

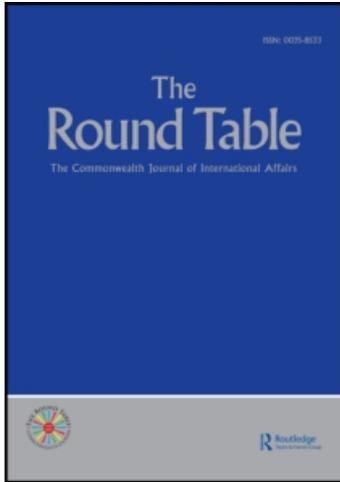
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## Nuclear-free-zone in the South Pacific

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# NUCLEAR-FREE-ZONE IN THE SOUTH PACIFIC

## RHETORIC OR REALITY?

T. V. PAUL

ON 6 AUGUST 1985, Hiroshima Day, 13 South Pacific Forum countries met at Rarotonga, Cook Islands, and concluded the South Pacific Nuclear-Free-Zone Treaty, thereby declaring their region free of nuclear proliferation. Eight of the Forum members signed the Treaty on the same day, while the rest are expected to follow their lead in due course. The Zone was instantly hailed by its protagonists as the second most effective nuclear-free-zone (NFZ) in an inhabited region in the world after Latin America, but critics dubbed the Treaty as 'Clayton's Treaty'<sup>1</sup> and as a cosmetic measure aimed at containing and defusing growing popular pressure for regional denuclearization rather than a serious move towards regional disarmament.<sup>2</sup> The Rarotonga Treaty was the result of two years of protracted negotiations among the South Pacific countries. In many respects, the Treaty was a compromise document of the divergent views that the South Pacific countries hold on the question of eliminating the nuclear threat from their region.

### Genesis of the South Pacific Treaty

Proposals for the creation of a NFZ in the South Pacific have their genesis in the early sixties, though the structure and geographical area to be covered under them were different from what the present Treaty envisages. The Australian Labor Party (ALP), following the American and British nuclear tests in the Pacific in the early sixties, favoured a vaguely defined nuclear-free-zone in the southern hemisphere.<sup>3</sup> In 1962 the Party's Federal Parliamentary Executive suggested the creation of a NWFZ in the Pacific, which the ALP Federal Executive widened in an attempt to include the whole of the southern hemisphere under its purview.<sup>4</sup> A much wider proposal encompassing South East Asia and some areas of the Pacific was muted by Anthony Clunies Ross and Peter King in their study on Australian nuclear policy in 1966.<sup>5</sup>

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Those early efforts were, however, non-starters given the assumptions of conservative governments in Australia and New Zealand, as well as the displeasure shown by the USA towards any such moves. Increased regional feelings towards the continuing testing of nuclear weapons in the South Pacific were manifested in the early seventies when the newly independent island nations began to express their concern over the issue. The coming into power of Labor Parties in Australia and New Zealand in 1972 gave a further fillip to the move for denuclearization of the region. The factors that contributed to the re-emergence of the NFZ were the growing antipathy towards the French atmospheric nuclear testing in its Polynesian territories, the emergence of a consciousness of a South Pacific regional identity, the desire of the Australian and New Zealand Governments to pursue independent foreign policy choices,<sup>6</sup> the conclusion of the Tlateloco Treaty and other world-wide efforts towards regional NWFZs and the UN General Assembly moves in this respect. The first serious effort in establishing a NWFZ in the South Pacific was taken by New Zealand in 1975 at the South Pacific Forum meeting and subsequently at the UN General Assembly. Despite its vagueness regarding the definition and geographical extent, the New Zealand proposal received the unanimous support of the South Pacific Forum meeting in July 1975. The General Assembly Resolution, initiated by New Zealand, Papua New Guinea and Fiji was adopted by a vote of 110, with 20 abstentions and no negative votes. Notable among the abstentions were the USSR, the USA, Britain, France and Cuba.<sup>7</sup> The Resolution, after mentioning the threat of proliferation of nuclear weapons and the arms race to world peace, endorsed the proposal by the South Pacific Forum countries for the establishment of a NFZ in the region, invited the countries concerned to carry forward consultations to achieve this objective and expressed the hope that all states, especially the nuclear weapon states, would cooperate fully in achieving the objectives of the Resolution.<sup>8</sup>

