

*Presentation on the South Pacific Nuclear Free Zone Treaty for the IAEA Forum on Experience of Possible Relevance to the Creation of a NWFZ in the Middle East, 21-22 November 2011, by Dr Robert Floyd, Director General of the Australian Safeguards and Non-Proliferation Office*

Development of the South Pacific Nuclear Free Zone Treaty  
Some principles for future WMD free zone arrangements

Mr Chairman,

There are now five nuclear weapon free zones in the world, each having its own characteristics. The various zones have similarities, but each has its own story, and the development of each was driven by a unique set of imperatives.

For any new nuclear weapon- or WMD-free zone, a journey is ahead, and that journey will be particular to the requirements of the region in which it will apply. But some very broad principles can be drawn from the history and development of each zone, to help guide development of new WMD free zone arrangements. I want to reflect today on the history and development of the South Pacific Nuclear Free Zone (SPNFZ).

The SPNFZ Treaty, also known as the Treaty of Rarotonga, entered into force on 11 December 1986. Thirteen regional states are parties to the Treaty. The protocols to the treaty have been signed by each of the NPT Nuclear Weapon States, and ratification of them is nearing completion.

The SPNFZ Treaty began its development in the early 1980s within a context of that time, and the part of the world for which it would apply. That context included more than thirty years of nuclear weapons testing in the region, with atmospheric tests during the 1950s and 1960s, and underground testing continuing through until the mid 1990s. South Pacific atolls served as major test sites for the United States, the United Kingdom and France. With Australia's agreement the United Kingdom conducted atmospheric nuclear tests in South Australia at Maralinga and Emu Field, and in the Monte Bello Islands off the western coast of Australia.

By the 1980s public concern about nuclear testing in the South Pacific region had reached a peak. Efforts to develop a treaty were a response to this – to ban nuclear weapon testing in the region. A further driver for the development of a nuclear weapon free zone was the concerns about potential impacts of radioactive waste in the environment. Thus the South Pacific nuclear free zone is not just a nuclear weapon free zone, but also bans dumping of radioactive waste within its boundaries.

These were the main issues which led states to create the South Pacific nuclear free zone. There were other concerns and wishes, to be sure. Like any internationally agreed instrument, the journey to the zone saw many ideas and proposals, not all of which were agreed. Some stakeholders wanted for example to constrain passage through the region of nuclear vessels (whether nuclear armed, powered or carrying nuclear cargoes). But a coalescence on the key issues was achieved through flexible and creative discussion – and a strong desire to reach agreement on those issues. Ultimately it was decided that each State would retain the right to decide whether to allow visits by foreign ships and aircraft.

The South Pacific region, both by name and by the nature of the states that make it up is a relatively peaceful part of the world. But the development of the South Pacific nuclear free zone was not unaffected by a need to reflect the reality that states with nuclear weapons have an interest in the region, and that the presence of nuclear weapons within the boundaries of the region could not be excluded totally. The zone surrounds islands that are dependent territories of the United States and of France. If a Treaty was to be agreed, the definition of the zone could not easily include this land. The zone also covers a large area of high seas used by flag vessels of numerous States outside the zone. Such states would wish to maintain a right of passage through the high seas, including for nuclear armed vessels. Those ships would also wish to call at ports in the region if the State visited was to agree. Indeed this was envisaged. Australia's strategic alliance with the US has been a reason to keep this option open. Others have chosen under their national arrangements to prohibit this.

So, although the South Pacific is a region of relative peace, the development of the SPNFZ Treaty has nevertheless had to deal with the interests of nuclear armed states and their allies. The Treaty recognises the right of States to decide on their security arrangements consistent with their support for Treaty objectives.

The SPNFZ Treaty has brought further benefits too, benefits that were perhaps not the prime motivation for those who set out to develop the Treaty. I am thinking here of provisions in protocols to the Treaty that are open to adherence by the NPT Nuclear Weapon States, and which offer security assurances to zone members. The Treaty also promotes broader nuclear non-proliferation and disarmament objectives.

I have spoken of several principles that applied to the development of the SPNFZ Treaty, and which would apply to the development of many international instruments, but which I believe are worth recalling with a view to the development of future WMD free zone agreements:

- The first is that the provisions and focus of the international agreement will be guided by the context of the region – that is not to say that elements of other NWFZs could not be useful elsewhere, but there is no one-size-fits all approach. A flexible approach is required.
- The second principle on which I have reflected, is that everyone will not get everything that they want. This may seem obvious. But everyone should get enough to address their key security interests. But this is not to say that individual states, or even groups of states, cannot go further in their own national arrangements, consistent with the requirements of a NWFZ treaty.
- A third principle is that states can gain benefits beyond the central objectives of the zone. The SPNFZ Treaty has been a vehicle for promoting objectives such as negative security assurances, and non-proliferation aims more generally.
- My fourth principle is that the development of the South Pacific nuclear free zone has had to take into account the presence of nuclear weapons within its boundaries, but has constrained activities with such weapons.

In closing, a further principle on which I would comment is that the evolution, development and implementation of a NWFZ takes time, and is an incremental process. The SPNFZ Treaty was agreed in 1985, but full adherence to its protocols is still in progress some 26 years later. Adherence to the Treaty has also expanded over time, and in recent years has given associate membership to dependent territories of France and the United States.

As we know Mr Chairman, arms control can be a slow process. But it is one that we must pursue.