XIV Use of Force and War

Principle of non-use of force in international relations. Peremptory norm.

On 2 November 1982 Australia's representative on the Sixth Committee of the United Nations General Assembly, Dr Everingham, is reported to have said in part on the Report of the Special Committee on enhancing the effectiveness of the Principle of Non-Use of Force in International Relations (A/C.6/SR.33, pp 2-3):

> 3. Treaties as such could not prevent States from resorting to the illegal use of force; international agreements on non-use of force and non-aggression pacts had often been violated. The issue was not one of preparing legally binding instruments but the political will of sovereign States to observe or make enforceable existing international law on non-use of force. The prohibition of the use of force or threat of force was a peremptory norm of international law enshrined in Article 2, paragraph 4 of the Chapter, the only exception being the right to self-defence contained in Article 51. A treaty on non-use of force could either faithfully repeat what was already in the Charter or depart from that wording. In the first hypothesis, a treaty was unnecessary; in the second, it was fraught with danger.
>
> 4. The Charter of the United Nations provided a clear legal framework for non-use of force. The main problem was the political will of States to observe peremptory norms of international law and to use or enhance the machinery provided for in Chapters V, VI and VII of the Charter. That machinery revolved around the Security Council. His delegation had cautioned against certain trends in proposals to amend the Charter and had suggested, instead, that the Special Committee on the Charter should work out the limits of the various rights, obligations and powers contained in the Charter and devise means of enhancing the effectiveness of existing provisions. A similar approach should be taken in respect of the principle of non-use of force. It would be premature to draft another world treaty. His delegation had doubts as to the readiness of some of the proponents of the world treaty to be bound by it once they saw their own vital national interest involved. The position of his Government concerning the use of force in Afghanistan, Kampuchea, Poland and other countries was well known. It saw little point in drafting a new treaty on old principles when there had been so little will displayed in the past to respect existing Charter provisions.

On 14 October 1983 Australia's representative on the Sixth Committee, Dr De Stoop, is reported to have said on the subject (A/C.6/38/SR.15, pp 6-8):

> 24. The essential issue was whether the United Nations should elaborate new legal instruments on the non-use of force or try to improve existing methods for the containment of force. Under General Assembly resolution 37/105, the mandate of the Special Committee was to draft a world treaty on the non-use of force in international relations or to make such other recommendations as it deemed appropriate. The countries advocating the elaboration of a world treaty asserted that the treaty would promote new and more dependable guarantees of international security. However, the Charter

already spelled out comprehensively and clearly the fundamental obligation of Member States to refrain from the threat or use of force. Moreover, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations already contained a whole section on the principle of non-use of force. History demonstrated that the use of force did not stem from the existence of any gaps in the law but from a lack of political will on the part of States to abide by their obligations under the Charter and international law.

25. A treaty on non-use of force would either be limited to faithfully repeating the wording of the Charter, in which case it would be unnecessary, or would restrict the scope of Article 2, paragraph 4 and, by singling out one specific principle and omitting the duty of Members to settle their disputes peacefully, the collective security system and the right of self-defence, would destabilize the careful balances established by the Charter.

26. It had been said that the principles embodied in the Charter had served as a basis for the conclusion of international treaties in the fields of disarmament and human rights. However, the Charter did not establish substantive obligations on those subjects, but rather contemplated future action on them; an example of that was Article 56 of the Charter. In contrast, the content of the obligation of non-use of force was spelt out in the Charter.

27. The initiative on non-use of force came from a country that had demonstrated little respect for the principle in practice; the most recent example had occurred a few weeks previously, when a Soviet fighter had brutally terminated the flight of a Korean aircraft and the lives of 269 innocent passengers. International law and the International Civil Aviation Organization, of which the Soviet Union was a member, prohibited the use of force in relation to civilian aircraft even in cases where such aircraft strayed over international boundaries. The Soviet action was out of proportion to any perceived threat. Four Australian citizens had been killed in the Korean airline tragedy. His delegation called on the Soviet Union to offer compensation to those affected by the tragedy.

28. Some countries wanted to define "force" very broadly. Their idea, as reflected in paragraph 54 of the report, was that the definition should cover not only the concept or physical force but also all forms of coercion, whether military, political, economic or other. Acceptance of such a proposal would mean a shift from objective and traditional criteria of international law for defining force to very subjective and intangible criteria. It would mean that non-military coercion could be countered by armed force in the exercise of self-defence, which would seriously impair the principle of proportionality in an important area of international law.

Use of force. South African incursions into neighbouring countries.

On 30 April 1981 the Prime Minister, Mr Hawke, said in part in answer to a question (HR Deb 1981, Vol 122, 1805):

> This country would certainly oppose South African forces operating anywhere outside South Africa.

On 13 May 1981 the Minister for Foreign Affairs, Mr Street, wrote in answer to a question (HR Deb 1981, Vol 122, 2375):

> The Australian Government recognizes the MPLA as the Government of Angola. We have consistently deplored South African military intervention in Angola. South Africa's continued illegal occupation of Namibia has contributed dramatically to the heightening of tension along the border between Angola and Namibia. South Africa has mounted a number of raids into Angola allegedly against SWAPO positions which have caused direct contact between Angolan and South African armed forces. South African actions in Angola have been condemned by the United Nations Security Council which in June 1980 passed Resolution 465 (180) dealing with this question.
>
> The Government regrets the suffering and loss of life which resulted from South African incursions. It considers the raids to be a violation of the principle of the mutual respect for the territorial integrity of all states. The Government also believes that the raids have contributed to the difficulties confronting the negotiations on the UN/Western plan for a peaceful settlement to the issue of independence for Namibia.

Use of force. South African invasion of Angola.

On 8 September 1981 the Minister for Foreign Affairs, Mr Street, said in answer to a question (HR Deb 1981, Vol 124, 990):

> The Australian Government has not at this stage called in the South African ambassador. However, the Press was fully briefed as to my views on the South African invasion of Angola and in fact widely reported my strong condemnation of the South African action. I am happy to repeat to the House what I have been reported elsewhere as saying; that is, that the action of the South African Government in invading Angola not only has resulted in conflict between the armed forces of the two countries, South Africa and Angola, but, because of the presence of at least Cuban troops in Angola, runs the risk of conflict involving third parties as well. The Government hopes that the South African Government will negotiate urgently on the United Nations plan for bringing peace to Namibia and an end to the insurgency in that country, reducing the suffering of the people of Namibia, and removing a possible world flash-point. We are following with great interest the efforts in that context of the contact group of five Western nations, led by the United States, and we trust that its efforts will be successful.

On 16 September 1981 Mr Street issued the following statement (Comm Rec 1981, 1151):

> The Minister for Foreign Affairs, the Hon. Tony Street, said today that he had instructed the Australian Embassy in South Africa to register its deep concern to the South African Government over the recent South African invasion of southern Angola as well as a number of human rights issues.

On 17 December 1981 Australia's representative in the United Nations General Assembly, Mr Hutchens, said (A/36/PV.102, p 68):

> Australia did not participate in the Paris Conference on Sanctions against South Africa, and does not subscribe to the Paris Declaration.

> On previous occasions, Australia has condemned the South AFrican incursion into Angola, . . .
>
> Australia fully supports the arms embargo against South Africa; indeed, we imposed a unilateral arms embargo well before the Security Council acted.
>
> Delegations will be aware of Australia's strict adherence to the Commonwealth Gleneagles Agreement dealing with sporting contacts with South Africa.
>
> Many aspects of the so-called Berlin Declaration are highly objectionable to the Australian Government and we are therefore not prepared to support a draft resolution designed to legitimize that Declaration.

Earlier in debate, Mr Hutchens said on 10 December 1981 (A/36/PV.93, 97):

> Australia cannot endorse armed struggles as a legitimate means of achieving one's goals. We recognize the South West Africa People's Organisation as an important protagonist in the Namibian problem, but we maintain that it is for the people of the Territory themselves to choose who will ultimately represent them.
>
> Australia fully observes the conditions of the Security Council arms embargo against South AFrica — indeed, we imposed our own embargo unilaterally, well before the Security Council imposed its embargo — but we consider that it is the exclusive preserve of the Security Council to consider any extension of embargos.

Use of force. South African invasion of Angola.

On 13 August 1982 the Minister for Foreign Affairs, Mr Street, issued the following statement (Comm Rec 1982, 1049):

> The Minister for Foreign Affairs, the Hon. A.A. Street, today condemned the latest raid by the South African defence forces into Angola.
>
> Mr Street said that the raid came at a time when the prospects for the negotiations for a settlement to the Nambian conflict were increasingly hopeful. He called upon the South African Government to exercise restraint and not to undermine the international efforts to achieve a peaceful settlement.
>
> Mr Street said Australia had consistently supported efforts to find a peaceful solution to the Namibia conflict and had urged all those directly involved to look to negotiations rather than force to resolve their differences. He reaffirmed Australia's support for the efforts by the contact group of five Western nations (Britain, the United States, Canada, France and the Federal Republic of Germany) to achieve a peaceful settlement.

Use of force. South African attack into Lesotho.

On 10 December 1982 Mr Street issued the following statement (Comm Rec 1982, 1799):

> The Minister for Foreign Affairs, the Hon. A.A. Street, today condemned the raid by members of the South African Defence Force into Lesotho. Mr Street said the raid was a flagrant violation of sovereignty of Lesotho. He said he greatly regretted the loss of life, including the lives of women and children, which resulted from the attack.
>
> Mr Street said that the Australian Government deplored the use of

violence as a means of resolving differences or of achieving political aims. He said he hoped that Southern African countries would react with restraint in the face of this latest violation of international law by South Africa which heightened the already dangerous tensions in the area. He hoped that the latest development would not further impede the search for a negotiated settlement for Namibia.

Use of force. South African bombing of Maputo, Mozambique.

On 24 May the Prime Minister, Mr Hawke, said in answer to a question (HR Deb 1983, Vol 131, 838-839):

> This Government is horrified by the loss of lives and the numerous injuries which occurred as a result both of the bombing of South African Air Force headquarters at Pretoria and the subsequent raids by the South African Air Force on the Mozambique capital, Maputo. The Government condemns unequivocally the indiscriminate use of violence either as a means of seeking to change the political system in South Africa or, equally, as a means of preventing change in that unfortunate country.
>
> The Australian Government considers that the latest attack on Mozambique by the South African Air Force, like earlier attacks on neighbouring countries by the armed forces of South Africa, does nothing at all to resolve the root causes of the problems in South Africa. I conclude by saying that the Australian Government unequivocally condemns the latest use by South Africa of its Air Force to attack a sovereign neighbouring country.

On the same day, the Leader of the Government in the Senate, Senator Button, said (Sen Deb 1983, Vol 98, 697):

> The Government totally opposes the political system of apartheid in South Africa and is concerned about the loss of lives of South African citizens, irrespective of race, which has resulted from violence in that country. The Government condemns the use of indiscriminate violence as a means of changing the South African Government's political system and also, of course, totally condemns the raid by the South African Air Force which resulted in the bombing of what is believed to be the headquarters of the South African National Congress in the capital of Mozambique, Maputo. The Australian Government considers that the latest attack in Mozambique, like earlier attacks launched by South Africa into neighbouring countries, does nothing to solve the root causes of the problems in southern Africa and has condemned this latest use by South Africa of its Air Force to attack a sovereign neighbouring country.

Use of force. South African invasion of Mozambique.

On 18 October 1983 Senator Evans, the Minister representing the Minister for Foreign Affairs in the Senate, said in answer to a question (Sen Deb 1983, Vol 100, 1643):

> The Government was appalled by Press reports of a statement by the South African Minister for Defence, General Malan, confirming that a South African task force yesterday mounted a military operation in Maputo in Mozambique. The operation was reportedly directed against offices said to house officials of the African National Congress, and several people are said to have been injured.

The Australian Government unhesitatingly condemns the latest use by South Africa of its military forces to attack a sovereign neighbouring country. This attack, like similar forays by South African forces against South Africa's neighbours, will do nothing to resolve the continuing problem of instability and violence in southern Africa.

The latest South African violation of Mozambique territory further demonstrates the disregard of the South African Government for accepted standards of international behaviour and its unwillingness to negotiate peaceful solutions to the problems of apartheid.

Use of force. Soviet Union's invasion of Afghanistan.

On 9 April 1981 the Minister for Foreign Affairs, Mr Street, said in answer to a question (HR Deb 1981, Vol 122, 1518-1519):

Clearly, any further movement of Soviet troops into Afghanistan would increase the level of fighting and the loss of life and lessen whatever opportunity there may be of reaching a peaceful settlement of this problem. We have consistently condemend the Soviet military invasion and occupation of Afghanistan. We have supported calls in the United Nations and other forums for the complete and unconditional withdrawal of those troops so that the Afghan people can determine their own future.

It is worth noting that groups of patriots within Afghanistan are resisting, by force of arms, the invasion of their country and their bravery and tenacity has aroused the admiration of the world. Australia has given consistent support to Pakistan which has had to bear the burden of some 1.7 million refugees in its territory. Concern about the possibility of Soviet intervention in Poland should not be allowed to obscure the reality of the Soviet occupation of Afghanistan by force. This must not be allowed to slip from the world's memory.