The adoption of the Resolution focused international attention on the issue and strengthened the commonness of viewpoints among the South Pacific countries on the question. The voting pattern on the Resolution showed the serious reservations the nuclear powers had on the proposal, since three of the five nuclear weapon powers had been conducting nuclear tests in the region with impunity. The initial euphoria regarding the Resolution subsided with the change of governments in Australia and New Zealand towards the end of 1975. The subsequent South Pacific Forum meetings dropped the idea from their agendas, and their communiques after the 1976 meeting did not even mention the issue until 1983 when it re-emerged under Australian sponsorship.<sup>9</sup>

The conclusion of the Rarotonga Treaty owes much to the ALP's disarmament policies and its interests in strengthening the regional security system. The ALP came into power in 1983 with a foreign policy manifesto in which creation of a NFZ in the South Pacific was prominent. An ALP conference in 1982 passed a resolution in which it condemned the dumping of nuclear waste material in the South Pacific as it threatened the living environment of the region. The resolution expressed support to South Pacific states, trade unions and other organizations in opposing the testing of nuclear weapons, nuclear devices, and other nuclear weapon systems in the region, and called on the Australian Government to urge the United Nations to hold an

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international conference aimed at banning all nuclear activities in the South Pacific.<sup>10</sup>

The ALP resolution was transformed into a specific proposal for a NFZ by the Labor Government, and was later submitted to the 14th South Pacific Forum meeting in Canberra in August 1983. At this meeting the proposal actually tabled was confined to a NFZ that would ban all nuclear weapons acquisition, testing, storage and waste dumping. The Forum meeting in 1984 in Tuvalu endorsed the Australian proposals and the final communique agreed on the desirability of establishing a nuclear-free zone in the region.<sup>11</sup> Australia again submitted its proposals in a draft treaty form to the Forum meeting at Rarotonga, which was approved by the member states after an extensive debate on the merits and drawbacks of the Treaty.

### **Australian interests**

The Hawke government, for a variety of reasons, took special interest in the successful conclusion of the Treaty. A combination of domestic and foreign pressures from a powerful anti-nuclear lobby within the ALP and from burgeoning peace movements in Australia, and the simultaneous desire of the government to see to it that a mild treaty of the present type would be passed by the Forum countries so as not to upset any of the present security arrangements including ANZUS, were responsible for the Australian eagerness in this direction. A degree of pragmatism was at work too. Avoiding upset of its security links with the USA appears to be the reason for Mr Hawke to press for a provision in the Treaty which allows continuance of the American bases in Australian territory and unhindered transit of nuclear-armed and powered ships and submarines through South Pacific waters. At the same time, the ALP Government has been showing some amount of independence of outlook especially on disarmament questions. The appointment of an ambassador for disarmament, the Government's eventual refusal to participate in the M.X. missile testing and the Strategic Defense Initiative (SDI) research programmes and the bold statements by Australian leaders on superpower arms control talks, are all indicative of the new trend in Australian thinking in this regard. Over the last few years, there have been changes in Australia's role perceptions too. Its defence forces are no longer structured to fight as part of a larger allied force in a distant part of the world, but as a more self-reliant fighting force with the support of independent national capabilities for the direct defence of Australia and its interests.<sup>12</sup>

New Zealand's refusal to allow US nuclear ships to call on its ports and its proposals for regional security arrangements have been considered by Australia as an attempt by that country to increase its regional leverage over the small island nations. Therefore, passage of the Nuclear-Free-Zone Treaty with several loopholes in it helped in maintaining the Australian-US preponderance in the region and gave Mr Hawke a much awaited propaganda uplift.

### **The nuclear problem in the South Pacific**

Not long after the dawn of the nuclear age, the South Pacific has been turned

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into one of the most nuclearized regions in the world by way of testing, dumping of nuclear waste materials and transit of nuclear weapons and missiles. Many of the lush green islands of the South Pacific have been used by one nuclear power or other for weapon testing and perfecting of its nuclear war fighting capabilities. The micro island nations that emerged during the seventies as a result of the decolonization process in the region consider that they have been used by the nuclear powers as guinea pigs in the nuclear arms race leading to contamination of their waters, innumerable health hazards to their citizens and future generations and increasing their security problems.

