
2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

15 March 2000

Original: English

New York
24 April-19 May 2000

Memorandum on activities relating to the South Pacific nuclear-free-zone treaty

Submitted by the Secretariat of the South Pacific Forum

Introduction

1. At its meeting at Rarotonga, Cook Islands, in August 1985, the South Pacific Forum agreed to adopt and open for signature the South Pacific Nuclear-Free-Zone Treaty (Rarotonga Treaty).

2. The Rarotonga Treaty is based on broad principles for Pacific countries to:

(a) Be free to live in peace and independence and to run their own affairs in accordance with the wishes and traditions of their people;

(b) Enjoy peaceful, social and economic development free from the threat of environmental pollution;

(c) Acknowledge existing international treaties, organizations and regional arrangements, such as the Charter of the United Nations, the Treaty on the Non-Proliferation of Nuclear Weapons and the United Nations Convention on the Law of the Sea, which contribute to these principles;

(d) Act in accordance with applicable international principles and treaties, notably the Treaty on the Non-Proliferation of Nuclear Weapons, with respect to nuclear activities;

(e) Take account of other regional arrangements;

(f) Retain their unqualified sovereign rights to decide for themselves, consistent with their support for these principles, their security arrangements.

3. The Forum considers the Rarotonga Treaty a central part of the region's contribution to strengthening global security and the international non-proliferation regime of which the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone. Special attention is given to article VII of the Treaty, which recognizes the right of any group of States to conclude regional treaties so as to assure the total absence of nuclear weapons in their respective territories.

4. The States members of the Forum are deeply committed to world peace and security. The Rarotonga Treaty stresses the deep commitment of the States members of the Forum to the reduction and eventual elimination of nuclear weapons and to keeping the Pacific region free of environmental pollution.

5. The Rarotonga Treaty entered into force on 11 December 1986 with the deposit of the eighth instrument of ratification. Thirteen countries have signed the Treaty: Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

6. The following 12 signatories have ratified the Treaty: Australia, Cook Islands, Fiji, Kiribati, Nauru,

New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tuvalu and Vanuatu.

7. The following three States members of the South Pacific Forum have not yet signed the Rarotonga Treaty: Federated States of Micronesia, Marshall Islands and Palau.

8. As the Rarotonga Treaty is open only to States members of the South Pacific Forum, the Federated States of Micronesia and Marshall Islands became eligible to sign the Treaty only upon joining the Forum at its 18th meeting, in May 1987. Palau became eligible to sign the Treaty on joining the Forum at its 26th meeting, in September 1995.

The Treaty

9. The South Pacific nuclear-free-zone was the second such zone to be established in a populated region of the world — the first being the Latin American zone created by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco). The South Pacific zone stretches in the west from the west coast of Australia to the boundary of the Latin American zone in the east. It extends from the Equator to 60 degrees south, where the Antarctic Treaty has already established a completely demilitarized zone covering the whole continent.

10. The Rarotonga Treaty contains a preamble, 16 articles and 4 annexes. Under its terms the parties pledge to each other:

(a) Not to possess, manufacture or acquire nuclear explosive devices anywhere; the term nuclear explosive device is used rather than nuclear weapon to emphasize that the parties do not draw a distinction between devices that have military purposes and those for which a peaceful purpose is claimed;

(b) To prevent the testing of nuclear explosive devices and to prevent the stationing of nuclear explosive devices in their territory;

(c) To take measures, including the application of full scope International Atomic Energy Agency safeguards to all peaceful nuclear activities in their territories, to prevent the diversion of fissionable material to non-peaceful purposes;

(d) Not to dump radioactive waste and other radioactive matter at sea in the zone, to prevent the dumping of such wastes or matter by anyone and not to take action to assist or encourage dumping.

11. The Rarotonga Treaty does not interfere with the right of each party to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields. It also explicitly upholds the freedom of navigation on the high seas and territorial waters guaranteed by international law.

12. The Rarotonga Treaty provides for a comprehensive control system to verify compliance with the Treaty, and there are mechanisms, including provision for mandatory on-site inspection, to investigate any complaints that may be made about such compliance. There are also provisions for review, amendment and withdrawal, and for the boundaries of the Zone to be extended as further countries join the Forum and become parties to the Treaty.

13. To underline the nature of the security commitment — one of the first to be undertaken on a regional basis — the right of withdrawal is not unilateral and can be affected only on 12 months' notice and solely in the event of a violation by any party of the provisions of the Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty.

Protocols

14. In addition to the Treaty itself there are three protocols. The Forum deferred adopting them until after consultations with those countries eligible to sign them. The consultations took place in early 1986, when a delegation of officials from Forum countries visited the capital of all five nuclear-weapon States to explain the Protocols and their purpose. The seventeenth South Pacific Forum, held at Suva in August 1986, adopted the protocols with slight amendments, including the insertion of withdrawal clauses. The protocols were then opened for signature on 1 December 1986.

15. Under Protocol 1, the three nations with territory in the Zone (France, the United Kingdom of Great Britain and Northern Ireland and the United States of America) are invited to apply the basic provisions of the Treaty to their respective territories. Under Protocols 2 and 3, nuclear-weapon States would agree not to use or threaten to use nuclear explosive devices

against any party (or territory in the Zone of a party to Protocol 1), and would undertake not to test nuclear explosive devices in the Zone.

16. The Union of Soviet Socialist Republics and China signed Protocols 2 and 3 in 1986 and 1987 respectively and ratified Protocols 1 and 2 in 1988. France, the United Kingdom and the United States signed Protocols 1, 2 and 3 in 1996 and France and the United Kingdom ratified Protocols 1, 2 and 3 in 1996 and 1997 respectively. The United States has still to ratify the Protocols.

2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

17. At its most recent meeting, held at Koror, Palau, in October 1999, the Forum encouraged its members to participate in the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to ensure that the region's concerns and priorities are taken into account in the outcomes of the Conference.
