,’” argues the Argos collective of photojournalists. The collective published an inspirational book, *Climate Refugees*, based on four years of documenting first-hand experiences of climate change around the globe, including in Tuvalu in the Pacific (Collectif Argos, 2010). The French collective’s assessment of certain particularly vulnerable areas is fully supported by the conclusions of the UN Intergovernmental Panel on Climate Change (IPCC).

The collective argues for the creation of a new global organisation or for a significant broadening of an existing agency’s mandate to deal with the climate refugees issue, such as a

broadening of the mandate of the UN High Commission for Refugees (UNHCR). As the Argos collective laments, the UNHCR takes responsibility only for refugees as they are defined by the 1951 Geneva Convention:

Any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it (cited by Collectif Argos, 2010: 15).

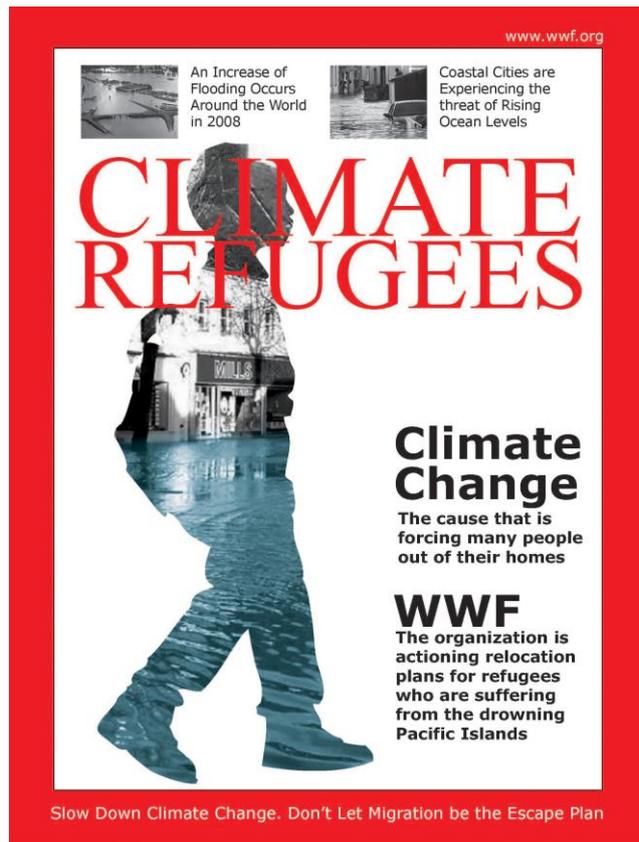


Figure 3: A “climate refugees” montage, Time-style.

CREDIT: WORLD WILDLIFE FUND (CC) CREATIVE COMMONS

When the first IPCC report was released in 1990, its authors suggested that large-scale, global migrations might represent the “greatest single impact” on world security resulting from climate change, according to analyst Benjamin Glahn (n.d.). With such growing humanitarian concerns, this also “gave rise to a new nomenclature in the ever-expanding lexicon of climate change concerns: the ‘climate refugee’” (Figure 3).

Currently the problem is that “climate refugee” is not an officially recognised category under existing international law. “There are no frameworks, no protocols and no specific guidelines that can provide protection and assistance for people crossing international borders because of climate change,” notes Glahn. He points out that at the time of the drafting of the 1951 Convention and its 1967 protocol, the dangers of climate change were unknown.

More than 2,700 Polynesian Islanders from the Carteret Islands, a group of seven atolls in mainly Melanesian Papua New Guinea, have come to represent “climate refugees”, and symbolise the fate of many communities threatened by climate change around the world

(Robie, 2011; 2014: 246). Their atolls were expected to be largely under water by 2017. Early in 2009, the Carteret Islanders embarked on a major evacuation to Bougainville, about eighty kilometres to the south.

The issue of climate refugees has already had a tentative legal impact in New Zealand. In 2015, a lawsuit involving Ioane Teitiota, the first Pacific Islander citing “climate-change refugee” status in a bid to stay in the country, was finally lost by the plaintiff. He and his family were deported to their homeland, Kiribati, one of the countries in the Pacific most threatened by climate change (*The Telegraph/Agence France-Presse*, 2015). Thirty-nine-year-old Teitiota exhausted all appeal possibilities in his four-year fight to remain in New Zealand. Teitiota and his lawyer had argued that he should not be forced to return to Kiribati because rising sea levels threatened the future of his people. *Kiribati Independent* editor, Taberannang Korauaba, a postdoctoral researcher on Micronesian policies regarding climate change and the news media, asked in a *Pacific Scoop* column whether Ioane Teitiota was in the wrong place at the wrong time.

