

---

## SOUTH PACIFIC NUCLEAR-FREE ZONE TREATY (TREATY OF RAROTONGA)

**Opened for Signature:** 6 August 1985.

**Entered into Force:** 11 December 1986.

**Membership:** 13 full members — Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu. Of the five nuclear-weapon states, France and the United Kingdom have ratified all three protocols while Russia and China have only ratified Protocols II and III. U.S. ratification of all three protocols is pending.

**Duration:** Treaty is of a permanent nature and shall remain in force indefinitely.

**Organs:** Consultative Committee, Director.

### Treaty Text

**Background and Developments:** The States in the Asia-Pacific region became concerned with nuclear weapon issues following the nuclear detonations over Hiroshima and Nagasaki, when the region became a testing ground for such weapons. From 1946-1958, the United States conducted some 66 atmospheric and underwater tests in the Marshall Islands in the northern Pacific region, which lies outside the South Pacific Nuclear-Free Zone (SPNFZ). The United Kingdom conducted atmospheric tests between 1952-1957 on Australian territory at Maralinga, Emu Field, and Monte Bello Island. Both the United Kingdom and the United States conducted atmospheric nuclear tests on Christmas Island until the signing of the [Partial Test Ban Treaty \(PTBT\)](#) in 1963, which banned further atmospheric nuclear detonations. That same year, France established a nuclear test site in its French Polynesian atolls and carried out some 190 nuclear detonations (including more than 40 above ground) between 2 July 1966 and early 1996 at the Mururoa and Fangataufa sites.

The South Pacific States, besides being concerned with nuclear testing in their region and its vicinity, were also worried about the dumping of nuclear wastes at sea, fearing radioactive contamination of the marine environment. The South Pacific Forum (SPF) took up the issue in 1975 in response to a proposal by New Zealand calling for the setting up of a nuclear-weapon-free zone (NWFZ) in the region. This proposal was endorsed by the [UN General As-](#)

[sembly](#) that same year. In 1979, in response to reports of nuclear dumping in the region, the SPF strongly condemned the use of the Pacific as a dumping ground for nuclear wastes. Japan also opposed nuclear dumping in the Pacific.

In 1983, Australia revived the concept of a SPNFZ at a SPF meeting held in Canberra. The following year, meeting in Tuvalu, the Forum endorsed a set of principles proposed by Australia as a basis for establishing a zone and appointed a Working Group to draft a treaty text. These principles aimed at preventing the region from becoming an arena for superpower rivalry, preserving peace and security, and protecting natural resources in addition to the well-being and livelihood of the South Pacific peoples.

The Working Group used the [Treaty of Tlatelolco](#), [Antarctic Treaty](#), the [Seabed Treaty](#), the [PTBT](#) and the [Non-Proliferation Treaty \(NPT\)](#) to guide its work. The Treaty of Rarotonga was signed in Rarotonga (Cook Islands) on 6 August 1985, and entered into force on 11 December 1986, with the deposit of the eighth instrument of ratification. The Treaty has 13 Parties: Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, and Western Samoa. Three dependent territories not located within the zone (Marshall Islands Republic, Federated States of Micronesia, and Palau) are not parties to the Treaty although eligible to be Parties. If these territories decide to join the SPNFZ Treaty in the future, the SPNFZ area would be enlarged to incorporate the territory of each new party. The SPNFZ contributes to limiting the threat posed by nuclear weapons and serves to strengthen the NPT regime and nuclear nonproliferation.

**Seven Dialogue Partners:** The SPNFZ dialogue partners are Canada, China, the [EU](#), Japan, South Korea, the United Kingdom, and the United States. France was one of the dialogue partners; however, its dialogue partner status was suspended in 1995 in protest of its nuclear tests in Mururoa but restored in 1996.

**Obligations:** States Parties are obliged not to manufacture or otherwise acquire, possess, or have control over any nuclear explosive device anywhere inside or outside the Treaty zone; not to seek or receive any

## TREATY OF RAROTONGA

assistance in this; not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State; and not to provide sources or special fissionable materials or equipment to any non-nuclear weapon State (NNWS), or any nuclear weapon State (NWS) unless it is subject to safeguards agreements with the [\(International Atomic Energy Agency\) IAEA](#). States Parties are also obligated to prevent in the territory of States Parties the stationing of any nuclear explosive device; to prevent the testing of any nuclear explosive device; not to dump radioactive wastes and other radioactive matter at sea, anywhere within the SPNFZ, and to prevent the dumping of radioactive wastes and other radioactive matter by anyone in the territorial sea of the States Parties.

**Treaty Zone:** Under Annex I, the Treaty Zone covers an extensive part of the South Pacific.

### **Verification and Compliance:**

*Verification:* Verification is achieved by providing reports and exchanging information, and by the application of IAEA safeguards. Visits by foreign ships and aircraft to ports and airfields, transit of airspace by foreign aircraft, and navigation by foreign ships carrying nuclear weapons are left to the discretion of States Parties.

*Compliance:* Treaty compliance is verified through the enforcement of IAEA safeguards agreements.

**Protocol I** calls on each Party with respect to the territories situated within the SPNFZ for which it is internationally responsible, to apply the prohibitions of the Treaty. On 25 March, 1996, France, the United Kingdom and the United States signed the Protocol, thereby expanding the Treaty's scope of application to the American Samoa and Jarvis Island, as well as to the dependent territories of France and the United Kingdom. France ratified Protocol I on 20 September, 1996, and the United Kingdom on 19 September, 1997. The United States has not yet ratified Protocol I.