Before the shock of the *Hiroshima bombing subsided, the USA started its atmospheric testing over the Bikini Atoll (10°N), in the Marshall Islands of Micronesia in 1946. In 1948, the Americans began testing at Eniwetok Atoll of the same island group, where they exploded the first hydrogen bomb, 'Bravo', in 1952. The consequences of the Bikini and Eniwetok tests were horrendous for the Marshall Islanders. The hydrogen test explosions forced the islanders to leave their homelands, and led to diseases such as thyroid cancer, eye cataracts, leukaemia, birth defects and miscarriages, even years after the explosions. Much of the anti-nuclear feelings of the South Pacific people are the result of the painful experiences of the Marshall Islanders and the intangible radiation effects of atmospheric testing at other Pacific sites. While for many Micronesians there is specific knowledge of this experience, for Pacific Islanders south of the equator, the former's experiences were evidence enough of the need to prevent further nuclear contamination of the region.*<sup>13</sup>

Along with the USA, Britain also started using Pacific possessions and some Australian sites for nuclear weapon testing. It conducted about 12 atmospheric tests on the Australian sites of Maralinga, Emu Field and Monte Bello until 1957 and 9 tests at Christmas Island in the mid-Pacific. The British tests in Australia resulted in serious health hazards to the servicemen who conducted them and the Aborigines who lived in the surrounding areas.<sup>14</sup> However, it is the French nuclear testing at Mururoa Atoll in French Polynesia that led to widespread protests and to the solidarity that the South Pacific countries have forged in their struggle for redeeming the region from the nuclear menace. France began its explosions at the atoll in 1966 and has since conducted more than 100 explosions of which 41 were atmospheric tests. The continuing French nuclear testing in the region has been challenged by Australian and New Zealand governments in the International Court of Justice, at diplomatic levels, at the United Nations, and at other world forums, and through industrial actions aimed at curbing the movement of French goods throughout the South Pacific.<sup>15</sup> In the words of an Australian defence writer, 'by choosing to exploit their Pacific possession in this way, the French have managed to avoid the environmental and political problems of testing in France itself. Yet the main beneficiary of this policy of leaving the rubbish in someone else's backyard will be the defense of metropolitan France—not the Pacific'.<sup>16</sup>

France, in turn, sought to justify the testing by saying that the tests are completely 'innocuous' and do not pose any radiation or health hazards to the region. Subsequently it even resorted to terrorist type activities when French agents sabotaged the Greenpeace protest ship, *Rainbow Warrior*, in Auckland harbour, declaring its intention to forcibly remove obstacles to the test

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programme. Prime Minister Hawke's statement on the French testing that if the tests were as safe and uncomplicated as they assert, 'let them do it in metropolitan France',<sup>17</sup> sums up the regional attitude towards the French programme.

Apart from testing, other forms of nuclear activities by the nuclear powers also threaten South Pacific security. It has been argued by strategic experts that the Soviet Union does not operate any nuclear bases in the South Pacific region. Its nearest military base is Cam Ranh Bay in Vietnam and its warships and submarines have rarely been detected in the South Pacific waters.<sup>18</sup> However, it has been estimated that the USA operates about 160 bases and facilities in the whole Pacific region. These include the Naval Communications Station at North-West Cape that relays communications with SLBM submarines, the Defense Space Research Facility at Pine Gap, a signals intelligence unit that is involved in the interception of Soviet and Chinese military and radar transmissions and the Defense Communications Facility at Nurrungar, which is part of the US satellite early warning system. These facilities in Australia provide the US command, control and communications (C<sup>3</sup>) for early warning, targeting and intelligence for the SLBMs.<sup>19</sup> Nuclear powered and armed US ships have been visiting the South Pacific ports over these years despite the displeasure shown to it by some countries. Vanuatu, Papua New Guinea, Solomon Islands and more recently New Zealand ban nuclear warships from visiting their ports. Fiji had banned nuclear warships from visiting its ports for some time in 1982 but lifted it later—indeed welcomes them.