On 17 November 1981 Australia's Permanent representative to the United Nations General Assembly in New York, Mr Anderson, said (A/36/PV.61, 61):

What is of particular concern to the Australian Government is that the Soviet Union has persisted in its military occupation of Afghanistan despite unequivocal calls for withdrawal by the overwhelming majority of the members of the United Nations. Last year this Assembly adopted resolution 35/37 by a vote of 111 in favour, 22 against and 12 abstentions. A resolution was passed by the sixth emergency special session in January 1980 by a similar margin. Amongst other things, those resolutions call for the immediate withdrawal of foreign troops from Afghanistan. Yet Soviet troops remains in occupation of Afghanistan. What we are witnessing is the blatant refusal of a great Power to heed the terms of General Assembly resolutions.

Attempts have been made by apologists for the Soviet Union to justify the invasion by claiming that the Soviet presence is a direct result of an invasion from the authorities in Kabul. This assertion does not stand up to even the most superficial scrutiny. An examination of the chronology of events clearly shows that the Soviet Union invaded Afghanistan and installed the Babrak Karmal regime. That regime relies for its survival on the continued presence of Soviet troops. Any *ex post facto* invitation from that régime to the Soviet authorities is clearly not to be regarded, cannot be regarded, as a

credible justification.

The Afghan people have shown dramatically and conclusively their objection of the Babrak Karmak régime and their abhorrence of the Soviet presence. Since the foreign intervention in their country some 2.5 million Afghans have sought refuge within Pakistan and another 0.5 to 1.5 million with Iran. This represents some 20 per cent of the total population of Afghanistan. This enormous mass exodus of people from one country is one of the largest in recent world history.

On 21 July 1981 the Minister for Foreign Affairs, Mr Street, issued a statement which said in part (Comm Rec 1981, 848):

Like the situation in Kampuchea, the Afghan crisis has been created by grave violation of the internationally accepted principles of non-intervention and non-interference in the internal affairs of other countries.

The Australian Government remained strongly opposed to the continued Soviet military presence in Afghanistan.

The Minister said that while Soviet armed intervention in Afghanistan continued it was impossible for countries which valued proper and lawful international behaviour to carry out international dealings with the Soviet Union as if nothing had happened.

On 24 November 1984 Australia's Permanent Representative to the United Nations, Mr Woolcott, said in the course of debate in the General Assembly on the situation in Afghanistan (A/37/PV.79, 11-12):

The purpose in meeting here today is both clear and urgent. It is to uphold the right of the Afghan people to restore Afghanistan's sovereignty and national independence.

It is nearly three years since the Soviet Union intervened against an unaligned and unoffending neighbour in breach of its obligations under the United Nations Charter. But still the war goes on. The Union of Soviet Socialist Republics is no nearer victory than it was at the start. On the contrary, three years later the Soviet adventure in Afghanistan has been a failure. The people of that traditional country remains hostile to the intervention. The leaders of the régime that has been installed in Kabul enjoy no confidence among their own people. What was meant to be a clear surgical strike has turned septic.

Soviet intervention has also been denounced by the world at large. It has drawn the condemnation of the Islamic Conference and of the Non-Aligned Group. It has been overwhelmingly disowned in the United Nations. Indeed, the intervention in Afghanistan confronts all of us here with a serious challenge. If a great Power and a permanent member of the Security Council can invade, subjugate and occupy a neighbouring State with impunity, then the security of all members of this Assembly is substantially diminished. It is the lesson and the warning of history. It is hardly necessary to note that aggression is no more tolerable because its perpetrators claim to have been invited in by a régime that did not exist until it was set up by those self-same intervenors. In this, as in other respects, the Soviet intervention in Afghanistan is strikingly analogous to the Vietnamese invasion of Cambodia.

On 23 November 1983 Mr Woolcott said (A/38/PV.68, 31):

In any event the position of Australia is clear. We maintain our strong opposition to the continuing Soviet military intervention. We continue to withhold recognition from the Karmal régime. Our modest aid programme, which was suspended in January 1980, remains suspended. We cannot but be concerned that the Soviet Union has not only refused to heed the many calls for withdrawal but has actually increased its troop commitment.

The Charter of the United Nations gives the permanent members of the Security Council, like the Union of Soviet Socialist Republics, a position of great responsibility when it comes to upholding the principles of the Charter as they relate to international peace and security. When a permanent member of the Security Council disregards those principles, it strikes a damaging blow at the very foundations of this Organization and its ability to maintain and restore international peace and security.

Use of force. Australian retaliation to Soviet Union's and South African actions.

On 18 August 1982 the Minister for Foreign Affairs provided the following written answers (Sen Deb 1982, Vol 95, 207-208):

The Soviet Union's continuing occupation of Afghanistan and its disregard of the views of many countries have not given the international community any cause to discontinue its strong condemnation of what has occurred in Afghanistan. In these circumstances, and in view of recent events in Poland, the Government is not prepared to conduct normal bilateral relations with the Soviet Union and has made its position clear to the Soviet authorities.

It is true that, because of its invasion of Afghanistan, the Government has imposed a number of limitations on Australia's bilateral relations with the Soviet Union. These measures include the suspension of cultural, scientific, academic, trade union and sporting exchanges, a ban on the use of Australian ports by Soviet cruise vessels, the cessation of co-operation in fisheries and civil aviation matters, the cancellation of scheduled official talks and the suspension of official visits.

It is also true that notwithstanding this curtailment of bilateral relations, some Australian individuals, groups and teams have visited the Soviet Union in the period since Afghanistan. In some cases they have done so to represent Australia in multilateral activities. It is to be noted that the Government's measures against the Soviet Union are directed to bilateral exchanges: generally it is not the Government's intention that current policy towards the Soviet Union be allowed to detract from Australia's reputation and standing as a participant in important multicultural co-operation. In other cases some Australians may have visited the Soviet Union privately and in spite of the Government's policy. Their actions, where they contravened bilateral policy, are to be regretted, but the choice was theirs and the Government was not prepared to stand in their way, for example, by denying passports.

The Government also imposes a number of limitations on Australia's relations with South Africa. It is not prepared to conduct a normal bilateral relationship with South Africa as long as that country continues to apply the

policies of apartheid, which Australia rejects on normal, intellectual, political and strategic grounds. The limitations include the active discouragement of sporting contacts with South Africa, the strict upholding of an arms embargo against South Africa and the observance of UN resolutions which prohibit military and nuclear collaboration with South Africa. The Government is aware that the value of Australian trade with South Africa has been endowed with great mineral wealth and that Western countries purchase large amounts of those minerals. The Government does not consider, however, that the extension to the non-white population of South Africa of political and social rights to which they are entitled would in any way prejudice the continuation of sales of South Africa minerals to Western countries. The Government also believes that South Africa has a role to play in the security of the southern African/Indian Ocean region. Its best contribution to this security would be to abandon the policy of apartheid which promotes political instability and uncertainty in the region, and provides opportunities for involvement in the region by the Soviet Union and its surrogates.

The Government will continue to oppose oppression and abuses of human rights wherever they occur, and is not prepared to seek an improvement in its relations with South Africa until that country moves to abandon the policy of apartheid.

Use of force. Invasion by Argentina of the Falkland Islands.

On 2 April 1982 Australia's Permanent Representative to the United Nations in New York, Mr Anderson, said in the Security Council (S/PV.2349, 7-8):

> My delegation has requested permission to speak today because of the very serious situation which has developed in the Falkland Islands. It is now abundantly clear that armed forces of the Republic of Argentina have invaded the Falkland Islands. This is a development which can only aggravate an already highly tense situation and one which constitutes a threat to international peace and security.
>
> We have considered carefully the statements made in the Council yesterday and this morning by the representative of Argentina. Nothing contained in those statements could justify the act of aggression which has been committed by the Argentine armed forces in clear violation of Article 2.3 and Article 2.4 of the Charter of the United Nations.
>
> Members will recall that the Secretary-General yesterday issued an appeal for maximum restraint on both sides and that last night the President of the Security Council made a statement which expressed the Council's concern about the tension in the South Atlantic region and which called upon the Governments of Argentina and the United Kingdom
>
> > "to exercise the utmost restraint at this time and in particular to refrain from the use or threat of force in the region and to continue the search for a diplomatic solution." (S/VP.2345, p 33-35):
>
> Mr. President, my Government fully supports that call for restraint which you issued last night on behalf of all the members of the Security Council. The fact remains, however, that the occupation of the Falkland Islands by

> Argentine troops has escalated the tension in the region and will make the task of finding a peaceful resolution of this dispute more difficult. My Government condemns the use of force by the Argentine Government and supports the action proposed by the Government of the United Kingdom in the draft resolution now before the Council. We urge that the path of peace and negotiation by both sides not be abandoned. As a first step in that direction, we call upon the Argentine Government to heed the appeals made by the Secretary-General and by the President of the Security Council and accordingly to undertake an immediate withdrawal of its troops from the Falkland Islands.

On 3 April 1982 the Prime Minister, Mr Fraser, issued a statement which read, in part (Comm Rec 1982, 349):

> I condemn the Argentine invasion and occupation of the Falkland Islands in the strongest possible terms. This use of armed force against a small and peaceful territory is a grotesque reminder of an era which we had all hoped had receded into the past.
>
> It is an action which cares nothing for the principle of self determination, and is contemptuous of the Charter of the United Nations which condemns coercion and the use of force as a means of settling international disputes.
>
> The situation is already a most dangerous one and I call upon the Argentine Government to consider most carefully the possible consequences of its action, and to withdraw at once its armed forces from the territory they have occupied.

On 5 April 1982 the Deputy Leader of the Opposition, Mr Bowen, issued a statement, part of which read as follows (Comm Rec 1982, 395):

> The Deputy Leader of the Opposition and Opposition spokesman on foreign affairs, The Hon. L.F. Bowen, has condemned the invasion by Argentina of the Falkland Islands. He said that no issues of decolonisation were in question. He said:
>
> > The inhabitants of the Falkland Islands are British subjects and have stated that they wish to remain so.

On the same day, the Deputy Leader of the Australian Democrats, Senator Mason, also issued a statement, which in part read as follows (id, 396):

> The Australian Democrats today called for prompt Australian sanctions against Argentina to support Britain and the people of the Falkland Islands. The Deputy Leader of the Australian Democrats and spokesman on foreign affairs, Senator Colin Mason, said: 'This would not only indicate opposition to an act of aggression but might help to persuade Argentina to withdraw before the situation deteriorates into a tragic and useless war.'

On 6 April 1982 the Minister for Foreign Affairs, Mr Street, issued the following statement (Comm Rec 1982, 380):

> The Minister for Foreign Affairs, the Hon. A.A. Street, announced today that following Cabinet consideration of the Argentine invasion of the Falkland Islands, Cabinet has decided to recall the Australian Ambassador to Argentina, Mr Malcolm Dan, for urgent consultations in Canberra.
>
> In Mr Dan's absence Mr P. Gacs will be Charge d'Affaires. The Minister said that this decision reflected the Australian Government's previously expressed deep concern and condemnation of Argentina's action.

On 8 April 1982 Mr Street issued the following statement (AFAR, April 1982, p 203):

> The Minister for Foreign Affairs, the Hon. Tony Street, announced today that in response to Argentina's armed aggression the Government had decided to ban all imports from Argentina from the time of this announcement. 'These bans will not apply to goods already on the water or covered by existing contracts. Although other countries have announced the ban on the sale of arms and the cessation of credit facilities for exports, these measures do not arise in Australia's case, but we support their purposes', Mr Street said.

On 25 May 1982 the following item appeared in *The Canberra Times* under the heading ''Argentine challenge to Australian embargo'' (p 5):

> Argentina has complained to the Geneva headquarters of the General Agreement on Tariffs and Trade about Australia's ''illegal'' trade embargo.
>
> The complaint, which involves also the European Community, New Zealand, Canada and some other nations, is over an embargo announced by the Prime Minister, Mr Fraser, on April 1.
>
> The embargo took effect on April 16. Argentina imposed a similar embargo with effect from April 13.
>
> The Argentines have circulated an argument challenging the legality of the sanctions under article 21 of GATT, which is concerned with security.
>
> It gives trading nations wide scope, through a reference to ''time of war or other emergency in international relations'' and to Article 1 of the United Nations Charter, which also refers to international peace and security.
>
> The definitions in Article 21 of GATT have never been established. Australian trade sources indicated yesterday that the Argentine complaint was a move to test the parameters of the article and had little chance of success.
>
> The subject had been put on the agenda for the next meeting of the GATT Council, probably late next month.
>
> The sources said the Argentines might also raise the matter in the context of the United Nations Commission on Trade and Development, and also in the context of North-South relations.
>
> An official from the Argentine Embassy said yesterday that the South Atlantic crisis was a ''bad moment'' in commercial relations between Argentina and Australia.
>
> His country could understand Australia's moral support for Britain, in the same way it understood Latin America's support for Argentina, but its commercial response was wrong.
>
> The Australian embargo did not repudiate any contacts already signed, or cargoes committed.

Use of force. British re-capture of South Georgia. Justified use of force.

On 26 April 1982 the Prime Minister, Mr Fraser, issued the following statement (Comm Rec 1982, 481):

> The British Government's decision to use force to re-establish its administration in South Georgia is a natural consequence of the invasion of the Falklands and South Georgia by Argentine forces, and the failure of Argentina to comply with the demands of the United Nations Security

Council to withdraw its forces.

Argentina has refused to take effective action to settle the dispute by peaceful means, and has ignored repeated warnings from the British Government that the circumstances justified the use of force. The Argentine Government continued to reinforce its military presence in the Falklands.

