

2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Memorandum on activities relating to the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga)

Submitted by the Pacific Islands Forum secretariat

Overview

1. The South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) entered into force on 11 December 1986, becoming the second treaty in the world to establish a nuclear-weapon-free zone in a populated region (the first being the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, or the Treaty of Tlatelolco). There are 13 States parties to the Treaty, all of which are members of the premier political organization in the Pacific region, the Pacific Islands Forum (known as the South Pacific Forum at the time of the adoption of the Treaty).
2. The Treaty of Rarotonga contains the States parties' reaffirmation of the importance of the Treaty on the Non-Proliferation of Nuclear Weapons in preventing the proliferation of nuclear weapons and in contributing to world security. It specifically references article VII of the Non-Proliferation Treaty for its recognition of the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.
3. As the focal point for the Treaty, the Pacific Islands Forum secretariat continues to promote the Treaty and monitor national, regional and global developments relevant to the non-proliferation of nuclear weapons.

Background

4. The Treaty of Rarotonga was adopted and opened for signature at the sixteenth meeting of the South Pacific Forum, held in Rarotonga in August 1985. It was the culmination of a series of regional nuclear-free-zone proposals and initiatives dating back to the early 1960s, which were borne of the region's harsh experience with nuclear testing in the Pacific and the Forum members' concern about the arms race and the risk of nuclear war.



5. The Treaty was signed and ratified by the 13 members of the South Pacific Forum,¹ namely Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

Scope and operation of the Treaty

6. The Treaty's area of application extends from the west coast of Australia to the boundary of the Latin American nuclear-free zone established by the Treaty of Tlatelolco in the east. It also extends from the equator to latitude 60° south, where the Antarctic Treaty establishes a completely demilitarized zone covering the entire continent.

7. The States parties to the Treaty undertake:

(a) Not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the zone (the term "nuclear explosive device" is used rather than "nuclear weapon" to emphasize that the States 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 and 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 wastes and other radioactive matter at sea anywhere within the zone, to prevent the dumping of such wastes and matter by anyone and to take no action to assist or encourage dumping.

8. The Treaty provides that each State party, in the exercise of its sovereign rights, remains free 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.

9. A comprehensive control system has been established to verify compliance with the Treaty. 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.

10. In addition to the verification procedures, the Treaty has a complaints procedure that involves the setting up of a consultative committee with a right of inspection. The sanction under the Treaty if the complaint is found to have substance is the immediate convening of a meeting of the Forum. That political sanction encourages the States parties to uphold their obligations under the Treaty, given that the repercussions would include jeopardizing the Treaty itself and the achievement of other objectives that they may wish to pursue in the region. No

¹ The South Pacific Forum was renamed the Pacific Islands Forum in 2000, following the admission of the Marshall Islands, Micronesia (Federated States of) and Palau. Those three States are not currently parties to the Treaty.

complaints have, however, ever been made and a consultative committee has never been convened.

11. The Treaty provides that it is of a permanent nature and shall remain in force indefinitely. Withdrawal can be effected only on 12 months' notice and solely in the event of a violation by any State party of a provision of the Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty.

Protocols to the Treaty

12. The Treaty is supplemented by three protocols that were opened for signature in 1986. Under Protocol 1, the three States with territory in the zone (France, United Kingdom of Great Britain and Northern Ireland and United States of America) agree to apply the key provisions of the Treaty to their respective territories. Under Protocols 2 and 3, nuclear-weapon States undertake not to use or threaten to use nuclear explosive devices against any State party to the Treaty (or territory in the zone belonging to a State party to Protocol 1) and undertake not to test nuclear explosive devices in the zone.

13. The Union of Soviet Socialist Republics China signed Protocols 2 and 3 in 1986 and 1987, respectively, and ratified both in 1988. France, the United Kingdom and the United States signed Protocols 1, 2 and 3 on 25 March 1996. France subsequently ratified the Protocols in the same year and the United Kingdom in 1997. The United States has yet to ratify them.

14. At their most recent meeting, held in Palau in July 2014, the leaders of the Pacific Islands Forum encouraged the United States to ratify the Protocols as soon as possible, as indicated in the communiqué adopted.

Forum secretariat activities

15. As the focal point for the Treaty, the Forum secretariat has continued:

- (a) To provide advice to member countries on the status and operation of the Treaty;
- (b) To promote the Treaty in regional and international meetings dealing with security and disarmament issues;
- (c) To liaise with the secretariats of other nuclear-free-zone treaties in relation to developments;
- (d) To ensure public awareness of and access to the Treaty and documentation.