In addition to the regular port calls of ships carrying nuclear weapons, the USA has also started deploying Trident submarines each equipped with 24 Trident II multiple warhead missiles in the Indian and Pacific Oceans on the forward bases at Belau Guam, Cockburn Sound and Diego Garcia. The USA has also reportedly been equipping its Pacific surface ships with Tomahawk Cruise missiles and its B-52 fleet with air-launched Cruise missiles.<sup>20</sup> According to a recently published US research group report, there are about 600 US and Russian weapons deployed in the Pacific-Asian region at any given time while more than 2000 weapons are available for deployment in the region.<sup>21</sup>

Nuclear waste dumping is the other major long-term threat the island people are confronting. The Japanese, despite the 1983 London Dumping Convention, reportedly are making plans to dump two million drums of radioactive waste in an area at 30°N latitude and 147°E longitude between the Northern Marianas and the southernmost Japanese islands—though this is not the South Pacific such actions do worry many who live in the South Pacific. They have shelved the plans for the time being, but uncertainty still persists about Japanese intentions. In the meantime, the USA, Taiwan and South Korea are waiting for the Japanese decision to start their own dumping programme.<sup>22</sup>

### **The Rarotonga Treaty: structure, drawbacks and merits**

Given this history of nuclear involvement in the region and its potential for becoming a major strategic theatre for superpower rivalry, the Nuclear-Free-Zone Treaty assumes tremendous importance. A careful analysis of the provisions of the treaty, however, reveals several loopholes which make it a less

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effective disarmament measure in checking the proliferation of nuclear weapons and other nuclear activities in the region by the nuclear powers. The Treaty, quite concise in its text, forbids its adherents from developing, manufacturing, acquiring, or receiving from others any nuclear explosive devices in the South Pacific or in the territories of the participating countries. It stipulates that nuclear activities in the region, including the export of nuclear materials, should be conducted under strict safeguards to ensure exclusively peaceful, non-explosive use. It allows South Pacific countries to retain their unqualified sovereign rights to decide for themselves such questions as access to their ports and airfields of vessels or aircraft of other countries and respects international law regarding freedom of the seas and verification by international safeguards the performance of obligations by the parties. The border of the Zone would be the Equator in the north, Easter Island in the east, Antarctica in the South and the Western Australian coast in the West. In its three protocols, the Treaty invites France, the USA and the UK to apply key provisions of the Treaty to their South Pacific territories, and invites the five nuclear weapon states not to use or threaten to use nuclear weapons against parties to the Treaty and also not to test nuclear explosive devices within the Zone.<sup>23</sup>

A study of the Treaty provisions would, however, reveal the fact that out of some 19 major categories of nuclear activity in the region, the Rarotonga Treaty bans only five. They are nuclear weapons acquisition by signatories, nuclear weapon testing, permanent stationing of nuclear weapons on land, inland waters or the sea bed within the territories of the Zone member countries, the use or threat of use of nuclear weapons against the Zone members by nuclear weapon powers and nuclear waste dumping by the Zone adherents themselves.<sup>24</sup> The Treaty does not ban or restrict among other things the transit of nuclear weapons through the airspace of the parties or the international airspace in the region, nuclear base facilities which are already existing especially in Australia, uranium mining and its export to nuclear powers, military exercises involving nuclear armed vessels and nuclear waste disposal on land.<sup>25</sup>

As a non-proliferation measure too the Treaty has only limited value in view of the fact that no nation in the South Pacific, barring Australia and New Zealand, have any foreseeable capacity to make nuclear weapons. Since most of the countries in the region, including Australia and New Zealand are signatories to the Nuclear Non-Proliferation Treaty (NPT), the application of the Treaty will be of limited importance with regard to nuclear options of the signatories. However, an important feature of the Treaty, unlike the Tlateloco Treaty, is the ban on peaceful nuclear explosions (PNE). This provision has particular importance regarding Australia's future nuclear options.

The controversial question of the port calls of US nuclear warships and submarines also limits the Treaty's credibility. In fact, one of the major criticisms of the Treaty is the highly ill-defined nature of the provision regarding home-porting which is left to the will and pleasure of individual states. It has been reported that nuclear-powered and armed submarines have been stationed at Cockburn Sound, Western Australia for long periods. Since the Treaty does not categorically ban such port calls and leaves it to individual nations to decide the periods of such visits, the presence of nuclear-armed ships

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and aircraft in the region will be a permanent fixture given the US–Australian strategic relationship. The Australian Prime Minister's assertion that the duration of the visits by nuclear submarines does not constitute any element of home-porting, and is consistent with the principle and practice that Australia has of providing access to its allies,<sup>25</sup> makes it clear that the Treaty does not in any way affect US nuclear ships and submarines calling on Australian ports.