On 28 April 1982 the Minister for Foreign Affairs, Mr Street, said in answer to a question (HR Deb 1982, Vol 127, 1928):

It has now been decided that Mr Dan should return to his post in Buenos Aires because a crucial and sensitive period in the Falklands crisis now lies ahead. It is a period in which every effort must be made to convince Argentina that its interests and those of the international community are best served through the process of negotiation rather than the armed conflict. Upon his return to Argentina, Mr Dan will convey a personal message from me to the Argentine Foreign Minister. Although the contents of that message must remain confidential at this stage, it will make absolutely clear the seriousness with which this Government views the Argentine invasion of the Falklands and emphasise our belief that Argentina should comply with resolution 502 of the United Nations Security Council calling on it to withdraw its troops as the basis for a diplomatic solution.

Mr Dan, as is normal for an ambassador, will be reporting on developments in the Falklands and in Argentina. He will take responsibility again for Australian interests, including the welfare of Australian citizens. He is to return to Buenos Aires today.

On 3 May 1982 Mr Street released the text of his letter to the Argentine Foreign Minister, Mr Nicanor Costa Mendez dated 27 April 1982 (Comm Rec 1982, 516-517):

Excellency

I have instructed the Australian Ambassador to the Republic of Argentina, His Excellency Mr M.J. Dan, to return to his post in Buenos Aires after consultations with the Australian Government.

At my request Mr Dan will be conveying to you and your Government the most serious concern and abhorrence felt in Australia at the unprovoked use of force in the Argentine invasion of the Falkland Islands and the dangerous situation which this action has generated. At the time of the invasion, the Australian Prime Minister drew attention to the very dangerous situation which has thus been created and called upon your Government to consider most carefully the possible consequences of its action. Since then the situation has deteriorated sharply because of your Government's unwillingness to withdraw its forces in accord with United Nations Security Council Resolution 502.

We, in Australia, find it difficult to comprehend the continuing disregard by your Government of the firm and clear stand adopted by the Security Council. It was a stand which has received the widest support from the international community.

The decision of the British Government to take military action to re-establish its administration in South George is in our view a natural consequence of Argentina's invasion of the Falkland Islands on 2 April and of the failure of the Argentine Government to respond positively to repeated

efforts to settle the issue by peaceful means.

It is the view of the Australian Government that the Argentine Government should not allow the situation to deteriorate further and that it should meet its international obligations and responsibilities by ensuring that a diplomatic solution will be reached as soon as possible in accord with the demands of the Security Council.

The Australian Government urges the Argentine Government to take all available opportunities, including those provided by Secretary Haig's mediation efforts, to negotiate a peaceful settlement. The early withdrawal of Argentine forces from the Falkland Islands is a prerequisite for an acceptable outcome.

Please accept, Excellency, the assurances of my highest consideration.

A.A. Street

On 5 May 1982 Senator Dame Margaret Guilfoyle reiterated the Government's position in the Senate (Sen Deb 1982, Vol 94 1816-1817), and noted (ibid, 1821):

> The Falkland Islands are on the list of non-self-governing territories considered by the Decolonisation Committee of twenty-four under section 73 (E) of the charter of the United Nations. The people of the Territory have the right to self-determination. On 7 January 1981 the islanders' legislative council asked the United Kingdom Government to continue discussions with Argentina with a view to reaching agreement to freeze the dispute over sovereignty for a determined period. Also, on 26 April the British Prime Minister said that the Falklands Islands' council representative had been happy with an Argentine proposal, agreed to by British negotiators in the month before the invasion, for the establishment of a negotiating commission. This proposal was to have been referred to the islanders.
>
> South Georgia is one of the Falkland Islands' dependencies. The dependencies are British dependent territories which for convenience are administered by the Falkland Islands Government. That Government is also empowered to legislate for them. The process of decolonisation involves an exercise by the inhabitants of their right to self-determination. The Argentine authorities do not claim the Falkland Islands as their colony but as an integral part of Argentina.

On the same day the Prime Minister, Mr Fraser, answered a question in the House of Representatives (HR Deb 1982, Vol 127, 2229-2230), and the Leader of the Government in the Senate, Senator Carrick, said in the course of an answer (Sen Deb 1982, Vol 94, 1824-1825):

> Of course, it is true that one should strive to achieve and maintain peace by all civilised methods, and by non-military methods if one can. But peace is not an end in itself if, indeed, peace denies to people freedom and human dignity and imposes punishment on them. The true goal is the free person and the dignity of the free person. There is no doubt at all that within the Falkland Islands there was a total breach of peace and a severe act of aggression by the Argentinians.

On 21 May 1982 the Minister for Foreign Affairs, Mr Street, addressed the Security Council, as follows (Comm Rec 1982, 603-604; S/PV.2360, 76-82):

It is appropriate that the issue should again be before the Security Council. The situation of armed conflict which has erupted in the South Atlantic threatens to develop into a major conflagration. There has already been a tragic loss of life on both sides. New clashes over the last twenty-four hours carry the danger of much greater losses both of men and material.

All of which point to the necessity of reaching an acceptable political settlement. The present and threatened scale of the conflict demonstrates starkly the dangers of allowing the situation to deteriorate.

But, sir, it is necessary to keep in mind the origins of the present conflict It was Argentina's invasion of the Falkland Islands, in defiance of the Security Council call on 1 April that force not be used, that is the cause of the current breach of peace in the region. And it has been Argentina's refusal to heed the mandatory call of the Security Council on 3 April for withdrawal of its occupying forces which has sustained the continued crisis.

By invading these Islands, and then spurning every call for withdrawal, Argentina has been the author of its own misfortunes. It is not British obstinancy but Argentine recklessness that accounts for the present widening conflict. The Argentine Government, while it is bound by treaties of the United Nations and — let us not forget — the OAS, not to use force or threat of force to settle territorial disputes, repudiated those principles in its grab for the Islands in early April. It has since hoped to be rewarded with a promise of permanent sovereignty. The British Government has consistently, and understandably, rejected such an approach.

Britain has taken a position based on principle. The Falklands may seem remote from the interests and concerns of many countries of the world. But what is at issue is not remote. If the use of force is allowed to go unchecked in one area it invites similar techniques in other areas. South America and Central America in particular are littered with territorial disputes. If one country succeeds in acquiring territory by invasion what moral is to be drawn? The tragic example of the 1930s comes to mind. That is where the road leads. It has not gone unnoticed by the Australian Government that among the many international reactions which followed the Argentine invasion concern was expressed particularly by many of the smaller states around the world. The moral they drew was much the same: aggression can be curbed only if aggression is resisted.

So much for the facts in this dispute. Australia is reticent about allowing itself to be dragged into some of the technicalities which Argentina has invoked in an attempt to justify its actions. These arguments, often resting on esoteric interpretations of the Charter and of earlier United Nations resolutions, only cloud the real issue. Nevertheless, a few observations may be in order.

Firstly, Argentina has invited attention to paragraph 1 of Resolution 502 to accuse the United Kingdom of itself engaging in hostile action. In our view this is a perverted reading of the resolution. The present state of armed conflict in the area was the result of Argentina's seizure of the Falklands, and it was to this point that the first paragraph of 502 was directed.

Argentina has also invoked its claims to sovereignty to rationalise its actions. It is not my purpose at this critical juncture to probe these claims.

But it is to be noted that the Falklands are not self evidently part of Argentina. Nor can the Argentine claim be based on common ethnic ties, a critical point, since the wishes of the Islanders must be regarded as an integral element in any long term settlement.

This in fact is the crux of the political problem. Argentina has said that it accepts Resolution 502. But at the same time, and in the same breath, it has been insistent on loaded arrangements in the Falklands which, if accepted, would inevitably lead to conceding its demand of sovereignty. That, of course, ignores the rights of the Falklanders and therein lies the problem in getting to the negotiating table.

As the United Kingdom delegation has noted, the inhabitants of the Falkland Islands constitute a permanent population with roots in many cases stretching back to the early part of the last century. The fact that there is only a small number of them does not diminish the importance they attach to choosing the kind of life they want and the kind of government they want. They must enjoy the same rights of consultation as any other peoples, including those who inhabit other small islands and territories. This is an obligation shared not only by the United Kingdom and Argentina but the international community as a whole.

In short, what we have here is no simple wrangle over colonialism, as some would have us believe. Indeed, if Argentina's aggression were allowed to persist, it would itself amount to colonialism. The fact is that the Islanders have not shown any evident desire to change the essentially British administration in which they have been able to take part through their elected representatives. In free and fair elections, the most recent in October 1981, they have shown a preference for the status quo.

But even if the facts were otherwise, even if its claims were well founded, Argentina would still have no warrant for its use of force to try to establish by *coup de main* what it had not succeeded in obtaining at the conference table. On the contrary, Argentina's invasion of the Islands was in clear violation of Articles 2.3 and 2.4 of the Charter which lay down the fundamental principles of peaceful settlement of disputes and non-use of force.

If the United Kingdom has also been moved to military action, it is a natural consequence of Argentina's own unprovoked resort to force and failure to comply with the demands of the Security Council to withdraw its forces. In moving to recover its territory, the United Kingdom was acting legitimately under Article 51 of the Charter in pursuit of its inherent right of self defence.

It would of course have been everyone's hope that the situation had never reached the point of military conflict. Australia supported the successive efforts, first by the United States Secretary of State, then by Mr Haig in conjunction with President Belaunde Terry of Peru, and finally by the Secretary-General, to achieve a peaceful solution. That they have not succeeded has not been their fault. For more than six weeks their mediation efforts have been continuing. To no avail. Argentina would not withdraw its forces except under arrangements and conditions which would have rewarded its unacceptable behaviour.

> We must nevertheless continue to hope, Mr President, that there will be a return to the negotiating table. The Secretary-General's intervention, and that of other well disposed countries like the United States and Peru, may still offer prospects for a return to reason.
>
> The framework for reaching a just settlement is laid out in Security Council Resolution 502. The basic point is that, since it was the Argentine invasion which started the present crisis, it must be an Argentine withdrawal that puts an end to it.

On 15 June 1982 the Prime Minister, Mr Fraser, issued the following statement (Comm Rec 1982, 749):

> The Government warmly welcomes reports of an informal ceasefire having been reached in the Falkland Islands. It is hoped that this will end the armed conflict and tragic loss of life that has occurred during the Falklands dispute. We await with interest the terms of the arrangements being set in place. Certainly, we hope that the ceasefire will lead to the early withdrawal of all Argentine forces from the Falkland Islands. We look forward to an early end to all hostilities in the South Atlantic.
>
> The Government congratulates Mrs Thatcher and her Government and the British armed forces on their successful rebuttal of Argentina's unprovoked aggression in the Falkland Islands and the upholding of the principle that unprovoked use of force should not be allowed to go unchecked.

On 16 November 1983 Australia's representative in the General Assembly, Mr Joseph, said (A/38/PV.59, pp. 32-33):

> . . . my country strongly supports the right of the Islanders to be consulted about their future. Their views on what should happen to them, and when it might happen to them, are obviously very important. They are views which neither Britain nor Argentina could, or should, ignore.
>
> I would also remind the Assembly of Australia's position on the events of April last year. Australia condemned the invasion of the Falklands, and it will continue to oppose any attempt to resolve the dispute by military means.
>
> In sum, there has been no change in Australia's strong position of support for the right of the Falklanders to be adequately consulted about their future or in regard to our opposition to the use of force . . .

Use of force. Israeli invasion of Lebanon.

On 4 March 1981 the Minister for Foreign Affairs, Mr Street, wrote in answer to a question (HR Deb 1981, Vol 121, 444):

> The Israeli military operations in Southern Lebanon, including the stationing of equipment in the Christian enclave, have been characterised by the Israeli authorities as designed to pre-empt terrorist strikes in Israel and therefore as essentially defensive in character. While the Australian Government has deplored terrorist attacks whenever and wherever they have occurred, we consider that the actions of the Israeli Defence Forces in Lebanon constitute a violation of that country's territorial integrity, and can only make efforts towards restoring peace in the Middle East more difficult. The Government is deeply concerned at the continuing cycle of violence in

the Middle East of which the fighting in Southern Lebanon forms an integral part. We have made known our concern about this to all those involved in the Middle East dispute, including the Israeli Government, on a number of occasions.

On 28 April 1982 Senator Dame Margaret Guilfoyle, Minister representing the Minister for Foreign Affairs in the Senate, said (Sen Deb 1982, Vol 89, 1579):

> While we understand Israeli concern about the situation in Lebanon and Palestine Liberation Organization activities there, Australia cannot condone attacks by Israel against its neighbours. We particularly deplore the casualties and suffering caused by the air raid on Beirut. The Australian Government calls on all parties involved in Lebanon to exercise restraint and hopes strongly that they will see the benefit of maintaining the ceasefire agreed last July. The Australian Government is confident that the violence in Lebanon will not affect the security of the Sinai Multinational Force and Observers.

On 7 June 1982 Mr Street issued the following statement (Comm Rec 1982, 700-701):

> The Minister for Foreign Affairs, the Hon. A.A. Street, said today that the Australian Government deplored the serious increase in the level of violence in Lebanon.
>
> The Minister said that the shooting of the Israeli Ambassador in London was a criminal act deserving of world condemnation. He deplored also Palestinian rocket attacks on northern Israel settlements and Israeli air attacks inside Lebanon. He said that the Australian Government was convinced that the use of force was not the answer to provocations by either side, or acts of terrorism, and called on all parties to return to the ceasefire of July 1 1981. The Minister noted that UN Security Council had now unanimously adopted two resolutions calling for a halt to all military activities and withdrawal of Israeli military force forthwith and unconditionally. Mr Street said that the Australian Government completely endorsed the Security Council's action.