In a global context, New Zealand is doing very badly in terms of climate change policies—along with Australia—despite the islands’ respect for these two big brother nations, hoping that they will not turn their backs on them. The Pacific Islands Forum leaders [September 2015] meeting in Papua New Guinea showed that the New Zealand and Australian prime ministers are living on a different planet. The rejection of a dire situation in Kiribati by John Key is a slap in the face of [then] Kiribati’s President Tong, who has tirelessly spent nearly 10 years campaigning and promoting the profile of the climate change issue to the international community (Korauaba, 2015).

Korauaba also argued that I-Kiribati were sensitive people who were critical of being represented as “victims” of climate change. Pacific communications coordinator, Fenton Lutunatabua, endorsed this perspective in a *Huffington Post* article: “The media has portrayed Pacific Islanders as helpless victims ready to drown with their islands or become refugees. The truth is we are not drowning, we are fighting” (cited in Robie, 2015: 256).



Figure 4: A scene on board the Rainbow Warrior with nuclear refugees bound for Mejato from the Eyes of Fire multimedia microsite project in May 2015. CREDIT: © DAVID ROBIE/NUCLEAR EXODUS VIDEO 1986

The Eyes of Fire Microsite Project

In May–June 2015, the Pacific Media Centre, along with two groups of television and journalism-course students in the Auckland University of Technology’s School of Communication Studies, collaborated with a Pacific-focused community publisher, Little Island Press (LIP), and Greenpeace New Zealand, to produce a “public good” microsite project capturing oral histories and documentation around the *Rainbow Warrior* bombing (Robie, David, Tony Murrow, Pierre Gleizes, AUT television journalism students and others, 2015). The project involved up to sixty people working on the project at various stages—forty of them AUT students. The project has been analysed in detail as a deliberative journalism (DJ), human rights journalism (HRJ) and journalism-as-research case study in *Pacific Journalism Review* (Robie, 2016). As LIP publisher Tony Murrow recalled:

This [bombing] event has been presented as a seminal moment in New Zealand history, giving this small nation an international profile and sense of identity it did not previously possess. However, there was a complex back-story to the events that led up to the bombing, some of which are still very much of the Pacific and Greenpeace. The project was intended to provide that depth (Murrow, personal communication with the author, 14 September 2015).

The project was developed as a campaign leading up to the thirtieth anniversary of the bombing in Auckland harbour. For the students involved, the project was an opportunity not only to discover the back-story, but also to meet many of the people who took part in the last voyage and the aftermath, and to record their stories. The students interviewed more than half of the original 1985 crew of the *Rainbow Warrior*, including the skipper, Peter Willcox (who recently published his own account of the bombing and the Rongelap campaign (Willcox, 2016)), and Rongelap campaign manager, Steve Sawyer. Students also investigated contemporary “activism” to identify any differences between the world of the crew members and that of current activists and their movements. They published and broadcast stories on current issues in the region, showing how, although there are no longer nuclear tests in the Pacific, this part of the world continues to suffer, environmentally and socially (Figure 4). “We witnessed the skill and enthusiasm of these young students as they interacted with seasoned activists more than twice their age, and saw an unexpected transference of knowledge and of hope that provided the interviews with great energy and purpose,” noted Murrow (communication with the author, 2015). (The students subsequently won an international journalism award for their “innovative” project (Pacific Media Watch, 2015b.) In an interview with one of the television students, Hayley Becht (Figure 5), I remarked:

[As] a nation, this was a coming of age for us. I think we lost our innocence then. The idea that a friendly nation could commit an act of state terrorism against us, a small nation in the Southern Hemisphere and against a peaceful ship and against people who were trying to make a better world and trying to make a better environment—that shock was shared by everybody in the country for a long time. And there was a lot of hostility towards France (Becht, 2015).



