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A Treaty of Rarotonga Fit for the Future?

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Executive Summary

In his launch of the Ocean of Peace in the Fiji Parliament on 5 August 2024, Prime Minister Rabuka made clear that the management of geostrategic competition was a key rationale behind its establishment. He highlighted the need to protect the region from acts of militarisation and above all, the use of nuclear weapons.

The South Pacific Nuclear Free Zone Treaty (hereafter “Treaty of Rarotonga”) has a major contribution to make to this key objective of the Ocean of Peace. With appropriate revitalisation, rather than amendment, the Treaty of Rarotonga is fit for use as a response to escalating geopolitical and military contest. Whereas the Biketawa Declaration focuses on the issues of internal peace and conflict resolution measures, and the Boe Declaration with establishing the broader regional security priorities outside geopolitics (human security and climate change), the Treaty of Rarotonga is the only existing treaty focused on the management of nuclear state involvement in the region and is already acknowledged as a Pacific contribution to world peace.

The Treaty of Rarotonga’s relevance in the contemporary strategic context depends on its prohibition on the stationing of nuclear weapons in the nuclear free zone (art 5). The power of this prohibition depends in turn on how the caveat clause (5.2), which allows the ‘visits’ of warships and planes, is interpreted. Reinvigorating the Treaty of Rarotonga would therefore need to begin with a special meeting of the Parties to discuss the meaning of ‘visits’ and of ‘stationing’, given the new deployment strategies of the great powers.

This special meeting of the Parties would necessarily require a discussion of US and Chinese contemporary strategic posture in the Pacific and their emphasis on developing more flexible strategies, with dual facilities and rotational deployment rather than permanent bases. Such strategies may effectively enable the continuous deployment of nuclear weapons through permanent rotation, as at Tindal Air Base in Northern Australia, though this activity may be described as visits, and therefore as exempt.

Key questions include whether the term ‘visits’ needs further definition, and if so, what that definition might be. Should it allow long term visits or rotational visits of possibly nuclear armed vessels and planes that are part of an operational war fighting system; or visits that are part of a diffused flexible deployment? Or should it be limited to particular missions such as hospital ships, disaster relief and transit visits for shore leave; or limited to ships and planes that are not nuclear capable?

The other associated area of reinvigoration that is required to make the Treaty of Rarotonga fit for purpose is the active and regular use of the accountability mechanisms of the Treaty. This includes the Pacific Islands Forum Secretary-General calling for reports on new developments in basing activity (9.1) and preparing an annual report to Parties (article 9.3), the holding of an annual meeting of Parties to consider reports (art 10), and the appointment where necessary of a special inspection team (annex 4).



Introduction

The South Pacific Nuclear Free Zone Treaty (hereafter referred to as Treaty of Rarotonga) was a very significant achievement when it was signed by Pacific Island states at the height of the Second Cold War in 1985. The Treaty was designed to prohibit a wide range of nuclear weapons activities - testing, acquisition, storage, stationing and deployment - as well as banning the dumping of nuclear wastes. Significantly, the Pacific leaders were also successful in persuading all of the nuclear states to sign the Treaty protocols which committed them to honour these prohibitions. The Treaty's significance and status were reflected in its recognition by the United Nations as a contribution to world peace and arms control (<https://www.un.org/nwzfz/fr/content/treaty-rarotonga>), and by the fact that it became a model and inspiration for the Treaty on the Southeast Asia Nuclear Weapon-free Zone.

This paper considers whether the Treaty of Rarotonga is still fit for purpose in the contemporary geostrategic context. This question is prompted by several major nuclear-related regional challenges that have emerged in recent years. These include Australia's surprise 2021 AUKUS announcement that it would acquire nuclear powered submarines; Japan's announcement in the same year of its intention to discharge treated nuclear wastewater into the Pacific Ocean; growing frustration regarding the lack of action by the United States on nuclear legacy issues; as well as concerns surrounding possible nuclearization as a result of the increasing militarisation in the region since 2022.