Use of force. Israeli attack on Iraqi nuclear facility.

On 9 June 1981, following reports of an Israeli air attack on a nuclear power generating installation near Baghdad on 7 June, the Prime Minister, Mr Fraser, said in answer to a question (HR Deb 1981, Vol 123, 3329): "Quite obviously, this Government, and I believe the whole House, would very greatly regret any action which would add to tensions in the Middle East." In the Senate on the same day, the Leader of the Government, Senator Carrick, said (Sen Deb 1981, Vol 90, 2789):

> The Government has been informed that on 7 June Israeli aircraft attacked an Iraqi nuclear research facility close to Baghdad. The Government, of course, can in no way condone the Israeli attack, which is a grave and serious development and which can only exacerbate tensions in a region where tensions are already critically high. The Government regrets military action of this kind, particularly at a time when every effort needs to be made to encourage actions which are designed to reduce tensions in the region.

On the same day the Leader of the Opposition, Mr Hayden, released the following statement (Comm Rec 1981, 672):

> The Federal Parliamentary Labor Caucus today unanimously condemned the Israeli war attack on a nuclear power generating installation under construction in Iraq. The Leader of the Opposition, the Hon. W.G. Hayden, said the Caucus decision followed a unanimous recommendation of the Parliamentary Executive this morning.
>
> Concern was expressed in the Executive that the Israeli Government may have broken solemn undertakings with the United States on the use of American-supplied military equipment, and the unsatisfactory attempts by the Begin Government to justify this act in breach of international law.
>
> Concern was also expressed that the Israeli attack would inflame an already unstable situation in the Middle East, and would harden attitudes of moderate Arab states towards a Middle East settlement.

On 11 November 1981 Australia's representative in the United Nations General Assembly said in explanation of vote on General Assembly Resolution 36/25 (A/36/PV.52, p 61):

> MR NOLAN (Australia): Australia voted in favour of the IAEA resolution contained in document A/36/L.10, as well as for the two paragraphs submitted yesterday and contained in document A/26/L.12. The two paragraphs reflect views of the Australian Government which have already been expressed in other relevant bodies, in particular the IAEA General Conference in September and the Committee on Disarmament in Geneva, where we joined a number of other delegations in expressing our condemnation of the Israeli attack.
>
> Military operations like Israel's against the Iraqi reactor not only are detrimental to efforts to restore peace and stability in the region but are also harmful to the efforts of the international community to prevent the further spread of nuclear weapons on the basis of the Non-Proliferation Treaty and the associated safeguard systems administered by IAEA.

On 19 November 1982 Australia's representative in the General Assembly, Miss Boyd, said in explanation of vote on Resolution 37/19 (A/37/PV.73, p 52):

> It is clearly inappropriate for any State to threaten to attack nuclear installations in other States, particularly those installations that are under the control and verification procedures of the IAEA safeguards.

Use of Force. Invasion of Kampuchea by Vietnam.

On 21 July 1981 the Minister for Foreign Affairs, Mr Street, issued a statement which read in part (Comm Rec 1981, 848):

> The Minister for Foreign Affairs, the Hon. Tony Street, today expressed his satisfaction at the outcome of the first session of the International Conference on Kampuchea, held in New York from 13 to 17 July 1981.
>
> The conference, which was attended by over eighty countries, had effectively focussed international attention on Vietnam's invasion and the need for a political solution. The Minister said:
>
> > By its invasion and subsequent occupation of Kampuchea, Vietnam violated the fundamental principles of the United Nations Charter which govern the peaceful conduct of relations between sovereign states.
>
> The Minister said he had been very impressed by the unanimity of those

attending the conference. In supporting the declaration of the conference, a clear majority of the UN membership had reaffirmed their conviction that no lasting settlement will be reached until all foreign forces are withdrawn from Kampuchea. Further, it was crucial that conditions be created to enable the Kampuchean people to determine their own future free from interference or coercion. Mr Street said:

> Australia favours a negotiated, not a military, solution to the Kampuchean conflict. The conference has already made a constructive contribution to this objective. It has also established a committee, drawn mainly from non-aligned countries, to carry on its search for a comprehensive political settlement, and to undertake appropriate missions in pursuit of this objective.

Use of force. Vietnamese invasion and occupation of Kampuchea.

On 20 October 1981 Australia's Permanent Representative to the United Nations in New York, Mr Anderson, said in the course of debate on the situation in Kampuchea (A/36/PV.39, 73-75):

> As in 1979, the situation in Kampuchea continues to pose a threat to international peace and security — a threat induced by the actions of one Member State, supported by a great Power, in defiance of the provisions of the Charter of the United Nations.
>
> In continuing to occupy Kampuchea with some 200,000 troops, Viet Nam is acting contrary to international law, contrary to basic principles enshrined in the Charter and in total disregard for world opinion as expressed in the resolutions of this Assembly.
>
> It is not necessary at this time to recount all the events of late 1978 and early 1979 when the invasion first took place. Suffice it to recall that Kampuchea was ruled at that time by a régime whose violations of human rights had incurred widespread condemnation. Unlike some others who today affect disgust for the Pol Pot-Ieng Sary régime but who only two years ago were championing it in the Commission on Human Rights, my Government was among those which consistently condemned the inequities and excesses of that régime. Australia no longer recognizes the Pol Pot-Ieng Sary régime as the legitimate Government of Democratic Kampuchea. At the same time, my Government regards the methods employed by Vietnam to remove that authority and install a puppet administration as totally unacceptable. It follows that Australia also regards the Heng Samrin régime, whose authority depends entirely on the presence of the Vietnamese occupation forces, as illegal and unrepresentative of the Khmer people. As for the so-called election staged in Kampuchea some months ago, one need only note that it was a charade, held under foreign military occupation.

On 26 October 1982 Australia's Permanent Representative, Mr Woolcott, said during debate on the situation in Kampuchea (A/37/PV.45, pp 26-30):

> The problem of Kampuchea touches upon the essence of the United Nations Charter. It involves the principle of the inadmissibility of the threat of or the use of force. It involves the rights of peoples to determine their own national Governments and it involves non-interference in the internal affairs of States. But beyond these important and established principles,

there is also the human dimension to this problem: for more than a decade the Khmer people have suffered tremendous deprivation. They have experienced a disastrous civil war, human rights violations on a massive scale, famine and, now, foreign occupation.

Thanks in the main to a swift and effective emergency relief programme, it seems that the survival of the Cambodian people is now assured. But if at present the lives of millions of people are no longer threatened by starvation, the need for a solution to the political problems, which remain, becomes all the more clear. In addition to humanitarian relief, the international community must assume responsibility for restoring to the Cambodian people their basic right to determine their own future free of outside pressure or coercion.

An essential first step for returning Cambodia to normalcy must be the withdrawal of Vietnamese forces. Not only is their presence a continuing affront to international law, but the travail of the Cambodian people will continue as long as foreign military intervention persists. Effective measures must be taken to ensure that after the withdrawal no armed group can either seize power by force or use the threat of force to intimidate the Cambodian people and so deprive them once again of their right to determine their own future.

In this respect, let there be no doubt about Australia's attitude to the Pol Pot régime and the Khmer Rouge, whose violations of human rights surely disqualify them from again exercising effective authority and power over the Khmer people. Australian opposition to the Khmer Rouge has been clear and firm. We have frequently and categorically condemned its record of brutality and misrule. In no circumstances would we provide them with any support or have any direct dealings with them. It is, of course, for the people of Cambodia themselves to choose their own Government. But we have no doubt that given the chance they will reject Pol Pot and the Khmer Rouge.

Australia's attitude is consistent. It stands in marked contrast to that of some of the others who today affect disgust for the Pol Pot-Ieng Sary régime and its misdeeds but who only four years ago were championing its cause in the United Nations Commission on Human Rights, when Governments such as my own were trying to persuade the international community to investigate the atrocities of that régime. But the history and record of Pol Pot gives no legitimacy in our view to the Heng Samrin régime or to the manner by which that régime was installed in Phnom Penh.

The Australian Government is not in favour of what might be called tutorial aggression — that is, the use of force to punish a neighbour for its misdeeds or the use of external force in the name of removing a régime whose actions might be regarded as improper. If military intervention could be condoned on the pretext of improving the complexion of a neighbouring Government, the established principles of international law would be eroded and ultimately destroyed. The result could be global anarchy, in which the security of smaller and weaker States would be at the mercy of more powerful neighbours.

So Australia's position is clear. We found repugnant the Khmer Rouge

régime in Cambodia and we regard as inadmissible the Heng Samrin régime imposing on the suffering and weakened people of Cambodia by force.

Australia's attitude is consistent with the principles elaborated in three resolutions of the General Assembly and the Declaration of the International Conference on Kampuchea. It is an approach related in the draft resolution before us. It is one which would involve a withdrawal of Vietnamese troops and is the reason why Australia will be voting for draft resolution A/37/L.1/Rev.1, of which we are also a sponsor.

We have noted the recent formation of the Coalition Government of Democratic Kampuchea. This is a coalition which has as its purpose the implementation of the Declaration of the International Conference on Kampuchea and the restoration of a national Cambodian Government through United Nations-supervised elections. For Australia, however, the question of recognizing the coalition does not arise. Indeed, we have long made it clear that Australia will not recognize any Government in Cambodia until an act of self-determination has been held in accordance with the Declaration of the International Conference on Kampuchea.

On 5 November 1982 Australia's Representative in the General Assembly, Mr Dobie, said in the course of debate on the Question of Peace, Stability and co-operation in South-East Asia (A/37/PV.57, 52-53):

The propositions advanced, and implied, in the title of this item are unexceptional. It is when one gets down to working out how these objectives might be realized that agreement erodes and disagreement begins.

Viet Nam and Laos predicate their position on the assumption that South-East Asia can be divided into two camps: the five States of the Association of South-East Asian Nations (ASEAN), on the one hand, and the three States of Indo-China, on the other — presumably with Cambodia irreversibly under Viet Nam's wing. Understandably the ASEAN countries have rejected this approach. And why should they not reject it? There is nothing irreversible in the situation in Cambodia. The régime there is lacking in international credibility and has no significant internal support. It is a régime installed and controlled by Viet Nam. It would collapse immediately without the presence of 200,000 Vietnamese troops.

That brings me to the major omission in the Vietnamese-Laotian approach. In the memorandum signed by the Laotian Foreign Minister and circulated last September, China was identified as the major cause of tension in the region. It is not our intention here to delve into the intricacies of the admittedly tense relationship between China and Viet Nam. What we can say in relation to South-East Asia is that the main cause of tension is not China but Viet Nam's invasion and continued occupation of Cambodian territory. This is really the central issue. It is not something which can simply be swept aside or obscured by counterclaims that regional tensions are solely, or even mainly, a product of outside interference. Interference there is — but primarily Viet Nam's interference in Cambodia. Until Viet Nam is prepared to face up to this fact, there will be little scope for moving seriously on the principles which Viet Nam and Laos maintain should govern inter-State relationships in South-East Asia.

There can, of course, be no objection to these principles *per se*. Most of them are impeccable. Who would contest, for instance, the principle of respect for the independence, sovereignty and territorial integrity of each country in South-East Asia, and for non-aggression, equality, mutual benefit and peaceful coexistence among them? Who could deny the right of the people of each country to choose and develop freely their political, social, economic and cultural system, or to determine freely their domestic and foreign policy position in accordance with the objectives and principles of non-alignment and of the United Nations Charter.

It is when we look at the present situation in South-East Asia, and particularly the situation in Cambodia, and ask how these principles are being applied in practice that difficulties arise. When we do so, we find that the independence, sovereignty and territorial integrity of Cambodia have been violated by Viet Nam, whose military forces have invaded and continue to occupy Cambodia in flagrant breach of the Charter. We find, too, that the people of Cambodia have been deprived of their fundamental right to choose freely their own form of Government and their own domestic and foreign policies.

In short, it is easy to agree to uphold the principles allegedly put forward by the sponsors of this item. The question is whether Viet Nam itself will adhere to them. Viet Nam's record provides no confidence that its deeds will match its words.

Use of force. Destruction of Korean airliner by the Soviet Union.
See above under Part VII — Aviation and Space Law — p 418.

Use of force. Aerial incident in Gulf of Sidra. Libya and United States.
See above under Part VI — Law of the Sea — p 404.

War. Iran/Iraq. Australian neutrality.
See above under Part VI — Law of the Sea — p 414.

Use of force. Invasion of Grenada by the United States and Caribbean countries.

On 31 October 1983 the Minister for Foreign Affairs, Mr Hayden, issued the following statement (Comm Rec 1983, 1857-1858):

Cabinet reviewed the serious situation in Grenada which the Government has been following closely and which the Prime Minister discussed with President Reagan on 27 October.

The Government regrets the loss of life and injuries which have occurred on the island following the overthrow of Prime Minister Bishop and his Government and during the current military operations. It also notes the continuing international controversy about the causes and effects of the military action on Grenada. The Government wishes to see the current military operations in Grenada ended as soon as possible and the withdrawal of the intervening forces. In his discussion with the Prime Minister, President Reagan and the U.S. looked to withdraw its forces at the earliest opportunity. The Government welcomes this assurance from the President.

While acknowledging the concern of the U.S. and the regional countries regarding the developments in Grenada and elsewhere in the Caribbean and the possible risks to foreign citizens on the island, the Government finds it

hard to justify the use of force certainly before all other possible courses of action had been exhausted. The Australian Government was not consulted or advised in advance of the intervention but in their discussion today Ministers agreed that had the Government been consulted it would have counselled against intervention.

