

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. CON. RES. 111

Concerning the establishment of a South Pacific Nuclear Free Zone.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1993

Mr. FALEOMAVAEGA (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. DELLUMS, Mrs. MORELLA, Mr. McDERMOTT, Mr. KOPETSKI, Mr. STARK, Mr. MARTINEZ, Mr. ABERCROMBIE, and Mrs. MINK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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## **CONCURRENT RESOLUTION**

Concerning the establishment of a South Pacific Nuclear Free Zone.

Whereas the nations of the South Pacific, which share with the United States a strong interest in nuclear non-proliferation, have negotiated and signed the Treaty of Rarotonga, establishing a South Pacific Nuclear Free Zone;

Whereas the Treaty of Rarotonga came into force on December 11, 1986, and has been ratified by 11 nations;

Whereas the Treaty of Rarotonga prohibits the testing, manufacture, acquisition, and stationing of nuclear weapons in the territory of parties to the treaty and the dumping of radioactive wastes at sea;

Whereas 3 protocols to that treaty, which are open for ratification by nuclear-weapon states, require that those nuclear weapon states that ratify those protocols abide by the treaty's provisions in their territories in the region, not contribute to violations of the treaty or threaten to use nuclear weapons against its parties, and refrain from testing nuclear devices in the zone;

Whereas the Treaty of Rarotonga does not prejudice or in any way affect the rights of all nations to freedom of the seas under international law and leaves to each party policy decisions on visits or passage through its territory by foreign ships and aircraft;

Whereas the establishment of verified nuclear-weapon-free zones can reinforce the international norm of nuclear nonproliferation and build consensus for long-term extension of the Nuclear Nonproliferation Treaty (NPT) when reviewed for extension by its members in 1995;

Whereas the United States leadership to extend the Nuclear Nonproliferation Treaty would be further enhanced if United States signature and ratification of the protocols were part of an overall nonproliferation policy that included negotiations on a comprehensive nuclear test ban;

Whereas Article VII of the Nuclear Nonproliferation Treaty affirms "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," and the state parties to the Treaty of Rarotonga have implemented a safeguards agreement for the region with the International Atomic Energy Agency;

Whereas it has been the policy of the United States to favor the establishment of effective nuclear-weapon-free zones

in regions of nonproliferation concern and where such zones would enhance international stability and security;

Whereas the United States has set forth 7 criteria whereby the effectiveness of proposed nuclear-weapon-free zones will be judged, as follows: (1) the initiative is from the nations in the region, (2) all nations whose participation is deemed important participate, (3) adequate verification of compliance is provided, (4) it does not disturb existing security arrangements to the detriment of regional and international security, (5) all parties are barred from developing or possessing any nuclear device for any purpose, (6) it imposes no restrictions on international legal maritime and serial navigation rights and freedoms, and (7) it does not affect the international legal rights of parties to grant or deny others transit privileges, including port calls and overflights;

Whereas the United States has signed and ratified the protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Treaty of Tlatelolco), establishing a nuclear-weapon-free zone in Latin America, whereby the United States committed itself not to test, manufacture, acquire, or store nuclear weapons in its territories in the region (namely Puerto Rico and the United States Virgin Islands), not to contribute to any violation of the treaty, and not to threaten to use nuclear weapons against the parties;

Whereas the United States is also a party to the Antarctic Treaty, the Seabed Arms Control Treaty, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, which preclude nuclear weapons from these regions;

Whereas support for these nuclear-weapon-free zones does not prejudice United States policy with respect to other proposed nuclear-weapon-free zones, each of which must be judged on its individual merits in accordance with United States national interests;

Whereas in order to maintain the security of United States military forces and their ability to contribute to nuclear deterrence, the United States must preserve the principle of neither confirming nor denying whether particular United States naval vessels or other military forces possess nuclear weapons;

Whereas the protocols to the Treaty of Rarotonga do not conflict with the United States policy of neither confirming nor denying the presence of nuclear weapons on United States vessels or aircraft and do not prohibit any current or anticipated activities in United States territories in the South Pacific or elsewhere in the region; and

Whereas past administrations have stated that while the United States could not, under circumstances prior to the cessation of the Cold War, sign the protocols to the Treaty of Rarotonga, United States practices and activities in the South Pacific Nuclear Free Zone region, then and now, are consistent with the treaty and its protocols: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
 2 *concurring)*, That (a) it is the sense of the Congress  
 3 that—

4            (1) the Treaty of Rarotonga is consistent with  
 5        United States security commitments in the South  
 6        Pacific since it does not prohibit port calls by naval

1 vessels which are nuclear powered or may be carry-  
2 ing nuclear weapons and does not create other im-  
3 pediments to United States military operations in  
4 support of the Security Treaty between Australia,  
5 New Zealand and the United States (ANZUS  
6 Treaty);

7 (2) the Treaty of Rarotonga satisfies the 7 cri-  
8 teria, set forth in the preamble of this resolution,  
9 which have been established by the United States  
10 Government for judging the effectiveness of pro-  
11 posed nuclear-weapon-free zones;

12 (3) signature and ratification of the protocols to  
13 that treaty would be in the national interest of the  
14 United States by contributing to a comprehensive  
15 United States nonproliferation policy that would en-  
16 hance prospects for extending the Nuclear Non-  
17 proliferation Treaty in 1995, particularly if such a  
18 policy were to include negotiations on a comprehen-  
19 sive nuclear test ban agreement; and

20 (4) signature and ratification of the protocols  
21 would not prejudice United States policy with respect  
22 to proposals for nuclear-weapon-free zones in other  
23 regions, such as those in which the presence of an  
24 effective nuclear deterrent has contributed to United  
25 States national security by enhancing stability.

1 (b) Noting that the executive branch has indicated  
2 that United States practices and activities in the region  
3 are consistent with the Treaty of Rarotonga and its proto-  
4 cols, it is therefore the sense of the Congress that the  
5 United States should sign and ratify the protocols to that  
6 treaty±.

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