Australia's uranium sales to the nuclear powers are also not covered by the Treaty. Though the Australian leaders contend that the sales are covered under international safeguards, critics point to the fact that there are no effective safeguards that could check the use of the fissionable material by the nuclear powers. The existence of US bases in Australia that makes the country vulnerable to Soviet nuclear attack in the event of a nuclear war, even if the Soviet Union decides to sign the protocols of the Treaty, makes it a less important instrument in influencing the nuclear war projections of the superpowers in the region. Since the American facilities have important command, control and communications role in the US nuclear deterrent, the chances of Soviet missile targeting towards these facilities are now taken for granted.

The Treaty's effectiveness beyond the territorial waters of the signatories is another important drawback. Since many island nations have only limited territories, respect for more than  $20 \times 10^6$  km<sup>2</sup> of the South Pacific waters as nuclear-free would be at the mercy of the nuclear powers and other nations that have civilian nuclear programmes. Since the international waters are not covered under the Treaty, it will not in any way affect US submarines and warships transiting in the region or the deployment of Trident II and Tomahawk cruise missiles. It would also not affect the use of the South Pacific region by the USA, the USSR and China for long range nuclear missile testing.

Judging from the contents of the Treaty, it can be inferred that its main focus is on the French nuclear involvement in the region. Since France is the only power that still conducts nuclear testing in the region, the intentions of the treaty makers are quite apparent.

The Rarotonga Treaty thus has many differences from the Tlateloco Treaty in its structure and possible applications. The Tlateloco Treaty, which established the first NWFZ in a densely populated area, emanated from the awareness among Latin American countries of the danger of nuclear proliferation within the region and of the experiences of the Cuban missile crisis and a determination to arrest any such future happenings. In many respects, the main concern of the sponsors of the Tlateloco Treaty was of a few Latin American countries such as Brazil, Argentina and Chile, gatecrashing into the nuclear club, while the South Pacific Treaty's sponsors had in mind the dangers of continued nuclear involvement by outside powers, especially France, in their region. The Latin American Treaty does not have an effective system of control despite its permanent supervisory organ called the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL).<sup>27</sup> It envisages, however, a control system which includes the application of IAEA safeguards to all nuclear activities of the contracting parties, and inspection and observation of their peaceful uses of nuclear energy and peaceful nuclear explosions.<sup>28</sup> By not distinguishing between peaceful and non-peaceful nuclear explosions, the Rarotonga Treaty goes a step further than the Tlateloco Treaty as an effective

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horizontal non-proliferation measure. The lack of an institutional mechanism like the OPANAL, however, makes the verification and compliance system vague and ill-defined. The rationale for the non-inclusion of a permanent monitoring institution may be the remote possibility of South Pacific countries attaining the capability to conduct nuclear explosions for peaceful purposes or otherwise. While the Tlateloco Treaty avoids mention of the transit of nuclear-armed or powered craft or ships through international airspace or international waters, the Rarotonga Treaty clearly states that nothing in the Treaty would affect such transits. The former also bans providing nuclear bases and facilities to outside powers, while the latter allows the present bases in the region to continue and the security relationships to remain unaffected.

Despite its deviations from the principles of nuclear-free-zones as established by the United Nations<sup>29</sup> and precedents set by the Antarctic, Outer Space, Tlateloco and the Sea Bed Treaties, the South Pacific Treaty has certain positive aspects. Its value lies mostly as a collateral disarmament measure in creating public opinion for a Comprehensive Test Ban Treaty (CTBT) as well as a universal non-proliferation regime. Regarding its possible impact on France, the Treaty could further increase international pressure on it to end the nuclear testing at Mururoa. It could also help to rally anti-nuclear forces in the region under a legally accepted system of obligations. If accepted by both the superpowers and other powers like Japan, China and Korea, it would act as a constraint on any likely future decisions to deploy and test nuclear weapons and dump nuclear waste materials in the South Pacific. The absence of serious political or diplomatic disputes in the region makes the chances of full compliance by the signatories a reality. This region, as Roderic Alley suggested, is not smitten by serious conflict inducing cleavages arising from religious, ideological or cold war divisions that engender suspicions that some states are harbouring diplomatic or propaganda moves designed to weaken a particular target state as evident in the similar proposals in South Asia or the Middle East and hence its success is more likely.<sup>30</sup> The chances of regional nuclear cooperation for energy development will also be possible if an institutional arrangement is being made under IAEA and with the support of uranium-exporting countries like Australia in creating regional fuel cycle centres.

