

INITIAL ASSESSMENT OF THE "GREENPEACE" CAMPAIGN OF SUPPORT
FOR THE RESIDENTS OF PALOMARES

These notes, and the accompanying documents are a short summary of the results of the campaign which, for a year now, GREENPEACE has been pursuing in support of and collaboration with the inhabitants of Palomares and its Municipal Council, aimed at securing guarantees for the inhabitants' rights, peace of mind, health and safety in the light of the Government's indifference to the persistence of residual radioactive contamination from the military nuclear accident which occurred in January 1966.

We hope that this assessment reflects adequately the interesting experiment in collaboration between the residents, the municipal authority, the scientists and the experts who have been to Palomares to make direct contact with the people living there and to study in detail all the scant data gathered, and the media. The media had been dependent on information which had been distorted by the minimisation of the importance of the problem.

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G R E E N P E A C E

1. Investigation Begun by the Ombudsman

On December 19th 1985, the Ombudsman, Joaquin Ruiz-Gimenez met the Mayoress of Palomares and representatives from GREENPEACE-ESPAÑA which had been taking care of the residents' claims, set out in a letter, to which, subsequently, a variety of documents were attached referring to the rights, peace of mind, health and safety of the persons concerned.

All the documentation was incorporated into proceeding AII-SC-16783/85.

The Ombudsman had contacts with the Ministry of Industry and Energy, the Nuclear Safety Board and the Nuclear Energy Board, in order to seek information on the investigation under way.

2. Involvement of bodies connected with the defence of the rights to health, peace of mind and safety of the residents of Palomares.

GREENPEACE and the Mayoress of Palomares have had a variety of contacts with bodies in the Government and with independent and non-governmental organisations, so as to get them involved in the problems of the zone, and seeking their collaboration. These organisations are the following:

A. Public Bodies

The Joint Hispano-North American Committee.
The Nuclear Safety Council.
The Nuclear Energy Board.
The Ministry of Health and Consumer Affairs.
The Health and Consumer Affairs Board of the Regional Government of Andalucia.
The Madrid City Corporation.
The Barcelona City Corporation.
The Ombudsman.
The Foreign Affairs Committee of the Congress of Deputies.
The Industry Committee of the Congress of Deputies.
The Ministry of Foreign Affairs.
The Ministry of Defence.
The Embassy of the United States in Madrid.
The Public Health School of Andalucia.

B. Non-Governmental Bodies

The Pro-Human Rights Association.
The International Association of Doctors for the Prevention of Nuclear War (IPPNW).
The Ecological Association for the Defence of Nature (AEDENAT).
The Antinuclear State Coordinator (CEAN).
The Federation of Associations for the Defence of Public Health.
The Research Centre for Peace (CiP).
The Centre for Analysis and Health Programs (CAPS).
The World Energy Information Service (WISE).
The Antinuclear Committee of Cataluña (CANC) .

The Work and Documentation Centre.

The Environment Documentation Fund, Valencia.

Amnesty International.

The Palomares Research Group, London.

The CSIC Research Personnel Association.

The Political Ecology Research Group of the United Kingdom.

The Veterans of Nuclear Tests, of the United Kingdom.

Other Associations

3. Securing of guarantees for the right to file claim for deferred nuclear damages, eliminating the statute of limitations on the residents' rights.

By a letter addressed to the Ministry of Foreign Affairs and the Ministry of Defence, it was possible to eliminate the application of the statute of limitations, as from January 17th 1986.

This term had been fixed by the Nuclear Power Act of 1964, whose Article 67 reads as follows:

"Article Sixty-seven.- The right to claim indemnification hereunder shall prescribe, if the pertinent proceeding is not filed, within the term of ten years in the case of immediate damages, and of twenty years if such damages are classified as deferred, as provided for in the last paragraph of Article Forty-Six hereinabove. For these purposes, the pertinent expert reports shall be sought on the nature and class of the damages claimed.

Anyone who has filed a claim for indemnification within the legal periods established may file complementary claim should the said damage be aggravated following the expiration of the periods, always provided that the competent Court has not handed down a final ruling".