It seeks to complement and build on the persuasive answers given to this question by other commentators (Naidu 2024, Maclellan 2023, Taylor 2023), but it does so by taking a slightly different tack. Rather than going over the well examined ground of the challenges posed by AUKUS, Fukushima and legacy issues, it focuses on a kind of potential nuclear weapons presence which has largely gone 'under the radar' - namely, the prospect of the stationing of nuclear weapons as part of the escalating strategic competition and increasing militarisation of the region. Perhaps counter intuitively, it argues that the Treaty of Rarotonga, with some re-invigoration rather than amendment, is fit for resisting this kind of nuclear weapons presence. In particular, it is argued that article 5 of the Treaty, which prohibits the stationing of nuclear weapons in the zone, has the potential to place guardrails on the potential stationing of nuclear weapons, particularly if combined with a more active use of articles 8, 9 and 10, which are concerned with accountability mechanisms.

The paper further argues that the Treaty is therefore a major resource for the proposed Ocean of Peace. A key rationale for the Ocean of Peace is the desire to manage escalating geopolitical contest in the region. In his Ministerial Statement to the Fiji Parliament on 5 August 2024, Prime Minister Rabuka said that 'the Ocean of Peace is a signal that we seek a region in which strategic competition is managed' and further that 'we are convinced of the need to preserve the region from acts of militarisation, arms race, and, above all, nuclear weapons – their threats of use' (Fiji Parliament Hansard 5 August, 2024, pp. 1372-3). The case being made here is that the Treaty of Rarotonga is fit for this precise purpose.



Rarotonga's prohibition on the stationing of nuclear weapons

As set out in article 5.1 the Treaty of Rarotonga's prohibition on the stationing of nuclear weapons in the zone is clear: 'each Party undertakes to prevent in its territory the stationing of any nuclear explosive device'. And the Treaty's definition of 'stationing' is both all- encompassing and specific: 'emplantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment' (Treaty, article 1 (d)). In this discussion the focus is on deployment and storage which are the more probable infringements of the Treaty based on what has occurred in recent years in Australia and Micronesia.

Significantly, however, this prohibition on stationing is subject to a caveat in the case of visiting ships and planes:

Each 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, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits. (article 5.2).

This 'let out' clause in relation to 'visits' is at the heart of the issue over whether long term or rotational use of Pacific ports and airfields by nuclear capable ships and planes should be regarded as stationing, or to be seen as falling within the exempt 'visits' category. The answer to the question hinges on whether such deployment is still to be seen as 'visits' given their new operational purpose, their extended duration, and their 'rotation'. The crux of the argument in this paper is that this caveat should no longer apply. What has been agreed in relation to American basing in Australia and Micronesia in recent years raises red flags about this issue. It makes the host country a target and potentially part of U.S. nuclear deterrence and war fighting against China. It paves the way for nuclear deployment which is defined as stationing under the Treaty. Furthermore, the claim that the rotation of such nuclear armed ships and planes can be exempted under the visits caveat no longer holds. These visits are very different from the way in which the signatories intended this term to be interpreted at the time of signing during the Cold War.



The Australian case

In terms of a potential breach of the Treaty of Rarotonga, the key development is Australia's agreement to allow 'rotational basing' for U.S. nuclear capable B52H aircraft at Tindal airbase where special facilities are being built. In *Nuked: The Submarine Fiasco that Sank Australia's Sovereignty*, Andrew Fowler argues:

With regard to the Tindal modernisation, the six parking bays being built for the B-52H aircraft - the H marks it as a nuclear-capable bomber - will allow the long-distance aircraft to operate in pairs: two loading bombs, two on the bombing mission, and two waiting. A lengthened runway will permit a fully laden B-52H to fly to the coast of China and back without refuelling.... In 2019 the US military announced a major upgrade to the B52H as it improved its nuclear arsenal to face down China. [The B52H] would now be capable of carrying twenty Long Range Stand Off nuclear -armed cruise missiles. (Fowler 140)

Fowler further argues that there may be a secret agreement between Australia and the US regarding the sovereignty over the US munitions storage at Tindal base (as was the case between Netherlands Government and the US over nuclear weapon stockpiling at Volkel airbase). He asserts that this would allow Australia to legally argue that it has no nuclear weapons on its soil and therefore that it is in compliance with the Treaty of Rarotonga. (Fowler 142)