Moreover, NWFZs constitute an important negative security assurance as it would make it difficult for nuclear weapons powers to use them against the zone's members in times of crisis. In some respect, the political functions of the nuclear weapons would be constrained. The importance of SPNFZ lies in its possible future influence on South East Asia and other parts of the world. Together with the Antarctic and Latin American regions, the South Pacific forms a major geographical portion of the globe that will be partially denuclearized.

### Superpower responses

The responses of the superpowers and the other nuclear powers to the South Pacific Treaty assume major importance in view of the increasing great power interests in the region. The importance of the South Pacific region stems from its enormous economic and strategic potential in view of its untapped resources

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and the emergence of small island states with vast territorial waters. The Soviet Union had given this region less strategic importance until recently when they expanded their fishing operations into the region. However, the Soviet presence in the region is minimal as if it tacitly approves the fact that the South Pacific is part of the Western sphere of influence or an ANZUS lake. Because of this low strategic priority, they confine themselves to maintaining a few political contacts mainly through missions in Canberra, Wellington and Jakarta, involvement in some union activities and conducting scientific exploration of the Ocean.<sup>31</sup> Eyebrows were raised in Australia and some other pro-Western South Pacific states when the Soviets last year signed a tuna fishing deal with the small island nation, Kiribati, and then a fishing treaty with New Zealand. This has been considered by some as an important step in more Soviet penetration into the region.

Soviet response to the Rarotonga Treaty has been positive, though the Russians were more interested in a nuclear-free-zone that would practically remove all the US nuclear facilities from the region. Moscow would also have liked to see an end to the transit of US nuclear ships and submarines through the region as well as more countries following the lead taken by New Zealand in banning their port calls. The Soviets would, however, consider this Treaty as an important step in the emerging anti-nuclear movement in the region and the ultimate collapse of the ANZUS alliance. Moscow would also be happy to see a halt to the French nuclear testing at Mururoa, because France might find it difficult to locate an alternative site and that would slow down the development of French nuclear weapons that are targeted towards the Soviet Union.<sup>32</sup> Soviet official reactions to the Treaty have been interpreted by some as indicating a strong likelihood of the USSR signing the protocols of the Treaty as and when approached by the Forum countries. The Soviet Ambassador to Australia and an *Izvestia* commentator in their recent statements have suggested that there was no compelling reason to prevent the Soviet Union from signing the protocols or violating the Treaty provisions.<sup>33</sup>

Responses from the USA were ambivalent suggesting that they are in no hurry to accede to the Treaty, thereby becoming party to an agreement that would morally make it difficult for the USA to maintain a nuclear presence in the region. Though the Treaty would not in any way curtail its current nuclear activities in the region, the success of the anti-nuclear movement in the region would affect US plans to deploy more and more nuclear missiles in the Pacific. It would also be in the interests of the USA to see the pace of the implementation of the Treaty delayed especially at a time when its presence has been challenged by New Zealand. The US Secretary of State, George Shultz, expressed reservations about the concept of the Treaty and the speed with which Australia had been pushing the matter during his visit to Australia prior to the conclusion of the Treaty.<sup>34</sup> The US concerns stem from its perspective that Australia has attempted to constrain the Western nuclear deterrent by vigorous arms control lobbying, while New Zealand's anti-nuclear stance helped in undermining the American military posturing in the South-West Pacific.<sup>35</sup>

The French, who are the main culprits in the region and against whom the Treaty is mainly addressed, are expected to ignore it, at least for the time being. Yielding to regional pressures would be a defeatist step for the Mitterand

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government which has already made some blunders in handling the protest movements in the region. Apart from this the French do not like to see regional political cooperation strengthened in ways that might increase the pressures for decolonization of its South Pacific territories like New Caledonia and French Polynesia.<sup>36</sup>

The future of the Treaty, thus, is greatly dependent on the willingness of the nuclear powers, especially France and the USA, to sign and observe its protocols and provisions and to implement it on their territories in the region.

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