**Protocol II** calls on the NWS not to use or threaten to use nuclear explosive devices against any Party to the Treaty or against each other's territories located within the zone. China signed this protocol in 1987, the USSR in 1986. The USSR stated that in case of action taken by a Party or Parties violating their commitments concerning the status of the zone, it would consider itself free of its non-use commitments. The same would apply in case of aggression committed by one or several Parties to the Treaty supported by a NWS, or together with it, involving the use by such a State of the territory, airspace, terri-

torial sea, or archipelago waters of the Parties for visits by nuclear weapon-carrying ships and aircraft or for transit of nuclear weapons. However, the USSR eventually ratified the Protocol without reference to the above statement.

The remaining three NWS signed the Protocol on 25 March 1996 (after France ceased nuclear weapon testing in the zone). China ratified Protocol II on 21 October 1988, France on 20 September 1996, the United Kingdom on 19 September 1997, and the USSR on 21 April 1988. The United States has yet to ratify Protocol II.

**Protocol III** calls on the NWS not to test nuclear explosive devices within the zone established by the Treaty. China signed this protocol in 1987, the USSR in 1986, whereas the remaining three NWS signed it on 25 March 1996 (after France ceased nuclear weapon testing in the zone). China ratified Protocol II on 21 October 1988, France on 20 September 1996, the United Kingdom on 19 September 1997, the USSR on 21 April 1988. US ratification of Protocol III is pending.

In its statement of reservation and interpretation, the French government made it clear that it did not consider its inherent right to self-defense to be restricted by the signed documents, that assurances provided for in Protocol II were the same as those given by France to the NNWS parties to the NPT, and that it would not be bound by its undertaking under Protocol II in the case of an invasion or any other attack carried out or sustained by a party to the Treaty in association or alliance with a NWS, or if material breach of the nonproliferation obligations under the Treaty were committed.

The US government signed the protocols without reservation, but its spokesman said that "certain declarations and understandings" would be proposed to the Senate for incorporation in the resolution of ratification. The United States stated that its practices and procedures in the South Pacific were not inconsistent with the Treaty and its protocols. However, it has yet to ratify the protocols. The United States said it would not accept any limitation on the right of passage of its nuclear vessels and aircraft in the region.

The Treaty of Rarotonga is considered an improvement upon the [Tlatelolco Treaty](#) in preventing the dumping of nuclear wastes and banning nuclear explosions even for peaceful purposes.

### **Developments:**

## TREATY OF RAROTONGA

**2011:** On May 3, President Obama [submitted](#) the Protocols to the Treaty of Rarotonga to the U.S. Senate for advice and consent to ratification.

**2010:** On April 30, the Second Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia and Mongolia was held in New York. The conference adopted the [Outcome Document](#) which reiterated the final declaration of the 2005 Conference and welcomed the entry into force of the African and Central Asian NWFZs as well as the efforts of Mongolia to institutionalize its nuclear weapons free status. It further called on the nuclear-weapons states to sign all relevant protocols and withdraw existing reservations.

On 3 May, U.S. Secretary of State Hillary Clinton announced at the opening of the [NPT](#) Review Conference in New York that the United States would submit the protocols to the Treaties of [Pelindaba](#) and Rarotonga to the U.S. Senate for ratification.

**2008:** At the 61<sup>st</sup> plenary meeting of the UN General Assembly on 2 December 2008, the Assembly adopted resolution [63/65](#), which reiterated the issues delineated in resolution ([62/35](#)) of 2007.

**2007:** On 5 December, the UN General Assembly adopted resolution ([62/35](#)) entitled “Nuclear Weapon Free Southern Hemisphere and Adjacent Areas.” The resolution calls for greater implementation and expansion of nuclear weapon free zone treaties, underlines their vital role in combating proliferation, and calls upon all states to support the process of nuclear disarmament and to take steps toward achieving the complete elimination of nuclear weapons. The resolution also congratulates past institutional collaboration and encourages further cooperation towards accomplishing common goals.

**2006:** The UN General Assembly adopted a further resolution ([60/58](#)) ‘Nuclear Weapons Free Southern Hemisphere and Adjacent Areas,’ similar to previous resolutions from 1996 through 2004. The resolution speaks of the consolidation, strengthening, and expansion of nuclear-weapon-free zones, the prevention of nuclear proliferation, and the achievement of a nuclear-weapon-free world.

In addition, the resolution congratulates the states that participated in the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones (often referred to as the NWFZ Conference) and encourages further cooperation between the existing NWFZs towards establishing a southern hemisphere NWFZ.

**2005:** On 26–28 April, Mexico hosted the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones in Tlatelolco, that included all the parties to the Treaty of Rarotonga. The states issued a joint statement to the Conference on Disarmament on 11 July 2005 concerning the consolidation, strengthening, and expansion of nuclear-weapon-free zones, the prevention of nuclear proliferation, and the achievement of a nuclear-weapon-free world. In the [statement](#), the states reaffirmed their commitment to their respective NWFZs, called upon all states mentioned in the relevant protocols to ratify them, urged the nuclear weapon states (NWS) to issue comprehensive negative security assurances (NSAs) to non-nuclear weapon states and they expressed serious concern over both the failure of the NWS to move forward with their obligations under Art. VI of the NPT and the continued failure of some states to accede to the NPT. In addition, the conference established a process for continuing communication, cooperation, and collaboration between the zones that will seek to encourage the adoption of effective joint measures that benefit the international disarmament and nuclear nonproliferation regimes. Each of the four regional treaties will take turns at coordinating this work.