Australia has also agreed to rotational basing of U.S. and British nuclear attack submarines at HMAS Stirling near Perth in Western Australia. According to the Australian Submarine Agency's Factsheet 'from as early as 2027 AUKUS partners will have a rotational presence at HMAS Stirling of one UK and up to four US nuclear-powered submarines - known as Submarine Rotational Force - West'. Although conventionally armed for now, the U.S. attack submarines are expected to be nuclear capable from around 2034 'when a nuclear-tipped cruise missile for use at sea, formally called SLCM-N, becomes provisionally operational.... the new ones seem to be primarily earmarked for Virginia-class attack submarines - a type of boat that visits Australia regularly and will form part of the rotational force being established at the base HMAS Stirling in Western Australia later this decade as part of AUKUS' (Bristow 2024). The Australian Government has presented this rotational presence as being about the transfer of nuclear submarine capability to Australia, playing down the fact that they also will have an operational role. It also was explicit about this not amounting to a 'basing' of UK and US submarines in Australia. It argued that this reality reflected Australia's 'longstanding bipartisan policy of no foreign bases on Australian soil' (Australian Submarine Agency 2024).



The only time the Australian Government has been held to public account on these developments, and specifically on whether they comply with the Treaty of Rarotonga's prohibition on stationing, was at the Senate Estimates committee of 15 February 2023 (Australian Parliament 2023). Under questioning from Senators Steele-John and Shoebridge, Defence Secretary Greg Moriarty and Foreign Minister Penny Wong, presented a considered statement of government policy (after a short break in proceedings) in response:

There is no impediment under this treaty... to the visit of foreign aircraft to Australian airfields ...Australia's longstanding arrangements to support visits by US strategic assets are consistent with our obligations under the South Pacific Nuclear Free Zone Treaty. US bomber aircraft have been visiting Australia since the early 1980s and have conducted in Australia since 2005. Successive Australian governments have understood and respected the longstanding US policy of neither confirming nor denying the presence of nuclear weapons on particular platforms.

The claim that what is now envisaged for visiting nuclear capable B52s is simply a continuation of a longstanding program of visits by US B52s focused on training, is disingenuous. According to Sam Roggeveen, Director of Lowy Institute's International Security Program, 'Australia had previously hosted US bombers for training purposes, but this initiative will allow American bombers to fly operational missions from Australian soil, including in wartime' (Roggeveen 2023). And a Washington Post article, reported Rep. Michael McCaul, chairman of the U.S. House Foreign Affairs Committee, as saying during a visit to northern Australia: 'This provides a central base of operations from which to project power'. The rotational nature of the visits means they add up to a semi-permanent presence at least for six months a year, during the dry season in north Australia. In his National Press Club address of 15 March 2023, former Prime Minister Paul Keating disputed the Government's claim that the American bases were not permanent because the US forces were on rotation': 'if the rotation is permanent then they are permanent'. He went on to say that because of this arrangement we are 'in the ambit of the US Strategic Command system' (Keating 2023)

Nor is it reassuring to be told that the Government in any case accepts that the U.S. government cannot confirm or deny the presence of nuclear weapons; and that it therefore does not ask. To say that the visits of nuclear capable ships and planes are allowed by the Treaty of Rarotonga is an admission that the Government regards it is acceptable to have nuclear weapons present as part of a visit of US forces because they still are covered by the caveat clause. The Minister was even reluctant to admit that the B52s were nuclear capable. In summary, this engagement is no longer a 'visit' as envisaged under the Treaty of Rarotonga but rather a form of flexible deployment involving nuclear capable ships and planes.



The Stationing challenge: ‘Lilypads’ rather than ‘bases’

The key change in U.S strategic doctrine in the early 2020s is a shift from the use of permanent bases in the Indo-Pacific to ‘agile combat employment’ (ACE): ‘ACE shifts operations from centralized physical infrastructures to a network of smaller dispersed locations that can complicate adversary planning and provide more options for joint force commanders. Its value is derived from the ability to hold adversary targets at risk from multiple locations’ (US Airforce 2022, 3). As explained by General Schneider, Commander of US Pacific Air Forces:

Rather than building large new bases like Kadena Air Base in Japan or Andersen Air Force base in Guam, ‘I see it more about locations where the Air Force has permission for access, basing and overflight when needed’... ‘There are a lot of airfields around the Pacific...and we’re reclaiming and doing efforts to restore some of those’. (Woody 2024).