Figure 5: Graduate television journalist Hayley Becht interviews David Robie for the *Eyes of Fire* microsite project in May 2015. CREDIT: (CC) PACIFIC MEDIA CENTRE

Discussion

The Carteret and Taku'u Islanders' experiences resonate strongly for me with those of the Rongelap people I saw during my post-nuclear-tests mission. In May 1985, I was on board the original *Rainbow Warrior*, sailing with her for more than ten weeks. I had joined the ship in Hawai'i to report on the humanitarian voyage to Rongelap Atoll in the Marshall Islands and transport—four trips—the entire population of 320 people to another not-so-appealing island on Kwajalein Atoll. My coverage of this momentous and emotionally-charged event is documented in my 1986 book, *Eyes of Fire* (Robie, 1986a) and again in an updated edition to mark the twentieth and thirtieth anniversaries of the sinking of the *Rainbow Warrior*. The evacuation also featured in a photographic exhibition and a short Television New Zealand documentary that I made with Chris Cooper and Michael Fleck, entitled *Nuclear Exodus: The Rongelap Evacuation* (Robie, Cooper and Fleck, 1987). The images of the nuclear refugees bear a striking resemblance to images of climate-change refugees today.

In many respects, too, the negligent responses to climate change of powerful countries in the region, including Australia and New Zealand, and the eventual need to cope with massive population displacement because of sea rise, provide disturbing parallels. A challenging article by former University of the South Pacific environmental geographer, Patrick D. Nunn, asked if this would be the “end of the Pacific” (Nunn, 2013). Nunn was reflecting on the ability of Pacific Islanders to have a sustainable lifestyle in the long term.

Over the past 200 years, sea level has been rising along most Pacific Island coasts, causing loss of productive land through direct inundation (flooding), shoreline erosion and groundwater salinisation. Responses have been largely uninformed, many unsuccessful. By the year 2100, sea level may be 1.2 metres higher than today (Nunn, 2013: 143).

However, recent concerns about climate change should not overshadow the legacy of nuclear testing in the Pacific, where there are lingering health and socio-political insecurities, for example, the concerns in French Polynesia about the fate of a former anti-nuclear investigative journalist and editor of *Les Nouvelles* newspaper. Early in 2015 an investigating judge upheld charges against three men accused of a kidnapping that led to the death in Tahiti in 1997 of

Jean-Pascal Couraud, known as “J. K.”. In 2004, the journalist’s family lodged an allegation of murder with the police following claims that Couraud had been assassinated by a (now disbanded) local, presidential militia. An investigating commission had alleged that three men, Rere Puputauki, Tino Mara and Tutu Manate, had abducted Couraud and dumped his body at sea (Radio New Zealand International, 2015).

The Heura-Les Verts (Green Party) leader in Tahiti, Jacky Bryant, accused the French Defence Ministry in 2005 of having “contempt” for the people of Polynesia. Replying to ministry denials claiming stringent safety and health precautions and rejecting responsibility over the testing or for compensation, he said: “It’s necessary to stop saying that the Tahitians don’t understand anything about these kinds of questions—they must stop this kind of behaviour from another epoch.” (see Robie, 2015: 179). Bryant compared the French ministry’s reaction with what he claimed to be the “secretive and arrogant” approach of China and Russia.

However, Britain and the United States reluctantly “recognised the consequences of nuclear tests on the populations” in Australia, Christmas Island, the Marshall Islands and Rongelap (ibid.). In 2009, the French National Assembly finally passed legislation enabling care and compensation for those who had suffered harm from nuclear testing. Known as the Morin law, after Defence Minister Hervé Morin, who initiated the legislation, it has been consistently criticised for being far too restrictive and of little real benefit to Polynesians (Kodama, 2010). However, a change in the law in early 2017 that removed the term “negligible risk” may offer some hope (Pacific Islands Report, 2017).

In 2013, declassified French defence documents revealed that the nuclear tests were “far more toxic” than had been previously acknowledged. *Le Parisien* reported that the papers “lifted the lid on one of the biggest secrets of the French army”. The report said that the documents indicated that on 17 July 1974, a test had exposed the main island of Tahiti, and the nearby tourist resort isle of Bora Bora, to plutonium fallout 500 times the maximum safe level (Chrisafis, 2013).