In view of the situation on the island and as the Commonwealth Secretary-General has so rightly noted, there is an urgent need to provide the people of Grenada with the earliest opportunity to determine their own future free of pressures and constraints of any kind. There is a Grenadan constitution and there are constitutional processes that could be followed. In present circumstances efforts to restore constitutional government in Grenada appear to be the best available course of action in the search for stability, harmony and peace on the island.

The Government notes a number of suggestions about possible involvement of Commonwealth peacekeeping forces in Grenada. It does not contemplate Australian participation in such a force should it eventuate.

On 1 November 1983 the Prime Minister, Mr Hawke, said there had been "a unanimity of position within the Cabinet" on Grenada, as reflected in the above statement, which Mr Hawke read out to the House of Representatives (HR Deb 1983, Vol 133, 2092-2093).

In the General Assembly, Australia's representative, Mr Joseph, said in explanation of vote on General Assembly Resolution 38/7 as follows (A/38/PV.43, pp 117-119):

The Australian Government has followed closely the serious situation in Grenada and the issues addressed in the resolution which has now been adopted. My country has been concerned at the erosion in recent years of the effectiveness of this Organisation, to which we remain dedicated. Any action that undermines the basic examples of non-intervention and the non-use of force to settle a dispute is a matter of concern and regret to my Government.

Australia has expressed its regret at the loss of life and injuries which occurred on the island following the overthrow of Prime Minister Bishop and his Government, as well as during the recent military operations. The Australian Government has also noted the continuing international controversy about the causes and effects of the military action in Grenada. Australia wishes to see the current military operations ended as soon as possible and the withdrawal of the intervening forces. We have noted the statement by the United States Government that it is looking to withdrawing its forces at the earliest opportunity. The Australian Government welcomes these assurances.

Australia is aware of the concern of the United States and the regional countries concerned regarding developments in Grenada and elsewhere in the Caribbean. We would also note that the situation as it developed in Grenada could be seen to pose risks to the safety of foreign citizens in the island. Nevertheless the Australian Government finds it hard to justify the use of force — certainly before all other possible courses of action had been exhausted.

My country was not consulted or advised in advance of the intervention.

Had we been so consulted, we would have counselled against intervention.

In all the circumstances, Australia voted for the resolution as a whole. On the other hand, the formulation of operative paragraph 1 does not, in our view, cover fully the context in which the intervention took place. For that reason, my delegation abstained on the vote taken on operative paragraph 1.

Operative paragraph of resolution 38/7 which was adopted by a vote of 106 to 8 with 25 abstentions is as follows:

"*The General Assembly,*

1. *Deeply deplores* the armed intervention in Grenada, which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of that State;"

The Resolution as a whole was adopted by a vote of 108 to 9, with 27 absentions. Australia voted in favor, but subsequently the delegation advised the Secretariat that it had intended to abstain. For the reason, see the statement of the Minister for Foreign Affairs, Mr Hayden, issued on 3 November 1983 (Comm Rec 1983, 1858).

Use of force. Terrorism. Rangoon bombing.

Following the bombing in Rangoon on 9 October 1983 which killed 19 members of an official party from the Republic of Korea, the House of Representatives passed the following motion moved by the Prime Minister, Mr Hawke, on 11 October 1983 (HR Deb 1983, Vol 133, 1521):

That this House —

(1) expresses its profound sympathy at the loss of the lives of Ministers and officials of the Government of the Republic of Korea in the bomb explosion in Rangoon, Burma on Sunday 9 October,

(2) reaffirms its abhorrence of and opposition to terrorism,

(3) reaffirms its support for the people of the Republic of Korea and calls on all nations with interests and concerns in the Korean Peninsula to exercise restraint and moderation at this difficult time, and

(4) requests the Speaker to convey the terms of this resolution to the Speaker of the National Assembly of the Republic of Korea.

The incident was also condemned by Australia's representative on the Sixth Committee of the United Nations General Assembly, Mr Joseph, on 6 December 1983 in the course of a debate on terrorism: see A/C.6/38/SR.67, 2-3).

Use of force. Terrorism.

On 15 December 1983 the Attorney-General, Senator Evans, representing the Minister for Foreign Affairs in the Senate, said in answer to a question (Sen Deb 1983, Vol 101, 3884-3885):

A number of bomb attacks did occur in Kuwait three days ago, including attacks on the United States and French embassies. They were similar in execution to the terrorist attacks which occurred in Beirut in October. Reports indicate that at least two people were killed and 43 injured in the latest bombings.

The Government, of course, deplores terrorist attacks wherever they occur and expresses its horror at the intent of terrorists whose purpose is cold bloodedly to inflict damage, injury and loss of life on a massive scale. These acts can be described only as thoroughly and utterly repugnant. The

Government is deeply concerned at the escalation and the spread of attacks of this nature in the Middle East. As Senator Sibraa indicated, they can serve only to undermine the peace and security of an already volatile region.

Use of force. Weapons. Chemical and biological weapons.

On 19 August 1981 the Minister for Defence Mr Killen, provided the following written answer (Sen Deb 1981, Vol 91, 131-132):

> Australian policy towards the use of chemical and bacteriological weapons is indicated by its adherence to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare and by its adherence to the convention to which you referred in your question. Australia ratified the latter conventions on 5 October 1977 and Parliament passed the Crimes (Biological Weapons) Act in the same year.
>
> No research into the production of chemical and bacteriological weapons is being undertaken, nor is any contemplated.
>
> Australia maintains an interest in chemical and bacteriological warfare, but for defensive purposes only. We engage in limited studies, which are directed towards maintaining a scientific awareness of the effects of chemical and biological warfare agents, the means for their detection and preventive measures against them.

On 10 June 1981 the Minister for Foreign Affairs, Mr Street, provided the following written answer (HR Deb 1981, Vol 123, 3487):

> The two arrangements referred to are the Technical Co-operation Program, which is administered in Australia by the Defence Science and Technology Organisation, and the Basic Standardisation Agreement, which is administered by the Army. Neither contains a definition of chemical and biological defence. The terms are interpreted by the participating countries in accordance with common usage. The definition of chemical and biological defence which is applicable to Australia's involvement in both arrangements is that stated in the Australian Joint Services Staff Manual Glossary: 'The methods, plans, procedures and training required to establish defence measures against the effects of attack by chemical and biological agents.'

On 7 April 1981 Senator Dame Margaret Guilfoyle, the Minister representing the Minister for Foreign Affairs in the Senate, said in answer to a question (Sen Deb 1981, Vol 89, 1140):

> Australia supports current international efforts to reach agreement on a convention banning the development, stockpiling and use of chemical weapons and incorporating effective verification measures to ensure compliance with its provisions. Australian representatives at international conferences have been working actively to achieve this aim.

On 21 April 1982 the Minister for Defence, Mr Killen, provided the following written answer (HR Deb 1982, Vol 127, 1725):

> A small number of people, mainly scientists, at Materials Research Laboratories, Melbourne, are employed on investigations into chemical defence. Australia has not, is not, and has no plans to become, engaged in research into the handling of disease producing biological agents.

> Research on defence against chemical agents is not conducted in response to a specific perceived threat, but rather in relation to the potential threat. The threat to Australia of chemical or biological warfare is considered by many to be low, yet the damage caused by these agents is almost universally acknowledged to be horrifying. We would clearly be remiss if we could not protect ourselves effectively should the need arise.
>
> The Government has acknowledged its responsibility to ensure that Australia is properly defended and that the Australian Defence Force is properly protected against chemical and biological weapons.
>
> For many years it has been the policy of successive Defence Ministers to maintain the skills necessary to advise on the means for protecting Australians, both military and civilian, from chemical warfare attack.
>
> It is a matter of government policy, stated publicly on a number of occasions, that the development, production or stockpiling of chemical weapons is not undertaken or planned to be undertaken.

On 21 October 1982 the Minister for Defence, Mr Sinclair, provided the following written answer (HR Deb 1982, Vol 129, 2478):

> The Government would be negligent if it did not take the necessary steps to develop its defences against the threat posed by chemical agents; accordingly exchanges and cross-testing of protective clothing and detection equipment have taken place between Australia and other countries. However I am advised no large-scale field testing of chemical warfare equipment or agents has taken place in Australia since World War II.

For details of poisonous gas chemical warfare experiments which took place in Australia during World War II, see the statement of the Minister for Defence, Mr Killen, on 27 October 1981 (HR Deb 1981, Vol 125, 2468-2470).

For details of the use of herbicides and other chemicals by the Australian Forces in South Vietnam in 1967, see the statement by the Minister for Defence, Mr Sinclair, on 9 December 1982 (HR Deb 1982, Vol 130, 3272-3277).

On 1 December 1983 the Minister for Foreign Affairs Mr Hayden, provided the following written answer (Sen Deb 1983, 3190-3191):

> The Australian Government finds the concept of chemical warfare abhorrent and the use of chemical weapons repugnant. It is committed to the conclusion of a fully effective and verfiable convention that would outlaw the use of chemicals as weapons in armed conflict and would ensure the destruction of all existing stocks of chemical weapons. It is actively pursuing this objective in the Committee on Disarmament in Geneva. Australian views on chemical weapons have been made known to the United States and other governments on a number of occasions both bilaterally and in multilateral fora such as the Committee on Disarmament.

On 7 December 1983 the Minister for Foreign Affairs, Mr Hayden, wrote (HR Deb 1983, Vol 134, 3470-3471):

> Australia considers that there is a need for a continued effort on the part of the international community to ensure that all reports of chemical warfare are promptly investigated. Australia supports the 1982 United Nations General Assembly resolution to this effect—UNGA Resolution 37/98D of 13 December 1982 — Provisional Procedures to Uphold the Authority of the 1925 Geneva Protocol — and has nominated the Defence Department's

Materials Research Laboratories for inclusion in the list of laboratories and experts being compiled by the Secretary General pursuant to this resolution to assist him in the investigation of such reports. Australia co-sponsored another resolution at the 1982 UN General Assembly calling for the strict observance by all states of the principles and objectives of the 1925 Geneva Protocol, which prohibits the use in war of chemical and bacteriological method of warfare. (UNGA Resolution 37/98E of 13 December 1982).

The Government considers that the international community must continue to work on the elaboration of an effective and verifiable international convention outlawing chemical weapons. Australia is actively participating in the consideration of such a chemical weapons convention in the Committee on Disarmament in Geneva.

For statements made by the Australian Delegations to the United Nations Committee on Disarmament, see PP No 215/1981 (29 October 1981), and PP No 376/1982 (1982) (statement on a proposed Chemical Weapons Convention).

Use of force. Weapons. Inhumane weapons convention. Ratification.

On 13 April 1982 the Minister for Foreign Affairs, Mr Street, announced that Australia was to sign the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to be Excessively Injurious: see Comm Rec 1982, 406. Ratification was announced by the Minister for Foreign Affairs, Mr Hayden, on 20 September 1983: see Comm Rec 1983, 1557. See Aust TS 1984 No 6.

Use of force. Weapons. Nuclear weapons. Legality. Capacity to produce.

On 2 June 1981 the Minister for National Development and Energy, Senator Carrick, was asked whether Australia had the capacity to produce enough highly enriched uranium by the laser process to operate a small scale nuclear weapons program. He replied (Sen Deb 1981, Vol 90, 2491):

> No. In any event, by its ratification in 1973 of the Treaty on the Non-proliferation of Nuclear Weapons (NPT), Australia accepted an obligation not to develop a nuclear weapons program.

On 8 December 1983 the Minister for Foreign Affairs, Mr Hayden, wrote in answer to the respective questions (HR Deb 1983, Vol 134, 3606):

> (2) Has the Government endorsed the view of Professor John H.E. Fried, legal consultant to the Nuremberg Tribunals and later to the United Nations, that nuclear weapons are illegal, stated in his article 'Law and Nuclear War' *The Bulletin of Atomic Scientists,* June 1982 page 67; if not, why not.
>
> (3) Is he able to say whether the 1907 Hague Convention IV regulations prohibited wanton or indiscriminate destruction and the 1949 Geneva Convention on The Protection of Civilian Persons in Time of War obliged all belligerents to ensure civilian health, safety and sustenance.
>
> (4) Did the UN General Assembly in resolution 1653 (VI), reaffirmed in 1978 and 1980, declare nuclear war to be a crime against humanity.
>
> (2) No. The Government notes that the subject of the legality of the use of nuclear weapons is a matter of continuing debate within the international community. See e.g. the article by Elliott L. Meyrowitz on page 49 of *Bulletin of the Atomic Scientists* for October 1983.
>
> (3) and (4) Yes.

Use of force. Nuclear tests. Australian protests. Comprehensive treaty. On 9 March 1982 the Minister for Foreign Affairs, Mr Street, provided the following written answer (Sen Deb 1982, Vol 93, 623-624):

> The Australian Government has directly urged the French Government to cease its nuclear testing program in the South Pacific and has given its active support to statements expressing opposition to nuclear weapons testing in the Pacific at the South Pacific Forum in August 1981 and at the Commonwealth Healds of Government Meeting in October 1981. Moreover, the Australian Government strongly supports the conclusion of a treaty which would prohibit the testing of nuclear weapons by all States in all environments. Conclusion of such a treaty would considerably increase international pressures for a complete end to nuclear testing and leave those states which continued to carry out nuclear explosions in isolated and exposed positions.
>
> The Government will continue to express its opposition to nuclear testing in the Pacific and will maintain its support for the conclusion of a treaty which would prohibit the testing of nuclear weapons by all states in all environments.
>
> There is no connection between the continuation of French nuclear testing in the Pacific and the export of Australian uranium to France or the activities of French mining companies in Australia, and retaliatory actions of the kind suggested in the question would not be relevant or effective. Uranium is exported to France pursuant to commercial contracts, and French uranium mining companies operate in Australia in accordance with Government requirements. The supply of uranium to France from Australia has to comply with the provisions of the Australia/France nuclear safeguards agreement, which ensures that the uranium may be used only for peaceful non-military and non-explosive purposes in France's nuclear industry.