On May 29th, the Ministry of Foreign Affairs replied to a letter from GREENPEACE-ESPAÑA enquiring about an application filed by the residents, and the delay in answering it, to the effect that, on January 17th, a Verbal Note had been sent to the United States Embassy

"in which it was pointed out that, in view of the continuing nature of the damage, the right of the Spanish State to make claims through diplomatic channels and in accordance with the terms of the Spanish Nuclear Power Act could not be deemed to have expired".

It should be pointed out that, under the confidential agreement of July 17th 1964, signed on the occasion of the arrival at the Port of Rota of Polaris-equipped nuclear submarines, all claims for accident "will be resolved rapidly through diplomatic channels" and the Spanish Nuclear Power Act was acknowledged.

The residents of Palomares, in spite of the letter from the Ministry of Foreign Affairs, are still awaiting an official response to their claim.

4. Information on the Research Plans to which the residents of Palomares are subject.

One of the claims of the people of Palomares was for information on the objectives of the surveillance plans of the Nuclear Energy Board (JEN), pursued over 20 years with an annual budget of 500,000 dollars, with the United States providing the sum of about 150,000 dollars per annum.

In February 1966, the Atomic Energy Agency (AEC) in the United States reached an agreement with the JEN for the development of a research program which was given the name of "Indalo". Even though, at present, the aims of this program remain unknown, the JEN handed over the surveillance plan for this year in March.

This fact is of the greatest importance, since the plan has been examined by independent experts who have pointed out its strengths and weaknesses.

The Mayoress of Palomares appointed CAPS, the Analysis and Health Programs Centre of Barcelona, to act as her advisers in these matters. The CAPS has prepared a first document assessing the JEN surveillance plan.

The provision of the surveillance plan has dispelled some of the doubts to the effect that the residents of Palomares had been treated a "guinea pigs" while the plans were treated as something secret, to be concealed.

Nevertheless, there is a variety of documents, from these years, which have not been handed over by the JEN and the Nuclear Safety Board, despite the fact that they have been requested in writing.

5. Guideline and Research Studies aimed at increasing and organising information on the radioactive contamination of Palomares.

With the collaboration of a variety of persons, in particular experts and Palomares residents, it has been possible to compile copious documentation on different aspects of the accident at Palomares.

All these documents will be used to form part of a documentary archive which is to be provided to the Municipal Authority of Cuevas del Almanzora in order to put it at the service of the people concerned, and of students.

Apart from the documents compiled, GREENPEACE and, in particular the CAPS, have made a series of studies to provide interpretation of and opinions on the JEN's criteria and health action.

These studies have been furnished to the municipal authority and a variety of official bodies in support of the arguments which have been raised throughout the campaign.

6. To persuade the Authorities to undertake an in-depth health study on the effects and sanitary impact of the accident on the population exposed to risk.

In the conclusions in the CAPS document "Considerations and questions on the 1966 nuclear accident in Palomares", the following is to be found:

"The residual contamination from plutonium and americium in the area of Palomares is a problem of public health of maximum importance, since this is the earth's inhabited zone which is most contaminated by these transuranide elements.

This situation requires appropriate health-scientific treatment to calculate the risks to the health of the population and to provide the bases for prevention and determine the environmental and ecological impact.

It is in no circumstances possible to accept research procedures which involve the experimental exposure of persons to health risks, more particularly when such research is carried out in a concealed manner and the risks are not entirely known.

The JEN has repeatedly demonstrated an incapacity to provide the scientific approach which this matter deserves.

The JEN has repeatedly shown its lack of interest in adequately informing the population affected.

The population's lack of confidence in the JEN can be demonstrated.

For all these reasons, the CAPS supports the creation of an investigating commission including bodies and scientific personalities from outside the JEN and the Nuclear Safety Board, which should direct a research plan which is adequate to the requirements of the situation, and advise the population of its results".

Although the establishment of a research commission was not achieved, the Health and Consumer Board of the Regional Government of Andalusia undertook to carry out a study on the effects of radioactive contamination, and to make it available to all interested bodies.

GREENPEACE has undertaken to collaborate in and support this study.