This had been foreshadowed almost two decades earlier than the release of the French declassified documents, when *The Washington Post* reported in February 1994 that US analysts had admitted that there had been “limited” radiation fallout from their nuclear tests of the 1950s. In fact, according to *The Post*, federal documents had revealed that “the post-explosion cloud of radioactive materials spread hundreds of [kilometres] beyond the limited area earlier described in the vast range Pacific islands” and that thousands of Marshall Islanders and “some US troops” had probably been exposed to radiation (Lee, 1994). Remarkably Jonathan Weisgall, author of *Operation Crossroads* (Weisgall, 1994), in an interview with Gary Lee: “One of the biggest crimes here is that the US government seemed to clearly know the extent of the fallout coming, but made no attempt to protect people from it” (Lee, 1994).

When the *Rainbow Warrior* bombing is set in its broader political context in the Pacific, it can be seen that this event was much more than the dramatic, isolated episode portrayed by most New Zealand media. The *Eyes of Fire* microsite project also demonstrates the importance of a continuing interpretation of these events for the future of New Zealand and its citizens—student journalists looked back at the past but were asking questions relevant to the present when they were interrogating me and my colleagues involved in the Rongelap voyage.

Concluding Recommendations

The *Rainbow Warrior* bombing, with the death of photographer Fernando Pereira, was a tragedy. But a greater tragedy remains in the horrendous legacy of Pacific nuclear testing for the people of Rongelap, the Marshall Islands and French Polynesia; associated military oppression in New Caledonia; and lingering secrecy.

Up to seven decades on, the Pacific nuclear powers have still failed to take full responsibility for the region and adequately compensate victims for the injustices of the past. The Pacific Islands Forum (PIF), Melanesian Spearhead Group, other pan-Pacific agencies, and the Australian and New Zealand governments have much work ahead. New Zealand and the PIF states should have vigorously supported the lawsuits of the Republic of the Marshall Islands in the International Court of Justice and the United States Federal Court. This was an opportunity lost.

New Zealand and the PIF states should now require full investigations of nuclear testing in French Polynesia and seek a more robust compensation programme than currently exists. New Zealand and the PIF states also need to take a less ambiguous position on decolonisation in the Pacific, give greater priority to that issue and seek a revival of the activities of the UN Special Committee on Decolonisation. This is especially important in relation to French Polynesia, New Caledonia (which is facing three referenda before 2022), and the end of the Bougainville transitional political autonomy period before 2020.

Decolonisation is also a critical issue that has a bearing on New Zealand's relations with Indonesia, particularly over the two Melanesian provinces that make up the region of West Papua and Indonesia's growing politically motivated role in the region over climate change aid. It is critically important that New Zealand and the PIF states take a lead from the Melanesian Spearhead Group—at least those states other than Fiji and Papua New Guinea, which have been co-opted by Indonesian bribery through economic aid. They should take a more pro-active stance on West Papuan human rights and socio-political development, with a view to encouraging a process of political self-determination and a new, more credible United Nations-supervised vote replacing the 1968 "Act of No Choice".

With regard to climate change issues, it is essential to address the lack of an officially recognised category for "climate refugee" under international law. It is also important to seek an international framework, convention, protocol and specific guidelines that can provide protection and assistance for people crossing international borders because of climate change. The existing rights guaranteed refugees—specifically the right to international humanitarian assistance and the right of return—must be extended to "climate refugees". This issue should be acted on systematically and with a practical vision by the PIF and the Australian and New Zealand governments.

Australia and New Zealand need to respond to Pacific Island States' (PIS) concerns over climate change and global warming with a greater sense of urgency and resolve. Regional and country-specific climate change plans and policies are needed to deal with large numbers of Pacific refugees or climate-forced migrants, in the event of worsening climate-change scenarios in the future. This is especially important for New Zealand, as a country with a significant Pacific population (294,951 [Statistics New Zealand, 2015]) with island communities well integrated into the national infrastructure and as a country that is well placed to welcome more Pacific Islanders (Figure 6). New Zealand should initiate this policy as soon as possible and not wait for

slow responses from other agencies in the region.



Figure 6: A girl with a “To the rest of the world” survival message from Tuvalu CREDIT: EDUCATION FORSUSTAINABILITY (CC) CREATIVE COMMONS

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