For other statements about Australian protests, see Sen Deb 1981, Vol 89, 8 April 1981, 1207; HR Deb 1981, Vol 121, 10 March 1981, 626; Sen Deb, Vol 91, 15 September 1981, 741; HR Deb 1981, Vol 125, 24 September 1981, 1480; Comm Rec 1983, 2159 (9 December 1983); Comm Rec 1983, 401 (4 April 1983). On 26 May 1983 the Minister for Foreign Affairs, Mr Hayden, said in answer to a question (HR Deb 1983, Vol 131, 1034):

> The Prime Minister has indicated to me that the testing of nuclear weaponry by the French in the South West Pacific is also a matter which he will take up with the French when he is there in a little over a week's time. He will put quite firmly Australia's concern about the use of the South West Pacific as a nuclear testing ground by the French, or indeed by any other power. I express our concern about this. I am registering a strong protest. That protest will be going to the French authorities. I acknowledge that protests in the past have not discouraged the French authorities, nor has the International Court of Justice.

On 17 May 1983 the Prime Minister, Mr Hawke, said in answer to a question (HR Deb 1983, Vol 131, 595):

> The countries of the South Pacific, including Australia, are strongly opposed to the testing and storing of nuclear weapons in the region and to the dumping of nuclear waste in the South Pacific. My Government is

strictly of that view. At the same time as we have that view, Australia is concerned that we do not endanger our alliance relationship with the United States of America. In particular we do not wish to impede the passage of United States nuclear powered and armed vessels through the Pacific or port calls by United States vessels in the region nor, of course, do we wish to impede the right of United States aircraft in transitting international air space.

Use of force. Treaties of Alliance. ANZUS Treaty.

For background on the ANZUS Treaty and the obligations arising under it, see the report of the Joint Committee on Foreign Affairs and Defence entitled "Threats to Australia's Security, Their Nature and Probability" presented to Parliament on 24 November 1981 (PP No 349/1981, paras 1.67 to 1.79), and the report to the Joint Committee on "The ANZUS Alliance: Australian United States' Relations" presented to Parliament on 25 November 1982 (PP No 318/1982; Chapter 1 is entitled (the ANZUS Treaty': pp. 1-19).

On 20 August 1981 the Minister for Foreign Affairs, Mr Street, wrote, in answer to a question (HR Deb 1981, Vol 124, 659):

> The Joint Australia/United States defence facilities and defence-related facilities in Australia are jointly operated and controlled by the two governments concerned not solely by the United States.
>
> (a) Article II of the ANZUS Treaty states that the Parties "separately and jointly by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack" but does not specifically commit the Australian Government to provide facilities in Australia. The reference to that Article in the preamble to the bilateral agreements on the defence facilities jointly operated by Australia and the United States at North West Cape, Pine Gap and Nurrungar indicates the judgment of Australian Governments that hosting the facilities in Australia is of assistance in developing the individual and collective capacity of Australia and the United States to resist armed attack. The duration of the commitment of the Australian Government to hosting the specific joint facilities in Australia is recorded in the publicity available agreement on each facility.
>
> (b) There are no understandings between Australia and the United States for the latter to give preference to Australia's security over its own. Nor are there agreements for Australia to give preference to the security concerns of the United States over Australia's own security interests. What do exist are agreements, including the ANZUS Treaty, and practices over the past 40 years, for the two countries to work together to protect their mutual security interests.

For statements on the joint defence facilities at North-West Cape, see HR Deb 1981, Vol 122, 5 May 1981, 1943-1947 (Minister for Defence, Mr Killen); 12 May 1981, 2228-2229 (Mr Killen); Vol 128, 19 August 1982. 750-753 (Minister for Defence, Mr Sinclair).

On 15 September 1983 the Minister for Foreign Affairs, Mr Hayden, announced the results of a Government review of ANZUS, and part of his statement was as follows (HR Deb 1983, Vol 132, 898-903):

In its own review the Government reached the following main conclusions:

> It is in Australia's interests to maintain the ANZUS Treaty. Although concluded in very different circumstances the ANZUS Treaty was continuing relevance. It supports Australia's security in current and prospective strategic circumstances and reflects a coincidence of strategic interest between Australia, New Zealand and the United States;
>
> this coincidence of interest provides the basis for co-operation which yields substantial benefits for Australia's defence effort and which affords substantial benefit to the United States also;
>
> the provisions of the Treaty have been a significant factor in the development of consultation and co-operation with the United States and provide a firm basis on which United States military support could be sought in the event of major threat to the security of Australia, or New Zealand;
>
> while the provisions of the Treaty do not define precisely the nature of the response which partners might provide according to their constitutional processes in the event of attack or major threat, the Treaty has significant deterrent value;
>
> ANZUS has facilitated the development of available co-operation in defence matters with benefits much wider than the scope of the Treaty's provisions;
>
> the Treaty provisions do not derogate from Australia's right of national decisions in foreign and defence policy matters.

The conclusions reached at the ANZUS Council meeting were entirely consistent with our own. The main points of agreement are recorded in the Council Communique, from which I now wish to quote the relevant paragraphs:

> "After the Secretary of State welcomed the ANZUS Delegations, the Council Members reviewed the ANZUS Alliance. It was the first such review since the ANZUS Treaty was signed in 1951. They noted that, although international political and strategic circumstances which prevailed at that time had changed, it is a sign of the resilience of the Treaty that it remains relevant and vitally important to the shared security concerns and strategic interests of the three partner governments.
>
> The Council Members affirmed that the Alliance is firmly based on the partners' common traditions and concern to protect democratic values. They value highly the co-operative defence arrangements, facilitated by the treaty since its conclusion, which have served their government's mutual security interests and promoted a strengthening of each other's defence capability. In the spirit of the ANZUS Alliance, they noted that, beyond the activities of defence co-operation, the various efforts, individual and collective, by the partners to promote both regional and global development and stability have also served the cause of mutual security.
>
> The Council acknowledged that the ANZUS Treaty does not absolve

each government from the primary responsibility to provide for its own security to the extent which its resources allow. It is for this reason that Article II of the Treaty provides that the parties will 'by means of continuous and effective self-help and mutual aid maintain and develop their individual and collective capacity to resist armed attack'. The Council Members also noted that the ability of each country to defend itself is substantially enhanced by their common commitments under the Treaty. A range of responses is available to the Parties to act to meet a common danger in accordance with their constitutional processes.

The Council also reaffirmed that the ANZUS Treaty is an agreement between sovereign and equal states committed to the democratic tradition. In accordance with that tradition, the respective states would at times have varying views and perspectives on various international political and economic issues. Such diversity does not affect their solidarity under the ANZUS Treaty, the maintenance of which reflects the fundamental interests of the three partners.

In order to strengthen the Alliance further and recognising that natural security cannot be assured by military strength alone, the Council Members considered a number of practical co-operative measures:

They agreed that ANZUS consultative processes could be strengthened through further periodic ANZUS Officials Talks. These talks, which were reviewed this year, would rotate between the three capitals and address issues or areas of common concern. Participants would include mid-level and senior officials expert on the issues or areas to be addressed.

They also agreed that the framework of ANZUS and bilateral defence co-operation requires a standardisation of privileges and immunities and of jurisdictional and other matters for military service personnel and their families serving in each other's countries. The members therefore agreed to give priority to early conclusion of a reciprocal ANZUS Status of Forces Agreement.

They expressed satisfaction with the continuing programs of exchanges, combined exercises and visits among the Treaty partners. They also reaffirmed the importance of these programs, of ongoing efforts to modernise and to assure supply of equipment, and of continuing to strengthen alliance defensive capabilities and thus deterrence of conflict''.

These conclusions are clear and unambiguous and I do not wish here to seek to reinterpret them.

For statements concerning the staging of United States' B52 bombers through Australia for sea surveillance in the Indian Ocean and for navigation training, see HR Deb 1981, Vol 121, 11 March 1981 (the Prime Minister, Mr Fraser), 664-666; 12 March 1981 (Minister for Foreign Affairs, Mr Street), 704-705; and Sen Deb 1981, Vol 88, 12 March 1981 (Leader of the Government in the Senate), 559. See also the written answers on 2 April 1981 at HR Deb 1981, Vol 121, 1234.

On 1 December 1983 and Minister for Foreign Affairs, Mr Hayden, wrote in answer to a question (HR Deb 1983, 3233-3234):

> The United States clearly regards access to Australian ports for its naval ships, including nuclear-powered and nuclear-armed ships, as of importance for support of its operations in our region and for carrying out its Treaty responsibilities. For its part the Australian Government considers that such visits support important Australian strategic and defence interests. However, the question of how the United States would view any ban on visits by nuclear-powered or nuclear-armed warships in relation to the ANZUS Treaty has not arisen between the United States and Australian Governments.

For access to ports by nuclear-powered warships, see also under Part VI above.

On 8 December 1983 the Minister for Defence, Mr Scholes, wrote in answer to a question whether the Government recognised that there could be a risk to the Joint United States-Australia facilities in the event of nuclear war, replied (HR Deb 1983, Vol 134, 3604):

> Yes. The Government recognises that there could be a risk but judges that the contribution made by the joint defence facilities to deterrence of nuclear war fully justifies any risks that might be seen as arising from our having those facilities in Australia.

Use of force. Peace. Nuclear war.

On 7 December 1983 the Minister for Foreign Affairs, Mr Hayden, wrote in answer to a question (HR Deb 1983, Vol 134, 3472):

> I agree that there is an overwhelming desire for peace on the part of peoples around the world. However, peaceful rule of international law enforceable by chosen international representatives implies some form of world government, which is not in early prospect. The Government does not consider that this would be more likely to guarantee international peace than the Charter of the United Nations which already provides for the peaceful regulation of international affairs. Any attempt to launch any form of world government or to promote an alternative to the United Nations would add to rather than reduce the divisions between States.

On 15 September 1982 the Minister for Foreign Affairs, Mr Street, wrote in the course of an answer (Sen Deb 1982, Vol 95, 1000-1001):

> The Australian Government does not accept any scenario of limited or protracted nuclear war . . . The Australian Government is convinced that nuclear war would be a catastrophe of unpredictable proportions from which neither side would emerge the victor.

Treaties and international agreements signed or concluded by Australia in the years 1981 to 1983[1]

1 Being a consolidation of Treaty Action for 1981, 1982 and 1983: Aust. T.S. 1981 No. 1, Aust. T.S. 1982 No. 1, and Aust. T.S. 1983 No. 1 (with information up-dated to 31 December 1985).

Bilateral Treaties

Date and place of signature	Description	Entry into force for Australia	Notes and references to printed text
		BANGLADESH	
15 September 1981, Dacca	Agreement for the exchange of Money Orders		The Agreement had not entered into force by 31 December 1985.
		CANADA	
9 March 1981, Ottawa	Agreement concerning the Peaceful uses of Nuclear Energy	9 March 1981	Aust. T.S. 1981 No. 8.
21 May 1980, Canberra	Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	29 April 1981	The Convention entered into force when Notes were exchanged pursuant to Article 27 on 28 and 29 April 1981. Aust. T.S. 1981 No. 14
		CHINA	
29 April 1981, Canberra	Agreement on Cultural Co-operation	29 April 1981	Aust. T.S. 1981 No. 11.
22 September 1981, Canberra	Protocol on Economic Co-operation	22 September 1981	Aust. T.S. 1981 No. 20.
2 October 1981, Beijing	Agreement on a Program of Technical Co-operation for Development	2 October 1981	Aust. T.S. 1981 No. 21.
5 August 1982, Beijing	Agreement on Reciprocal Exchange of Sites for Construction of Diplomatic Compounds	5 August 1982	Aust T.S. 1982 No. 12.

Date and place of signature	Description	Entry into force for Australia	Notes and references to printed text
		CYPRUS	
9 December 1983, Nicosia	Trade Agreement	9 December 1983	Aust T.S. 1983 No. 24.
		DENMARK	
1 April 1981, Canberra	Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	27 October 1981	The Agreement entered into force when Notes were exchanged pursuant to Article 27 on 1 April and 27 October 1981. Aust. T.S. 1981 No. 26.
		FIJI	
19 January-13 February 1906, Melbourne-Suva	Convention concerning the Exchange of Money Orders		Australian notice of termination was given on 2 September 1982. In accordance with Article 19 the Convention will terminate twelve months thereafter.
24 March 1982, Suva	Agreement between the Government of Australia and the Government of Fiji for Air Services between and beyond their Respective Territories	24 March 1982	Aust. T.S. 1982 No. 7
		FRANCE	
27 November 1936, Sydney-Canberra	Exchange of Notes with Schedules constituting a Commercial Agreement	1 January 1937	L.N.T.S. 177 p.301; Commonwealth Act No. 79 of 1936. The Agreement was terminated on 30 September 1981 after Australia had given two months notice in accordance with Note No. 4 of the Agreement.
7 January 1981, Paris	Agreement concerning Nuclear Transfers between Australia and France and an associated exchange of letters	12 September 1981	The Agreement entered into force when Notes were exchanged pursuant to Article XVI on 12 September 1981. Aust. T.S. 1981 No. 23.