This is most easily seen in the Micronesian case. Kenneth Kuper argues that the first step in this shift was the end of Continuous Bomber Presence (CBP) at Guam in April 2020 and the development of island airbases across Micronesia beyond the second island chain (eg Guam) which is now seen as too vulnerable to Chinese missiles. The idea is to make Chinese decision making more difficult in a crisis, sometimes called ‘dispersal’, or a ‘hub and spokes’ strategy. Kuper calls it a ‘new age of distribution and dispersal’. He points to the current reclamation of World War 2 bases at Tinian, Yap and Palau as examples of this strategy (Kuper 2023).

Chinese strategy might not be that much different in its broad approach. Nic Maclellan references the Australian security analyst David Kilcullen who argues ‘that China is seeking influence in Pacific island states to create a “pre-developed pattern of lily pads” – a network of regional sites set up to receive missiles and launchers when needed’. Maclellan goes on to make the insightful point that ‘in reality, the US military have already been implementing a lily-pad strategy by dispersing forces across the region’ (Maclellan 2024). His point could be extended to the efforts to develop new possibilities of dispersion in the South Pacific beyond the reach of Chinese missiles.

This has implications for how the nuclearisation challenge should be understood. Based on this changed doctrine and practice thus far in Australia and Micronesia, there is the possibility of nuclear capable ships and planes on long rotational visits to Pacific ports and airfields deploying nuclear weapons in a crisis and also being a target for Chinese missiles. This suggests that the nuclearisation challenge is how to impose guardrails on existing defence pacts and development agreements that would prohibit the development of the rotation presence of nuclear capable ships and planes. The claim by the US - and for that matter, China- that it is not seeking permanent bases is not sufficient assurance in this common search for ‘lilypads’ in a new geostrategic era. As we have seen in Australia, and in American Micronesia outside Guam, the problem is that contemporary doctrine requires a different kind of deployment which is potentially involved in the stationing of nuclear weapons. The deployed ships and planes are not going to return to the ‘hubs’ to pick up their nuclear weapons in times of crisis.



The Treaty of Rarotonga as an Answer

One possible response to this nuclearisation challenge is a national response along the lines of New Zealand's policy since 1984. This now bi-partisan policy prohibits all warships and planes that may be carrying nuclear weapons. Because of the American Navy's 'neither confirm nor deny' policy it refuses to have any nuclear capable ship or plane visit its ports or airfields. Although in the early 1980s some other Pacific Island states -Solomon Islands, Vanuatu, Fiji and Palau - announced similar nuclear -free policies, these were short -lived and are no longer in operation. All Pacific Island states now allow visits of nuclear capable ships and planes and do not ask questions about whether they are nuclear armed. This is justified in pragmatic terms because they are short term 'transit' visits and/or with a good will, training, or disaster relief mission.

For this reason, it is argued that a collective approach to the nuclearisation challenge is more appropriate and that it is prudent to act before individual Parties to the Treaty agree to longer rotational visits of nuclear capable ships and planes of the Australian kind. These are hard to reverse once they become a strategic part of the nuclear war fighting system of a nuclear power. The aim would be to preclude the nuclearisation of competitive basing by all nuclear powers. Nuclear weapons free zones work best if their prohibitions are agreed before there is any nuclear weapons presence. This is the case for example for the Seabed, Antarctica and Outerspace treaties. In the case of the Pacific region, then, it is important to set up guardrails before there is the potential for nuclear weapons deployment of the kind we have seen in Australia over the past four years. It is argued that article 5 provides the basis for this prohibition.

A revitalised article 5 would clarify exactly what is meant by 'visits' in this new strategic context. It may be that the parties want to stipulate that visits have a time limit or are restricted to naval ships and planes that are not nuclear capable. This would still allow most of the naval visits that take place today. But it would preclude the sort of rotational visits of the Australian kind. As importantly, the activation of the accountability mechanisms of articles 8-10 would create a transparency and perhaps alleviate concerns about the intentions of Pacific Island Parties or nuclear powers when new developments occur. While there may be some resistance to discussion and review of national decisions which may break out of the Treaty, this is the price of pursuing a collective aim to manage the militarisation and nuclearisation associated with accelerating geopolitical competition in the Pacific. A regional approach through the Treaty would have the advantage of applying to any and all nuclear powers and empower the individual Parties to manage their national sovereignty by appealing to international law. For the nuclear power signatories to the protocols to the treaty, such tightening of the stationing prohibition could be made politically acceptable. After all, both sides claim not to be interested in developing bases.