4 January 1982, Melbourne	Agreement on Maritime Delimitation between the Government of Australia and the Government of French Republic	10 January 1983	The Agreement entered into force when notes were exchanged pursuant to Article 6 on 21 May 1982 and 10 January 1983. Aust. T.S. 1983 No. 3
4 July 1983, Canberra	Agreement concerning the Establishment of a French-Australia School in Canberra	4 July 1983	Aust. T.S. 1983 No. 8
		GREECE	
5 May 1977, Canberra	Agreement for the Avoidance of Double Taxation of Income derived from International Air Transport	7 April 1981	The Agreement entered into force when Notes were exchanged pursuant to Article 4 on 12 November 1980 and 23 March 1981 on 7 April 1981. Commonwealth Act No. 134 of 1977. Aust T.S. 1981 No. 10.
20 November 1979, Canberra	Agreement on Cultural Co-operation	29 April 1981	The Agreement entered into force when Notes were exchanged pursuant to Article 11 on 22 and 29 April 1981 on 29 April 1981. Aust. T.S. 1981 No. 16.
		INDIA	
31 May 1983, Canberra	Agreement for the Avoidance of Double Taxation of Income Derived from International Air Transport	16 November 1983	The Agreement entered into force when notes were exchanged pursuant to Article 4 on 1 July and 17 October 1983. Aust T.S. 1983 No. 21.
		IRELAND	
31 May 1983, Canberra	Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Capital Gains	21 December 1983	The Agreement entered into force when notes were entered pursuant to Article 29 on 21 December 1983. Aust. T.S. 1983 No. 25; Act No. 57 of 1983
		ISRAEL	
28 September-27 October 1982, Jerusalem-Tel Aviv	Exchange of Letters constituting an Agreement concerning the Immunities of Australian Military Members of the Multinational Force and Observers while on leave in Israel	27 October 1982	Aust T.S. 1982 No. 21.

Date and place of signature	Description	Entry into force for Australia	Notes and references to printed text
5 February 1982/13 January 1983, Canberra	Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the State of Israel regarding the Taking of Evidence in One Country for use in Criminal Proceedings in the Other Country	13 January 1983	Aust. T.S. 1983 No. 7.
		ITALY	
14 December 1982, Canberra	Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes in Income	5 November 1985	The Convention entered into force, pursuant to Article 29, on 5 November 1985. Aust. T.S. 1985 No. 27.
		JAPAN	
22 September 1981, Canberra	Exchange of Notes constituting an Agreement concerning co-operation on the project for the Geostationary Meteorological Satellite — 2 System	22 September 1981	Aust. T.S. 1981 No. 19.
29 October 1981, Canberra	Subsidiary Agreement concerning Japanese Tuna Long-Line Fishing	1 November 1981	The Agreement entered into force in accordance with Article IX on 1 November 1981. Aust. T.s. 1981 No. 22.
5 March 1982, Canberra	Agreement for Co-operation in the Peaceful Uses of Nuclear Energy	17 August 1982	The Agreement entered into force when notes were exchanged pursuant to Article XI on 17 August 1982. Aust T.S. 1982 No. 22.
28 October 1982, Canberra	Subsidiary Agreement concerning Japanese Tuna Long-line Fishing	1 November 1982	Aust. T.S. 1982 No. 18
31 October 1982, Canberra	Subsidiary Agreement concerning Japanese Tuna Long-Line Fishing	1 November 1983	The Agreement entered into force pursuant to Article IX. Aust. T.S. 1983 No. 11.

		KOREA	
12 July 1982, Canberra	Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	1 January 1984	The Convention entered into force pursuant to Article 28 when Notes had been exchanged on 16 November 1983. Aust. T.S. 1984 No. 2.
23 November, 1983 Canberra	Agreement on Fisheries	24 November 1983	Aust T.S. 1983 No. 23.
23 November 1983, Canberra	Subsidiary Agreement concerning Squid Jigging by Fishing Vessels of the Republic of Korea	24 November 1983	Aust T.S. 1983 No. 23.
		KUWAIT	
22 April 1982, Canberra	Agreement on Economic and Technical Co-operation	8 November 1982	The Agreement entered into force when notes were exchanged pursuant to Article 6 on 15 September and 8 November 1982. Aust. T.S. 1982 No. 30.
		MALAYSIA	
20 August 1980, Canberra	Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	26 June 1981	Aust. T.S. 1981 No. 15
		MALTA	
26 June 1980, Valetta	Agreement for the Exchange of Money Orders	26 June 1980	Aust. T.S. 1981 No. 7.
		MEXICO	
24 June 1981, Mexico City	Basic Agreement on Scientific and Technical Co-operation	4 March 1982	The Agreement entered into force in accordance with Art. 9 on 3 March 1982. Aust. T.S. 1983 No. 4.

Date and place of signature	Description	Entry into force for Australia	Notes and references to printed text
		NEW ZEALAND	
9 June 1981, Canberra	Agreement to amend the Christmas Island Agreement 1958	29 June 1981	The Agreement entered into force pursuant to Article 4 on 29 June 1981. Aust. T.S. 1981 No. 29.
18 November 1981, Wellington-Canberra	Exchange of Letters constituting an Agreement further extending the Agreement on Tariffs and Tariff Preferences of 25 November 1977	1 December 1981	Aust. T.S. 1981 No. 25.
18 February-18 June 1982, Canberra	Exchange of Notes constituting an Agreement amending the Agreement Relating to Air Services, 1961	18 June 1982	Aust. T.S. 1982 No. 11.
22 November 1982, Canberra	Agreement to Provide for the Termination of the Christmas Island Agreement 1958-1981	21 December 1983	Aust. T.S. 1983 No. 29
28 March 1983, Canberra	Australia New Zealand Closer Economic Relations — Trade Agreement	1 January 1983	The Agreement was deemed to have entered into force on 1 January 1983 in accordance with Article 26 of the Agreement. Aust. T.S. 1983 No. 2.
18-23 August 1983, Wellington	Exchange of Notes constituting an Agreement Amending the Agreement relating to Air Services 1961, as amended	23 August 1983	Aust. T.S. 1983 No. 13.
13-21 December 1983, Canberra	Exchange of Letters constituting an Agreement concerning the Supply of Phosphate from Christmas Island	21 December 1983	Aust. T.S. 1983 No. 26
		NORWAY	
6 May 1982, Canberra	Convention for the Avoidance of Double Taxation and the Prevention of	19 October 1983	Aust. T.S. 1983 No. 19; Act No. 57 of 1983.

	Fiscal Evasion with respect to Taxes on Income and on Capital, with Protocol		
		OMAN	
20 October 1981, Canberra	Agreement on Trade, Economic and Technical Co-operation	13 February 1982	Aust. T.S. 1982 No. 4.
		PAKISTAN	
1 April-9 June, Karachi-Melbourne	Agreement for the Exchange of Money Orders		Terminated by Australia in accordance with Article 26, 29 August 1982.
		PAPUA NEW GUINEA	
17 February-17 March 1982, Canberra-Waigani	Exchange of Notes constituting an Agreement on the continued application of the Agreement on Trade and Commercial Relations between Australia and Papua New Guinea of 16 November 1976	17 March 1982	Aust. T.S. 1982 No. 6
		PHILIPPINES	
8 August 1978, Manila	Agreement concerning co-operation in the Peaceful Uses of Nuclear Energy and the Transfer of Nuclear Material	11 May 1982	The Agreement entered into force when notes were exchanged pursuant to Article XIV on 28 April and 25 May 1982. Aust. T.S. 1982 No. 25.
14 September 1981, Manila	Agreement for the Exchange of International Money Orders	1 July 1982	The Agreement entered into force when Notes were exchanged pursuant to Article 13(1) on 3 and 19 June 1982. The Agreement entered into force by Agreement pursuant to Article 13(1) on 1 July 1982. Aust. T.S. 1982 No. 19.
		SAUDI ARABIA	
23 March 1980, Riyad	Agreement on Economic and Technical Co-operation	18 May 1981	Aust. T.S. 1981 No. 12.

Date and place of signature	Description	Entry into force for Australia	Notes and references to printed text
		SINGAPORE	
23 June 1980-14 April 1982, Singapore	Exchange of Notes Constituting an Agreement amending the Agreement for the Provision of Treatment in Singapore Hospitals for Asian Residents of Christmas Island, 1968	14 April 1982	The amending Agreement took effect in some respects from 1 April 1980. Aust. T.S. 1982 No. 16.
		SOUTH AFRICA	
22 November 1911-5 February 1912, Melbourne-Capetown	Convention for the Exchange of Money Orders		Australian notice of termination was given on 7 September 1982. In accordance with Article 19 the Convention will terminate twelve months thereafter.
31 August-3 September 1935, Pretoria-Canberra	Trade Agreement	1 July 1935	Commonwealth Act No. 58 of 1936. The Agreement was terminated on 17 December 1981 after Australia had given six months notice in accordance with the terms of the Agreement.
		SRI LANKA	
3 April-9 May 1905, Melbourne-Colombo	Agreement concerning the Exchange of Money Orders		Australian notice of termination was given on 7 September 1982. In accordance with Article 17 the Convention will terminate twelve months thereafter.
		SWEDEN	
14 January 1981, Canberra	Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	4 September 1981	The Agreement entered into force when Notes were exchanged pursuant to Article 28 on 4 September 1981. Aust. T.S. 1981 No. 18.

18 March 1981, Canberra	Agreement on conditions and controls for Nuclear Transfers for Peaceful Purposes between Australia and Sweden	22 May 1981	The Agreement entered into force when Notes were exchanged pursuant to Article XIII on 22 May 1981. Aust. T.S. 1981 No. 13.
12 July 1982, Canberra	Exchange of Notes constituting an Agreement amending the Agreement on conditions and controls for nuclear transfer for peaceful purposes between Australia and Sweden 1981	12 July 1982	Aust. T.S. 1981 No. 13.
	UNITED STATES OF AMERICA		
5 July 1979, Canberra	Agreement concerning Peaceful Uses of Nuclear Energy	16 January 1981	The Agreement entered into force when Notes were exchanged pursuant to Article 14 on 16 January 1981. Aust. T.S. 1981 No. 4.
11 March 1981, Canberra	Exchange of Notes constituting an Agreement for the staging of United States B-52 aircraft and associated KC-135 tanker aircraft through Royal Australian Air Force Base Darwin	11 March 1981	Aust. T.S. 1981 No. 9.
21 July 1981, Canberra	Exchange of Notes Constituting an Agreement to Amend the Agreement concerning Space Vehicle Tracking and Communication Facilities 1970 as amended	21 July 1981	Aust. T.S. 1981 No. 17
29 June 1982, Washington	Agreement relating to co-operation on Antitrust Matters	29 June 1982	Aust. T.S. 1982 No. 13
6 August 1982, Sydney	Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	31 October 1983	Aust. T.S. 1983 No. 16; Act No. 57 of 1983

Date and place of signature	Description	Entry into force for Australia	Notes and references to printed text
18-21 October 1982, Washington	Exchange of Notes constituting an Agreement regarding the Importation of Meat into the United States of America during 1982	21 October 1982	Aust. T.S. 1982 No. 28
24 November 1982, Canberra	Exchange of Notes constituting an Agreement further amending the Agreement of 9 May 1963 relating to the establishment of a United States Naval Communication Station in Australia, as amended	24 November 1982	Aust. T.S. 1982 No. 29.
8-19 September 1983, Washington	Exchange of Notes constituting an Agreement regarding the Importation of Meat into the United States	19 September 1983	Aust. T.S. 1983 No. 14.
6 October-14 November 1983, Canberra	Exchange of Notes constituting an Agreement further extending the Agreement relating to Scientific and Technical Co-operation of 16 October 1968	16 October 1983	The Agreement entered into force pursuant to Article II of the Agreement of 1968. Aust. T.S. 1983 No. 18
		VANUATU	
21 June-17 July 1957, Vila-Canberra	Agreement for the Exchange of Money Orders		Aust. T.S. 1957 No. 10. Terminated by Australia in accordance with Article 23, 3 September 1982.

Date and place of signature	Description	Entry into Force	Notes and references to printed text
20 April 1929, Geneva	International Convention for the Suppression of Counterfeiting Currency, and Protocol	22 February 1931	Instrument of accession deposited by Australia 5 January 1982. Entered into force for Australia 5 April 1982. Aust. T.S. 1982 No. 8.
10 October 1957, Brussels	International Convention relating to the Limitation of the Liability of owners of sea-going ships and Protocol of signature	31 May 1968	Convention signed for Australia 22 February 1980 and Protocol 7 July 1980. Instrument of ratification deposited by Australia 30 July 1980. The Convention and Protocol entered into force for Australia 30 January 1981. Aust. T.S. 1981 No. 2.
20 June 1958, Manila	Constitution of the Eastern Regional Organization for Public Administration	5 December 1960	Aust. T.S. 1961 No. 21. Australia's agreement to become a member of the Organization notified 13 December 1959. The original Constitution was amended at the First General Assembly of the Organization on 9 December 1960. Notification of withdrawal deposited 7 July 1981 with effect from 7 July 1981.
23 June 1969, London	International Convention on Tonnage Measurement of Ships, 1969	18 July 1982	Instrument of accession deposited by Australia 21 May 1982. Entered into force for Australia 22 August 1982. Aust. T.S. 1982 No. 15.
29 November 1969, Brussels	International Convention relating to Intervention on High Seas in Cases of Oil Pollution Casualties, 1969	6 May 1975	Signed for Australia 17 December 1970. Instrument of ratification with declaration, deposited by Australia 7 November 1983. Entry into force for Australia 5 February 1984. Aust. T.S. 1984 No. 4.
29 November 1969, Brussels	International Convention on Civil Liability for Oil Pollution Damage	19 June 1975	Signed for Australia 17 December 1970. Instrument of ratification with objection, deposited by Australia 7 November 1983. Entry into force for Australia 5 February 1984. Aust. T.S. 1984 No. 3.