A useful first step to develop a collective approach would be for Pacific leaders to give consideration to asking the Pacific Islands Forum (PIF) Secretary-General to call a special meeting of the Treaty Consultative Committee (under article 10) to review whether a new consensus on the interpretation of article 5 needs to be established. The focus of such a meeting would be specifically on the caveat clause (5.2) concerning the exemption for nuclear explosive devices stationed on visiting ships or planes (if a Party so allows). Key questions include whether the term 'visits' needs further definition, and if so, what that definition might be. Should it allow long term visits or rotational visits of possibly nuclear armed vessels and planes that are part of an operational war fighting system; or visits that are part of a diffused flexible deployment? Or should it be limited to particular missions such as hospital ships, disaster relief and transit visits for shore leave; or limited to ships and planes that are not nuclear capable?

Secondly, consideration could be given to a Declaration by the Parties to reflect the new consensus around the caveat clause and the controls to be placed on the meaning of 'visits'. As a formal amendment of the Treaty requires universal assent of the Parties (article 11), the Declaration may be an easier route to expressing a new consensus.

As a longer-term management of this new consensus around what is exempt from the prohibition of the stationing of nuclear weapons under the Treaty of Rarotonga, consideration could be given to activating the accountability mechanisms already in the Treaty at articles 8, 9 and 10 as part of a regular review. Firstly, in order that Parties be fully informed and consulted on new developments in basing activity, the PIF Secretary-General could call for reports on new developments (under article 9) that may involve the presence of nuclear weapons on visiting ships and aircraft either imminently or in the future. Although article 9.2 requires Parties to 'endeavour to keep each other informed on matters arising under or in relation to this Treaty' this commitment has not been acted on. Secondly, the Secretary-General could be asked to prepare and distribute to Parties an annual report (article 9.3) on new relevant developments and background material, together with explanations from the Parties concerned. Thirdly, an annual meeting of the Consultative Committee (under article 10) could be called to coincide with the Forum Officials Committee meeting to consider the Secretary-General's annual report on new developments, as well as to consult with relevant Parties about the rationale and implications of new nuclear developments in their jurisdictions, and the basis of their compliance with the Treaty. Finally, where a complaint about breach of obligations is unresolved the Consultative Committee could appoint a special inspection team (under Annex 4 -complaints procedure) to investigate the alleged breach in the territory of the Party concerned.



Conclusion

It is argued that the potential power of article 5 to constrain the stationing of nuclear weapons in the region qualifies the Treaty of Rarotonga to be a key pillar of the proposed Ocean of Peace, alongside the declarations that have already been nominated – the Biketawa Declaration and the Boe Declaration on Regional Security - (Fiji Hansard 2024; Tonga forum Communiqué 2024 para 40). Whereas Biketawa focuses on the issues of internal peace and conflict resolution measures, and Boe with establishing the broader regional security priorities outside geopolitics (human security and climate change), the Treaty of Rarotonga is the only existing treaty focused on the management of nuclear state involvement in the region and is a Pacific regional contribution to world peace (Treaty of Rarotonga preface). It also has implications for putting guardrails on conventional military basing because of the strategic ambiguity in nuclear doctrine surrounding nuclear weapons deployment on ships and planes.



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About The Pacific Dialogue

Established at the University of the South Pacific in 2023, The Pacific Dialogue is a Track Two initiative dedicated to fostering informed discussion and policy-relevant research on the geopolitical and security challenges facing the Pacific region. The Pacific Dialogue annually convenes a diverse group of participants - including current and former officials, academics, researchers, and civil society representatives - to build trust, enhance mutual understanding, and deepen strategic insight. In addition, The Pacific Dialogue publishes a Discussion Paper series which advances new thinking on critical geopolitical and security issues.

The Dialogue provides a platform for independent, innovative, and practical policy thinking that supports regional security efforts and complements formal diplomatic and intergovernmental processes. In addition to generating actionable ideas and options, The Pacific Dialogue is committed to providing a forum for the next generation of Pacific leaders and thinkers.

For further information:

www.usp.ac.fj/pacificdialogue



About the Logo

The logo for The Pacific Dialogue features a circular weave inside a square frame, blending tradition with structure. The letters P and D are woven into the circle to show connection, conversation and the coming together of Pacific voices. The circle stands for unity and ongoing dialogue, while the square adds a sense of stability and direction. Its design reflects both cultural roots and a forward-thinking approach.