Date and place of signature	Description	Entry into Force	Notes and references to printed text
21 February 1971, Vienna	Convention on Psychotropic Substances	16 August 1976	Signed for Australia 21 December 1971. Instrument of ratification deposited by Australia 19 May 1982. (With declaration). Entered into force for Australia 18 August 1982. Aust. T.S. 1982 No. 14.
12 October 1971, London	Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 concerning the Protection of the Great Barrier Reef. (Great Barrier Reef Amendments)		Instrument of acceptance deposited by Australia 13 November 1983. The Amendment was not in force on 31 December 1985.
15 October 1971, London	Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 concerning Tank arrangements and Limitation of Tank size. (Tank Amendments)		Instrument of acceptance deposited by Australia 13 November 1981. The Amendment was not in force on 31 December 1985.
2 December 1972, Geneva	International Convention for Safe Containers	6 September 1977	Instrument of accession deposited by Australia 22 February 1980. Entered into force for Australia 22 February 1981. Aust. T.S. 1981 No. 3.
2 November 1973, London	Protocol relating to Intervention on the High Seas in Cases of Pollution Substances other than Oil, 1973	30 March 1983	Instrument of accessions deposited by Australia 7 November 1983. Entry into force for Australia 5 February 1984. Aust. T.S. 1984 No. 5.
1 November 1974, London	International Convention for the Safety of Life at Sea, 1974	25 May 1980	Instrument of accession deposited by Australia 17 August 1983. Entry into force for Australia 17 November 1983. Aust. T.S. 1983 No. 22.

15 June 1976, Brussels	Annex A.1. (concerning Customs formalities prior to the lodgement of the Goods declaration) to the International Convention on the Simplification and Harmonization of Customs Procedures	18 November 1977	Instrument of acceptance deposited by Australia 22 October 1981. Entered into force for Australia 22 January 1982. Aust. T.S. 1982 No. 2.
15 June 1976, Brussels	Annex A.2. (concerning the temporary storage of goods) to the International Convention on the Simplification and Harmonization of Customs Procedures	18 November 1977	Instrument of acceptance deposited by Australia 22 October 1981. Entered into force for Australia 22 January 1982. Aust. T.S. 1982 No. 2.
19 November 1976, London	Protocol to the International Convention on Civil Liability for Oil Pollution Damage	8 April 1981	Instrument of accession deposited by Australia 7 November 1983. Entered into force for Australia 5 February 1984. Aust. T.S. 1984 No. 3.
9 June 1977, Nairobi	Annex C.1. concerning outright exportation, to the International Convention on Simplification and Harmonization of Customs Procedures	29 January 1981	Instrument of acceptance deposited by Australia 22 October 1981. (Subject to the reservation that Recommended Practice 10 shall be excluded from the acceptance). Entered into force for Australia 22 January 1982. Aust. T.S. 1982 No. 3.
9 June 1977, Nairobi	Annex F.4. concerning Customs formalities in respect of postal traffic, to the International Convention on Simplification and Harmonization of Customs Procedures	13 February 1981	Instrument of acceptance deposited by Australia 22 October 1981. Entered into force for Australia 22 January 1982. Aust. T.S. 1982 No. 3.
9 November 1977, London	Amendments to the title and substantive provisions of the Convention on the Intergovernmental Maritime Consultative Organization	22 May 1982 (except article 51 which entered into force on 27 July 1982)	Instrument of acceptance deposited by Australia 29 May 1980. Aust. T.S. 1982 No. 24.
17 February 1978, London	Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974	1 May 1981	Instrument of accession deposited by Australia 17 August 1983. Entry into force for Australia 17 November 1983. Aust. T.S. 1983 No. 28. See also Convention of 1 November 1974.

Date and place of signature	Description	Entry into Force	Notes and references to printed text
18 May 1978, Geneva	Amendment to Article 74 of the Constitution of the World Health Organization		Instrument of acceptance deposited by Australia 29 September 1981. The Amendment was not in force on 31 December 1985.
14 June 1978, Brussels	Annex A.3. (concerning Customs formalities applicable to commercial means of transport) to the International Convention on the Simplification and Harmonization of Customs Procedures	18 March 1982	Instrument of acceptance deposited by Australia 22 October 1981. Aust. T.S. 1985 No. 5.
7 July 1978, London	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers	28 April 1984	Signed for Australia 29 November 1979. Instrument of ratification with statement, deposited by Australia 7 November 1983. Aust. T.S. 1984 No. 7.
8 April 1979, Vienna	Constitution of the United Nations Industrial Development Organization	21 June 1985	Signed for Australia on 3 March 1980. Instrument of ratification, with declaration, deposited on 12 July 1982.
12 April 1979, Geneva	Agreement on Interpretation and Application of Articles VI, XVI and XXII of the General Agreement on Tariffs and Trade	1 January 1980	Instrument of acceptance deposited (with statement) by Australia 28 September 1981. Entered into force for Australia 28 October 1981. Aust. T.S. 1981 No. 28.
12 April 1979, Geneva	Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade	1 January 1980	Instrument of acceptance deposited by Australia 21 September 1982. Entered into force for Australia 21 October 1982. Aust. T.S. 1982 No. 23.
12 April 1979, Geneva	Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade	1 January 1981	Instrument of acceptance deposited for Australia 22 November 1982. Entered into force for Australia 22 December 1982. Aust. T.S. 1982 No. 32.
27 April 1979, Hamburg	International Convention on Maritime Search and Rescue, 1979		Instrument of accession deposited by Australia 7 November 1983. The Convention was not in force on 31 December 1985.

15 June 1979	Amendments to the Plant Protection Agreement for the South East Asia and Pacific Region	Instrument of acceptance deposited by Australia 17 June 1981. The amendments were not in force on 31 December 1985.
25 September 1979, Torremolinos	Amendments to the Statutes and Financing Rules of the World Tourism Organization	Instrument of acceptance deposited by Australia 13 March 1981. The amendments were not in force on 31 December 1985.
28 September 1979, Geneva	Amendments to Articles 6, 7 and 8 of the Convention Establishing the World Intellectual Property Organization (1967)	Acceptance deposited by Australia 13 November 1981. The Amendments were not in force on 31 December 1985.
28 September 1979, Geneva	Amendments to Articles 13 and 14 of the Stockholm Act (1967) of the Paris Convention for the Protection of Industrial Property	Acceptance deposited by Australia 13 November 1981. The Amendments were not in force on 31 December 1985.
28 September 1979, Geneva	Amendments to Articles 53 and 54 to the Patents Co-Operation Treaty	Acceptance deposited by Australia 13 November 1981. The Amendments were not in force on 31 December 1985.
28 September 1979, Geneva	Amendments to Article 7 of the Strasbourg Agreement Concerning the International Patents Classification	Acceptance deposited by Australia 13 November 1981. The Amendments were not in force on 31 December 1985.
28 September 1979, Geneva	Amendments to Article 5 of the Stockholm Act (1967) and the Geneva Act (1977) of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks	Acceptance deposited by Australia 13 November 1981. The Amendments were not in force on 31 December 1985.
28 September 1979, Geneva	Amendments to Articles 22 and 23 of the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works	Acceptance deposited by Australia 13 November 1981. The Amendments were not in force on 31 December 1985.

Date and place of signature	Description	Entry into Force	Notes and references to printed text
6 October 1979, Geneva	International Natural Rubber Agreement, 1979	23 October 1980 (provisionally)	Signed for Australia 30 June 1980. Instrument of ratification deposited by Australia 24 February 1982. Aust. T.S. 1980 No. 26.
26 October 1979, Rio de Janeiro	General Regulations of the Universal Postal Union and Final Protocol, Universal Postal Convention and Final Protocol, and Detailed Regulations of the Universal Postal Convention and Postal Parcels Agreement and Final Protocol, and Detailed Regulations of the Postal Parcels Agreement	1 July 1981	Instrument of approval deposited by Australia 2 November 1981. Aust. T.S. 1981 No. 27. Not printed are the Final Protocol to the General Regulations of the Universal Postal Union, Final Protocol to the Universal Postal Convention and Final Protocol to the Postal Parcels Agreement.
1 November 1979, Geneva	Protocol to the Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade	1 January 1981	Instrument of acceptance deposited for Australia 22 November. Entered into force for Australia 22 December 1982. Aust. T.S. 1982 No. 32.
28 November 1979, Rome	Revised text of the International Plant Protection Convention		Instrument of acceptance deposited by Australia 22 May 1981. The Revised text was not in force on 31 December 1985.
18 December 1979, New York	Convention on the Elimination of all forms of Discrimination against Women	3 September 1981	Signed for Australia 17 July 1980. Instrument of ratification (with reservations and statement) deposited by Australia 28 July 1983. Convention entered into force for Australia 27 August 1983. Aust. T.S. 1983 No. 9.
21 December 1979, Brussels	Protocol amending the International Convention relating to the Limitation of Liability of Owners of Seagoing Ships dated 10 October 1957	6 October 1984	Signed for Australia and instrument of ratification deposited by Australia on 30 November 1983. Aust. T.S. 1984 No. 24.

20 May 1980, Canberra	Convention on the Conservation of Antarctic Marine Living Resources	7 April 1982	Signed for Australia 11 September 1980. Instrument of ratification deposited by Australia 6 May 1981. Aust. T.S. 1982 No. 9.
27 June 1980, Geneva	Agreement establishing the Common Fund for Commodities		Signed for Australia 20 May 1981. Instrument of ratification deposited by Australia 9 October 1981. The Agreement was not in force on 31 December 1985.
14 July 1980, Tarawa	South Pacific Regional Trade and Economic Co-operation Agreement	1 January 1981	Signed for Australia 14 July 1980. Instrument of ratification deposited by Australia 31 May 1982. Entered into force for Australia 30 June 1982. Aust. T.S. 1982 No. 31.
10 October 1980, Geneva	Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons which may be deemed to be Excessively injurious or to have Indiscriminate Effects, with annexed Protocols	2 December 1983	Signed for Australia 8 April 1982. Instrument of ratification deposited by Australia 29 September 1983. Including acceptance of protocols I, II and III. Entry into force for Australia 29 March 1984. Aust. T.S. 1984 No. 6.
24 March 1981, Washington	1981 Protocols for the Sixth Extension of the Wheat Trade Convention, 1971 and the First Extension of the Food Aid Convention, 1980 constituting the International Wheat Agreement, 1971	1 July 1981	Signed for Australia 12 May 1981. Instrument of ratification deposited by Australia 4 June 1981. Aust. T.S. 1981 No. 24.
27 March 1981, Jogjakarta	Final Act of the Asia-Pacific Postal Union	1 July 1982	Signed for Australia 27 March 1981. Instrument of ratification deposited by Australia 15 August 1983. Aust. T.S. 1983 No. 12.
26 June 1981, Geneva	Sixth International Tin Agreement, 1981	1 July 1982 (provisionally)	Signed for Australia 4 February 1982. Notification of provisional application deposited by Australia 4 February 1982. Aust. T.S. 1982 No. 27

Date and place of signature	Description	Entry into Force	Notes and references to printed text
21 September 1981, Brussels	Agreement between the Government of Australia and the European Atomic Energy Community concerning transfers of Nuclear Material from Australia to the European Atomic Energy Community	15 January 1982	The Agreement entered into force when Notes were exchanged pursuant to Article XX on 15 January 1982. Aust. T.S. 1982 No. 26
25 September 1981, London	Extension of International Coffee Agreement, 1976	1 October 1982	Instrument of accession deposited by Australia 3 January 1983. (Not printed.)
13 November 1981, Bangkok	Amendment to Article 11, para 2(a) of the Constitution of the Asia-Pacific Telecommunity, 1976		Instrument of acceptance deposited by Australia 16 August 1983. The Amendment was not in force on 31 December 1985. See also Constitution of 27 March 1976.
12 March 1982, Suva	Agreement between the Governments of Australia, New Zealand and the United States of America in co-operation with the Committee for the co-ordination of Joint Prospecting for Mineral Resources in South Pacific Offshore Areas relating to the conduct of a joint programme of Marine Geoscientific Research and Mineral Resource Studies of the South Pacific Region	12 March 1982	Aust. T.S. 1982 No. 5.
1 April 1982, Vienna	Second Agreement to Extend the Regional Co-operative Agreement for Research, Development and Training related to Nucler Science and Technology of 1972		Instrument of acceptance deposited by Australia 16 July 1982. Entered into force for Australia 16 July 1982. Aust. T.S. 1982 No. 17.

1 September 1982, Bangkok	Charter of the Asian and Pacific Development Centre	1 July 1983	Signed for Australia without reservation as to ratification 11 October 1983. Entered into force for Australia 10 November 1983. Aust. T.S. 1983 No. 20.
16 September 1982, London	International Coffee Agreement, 1983	1 October 1983	Instrument of accession deposited by Australia 30 September 1983. Aust. T.S. 1983 No. 17.
5 November 1982, Nairobi	Final Acts of the Plenipotentiary Conference of the International Telecommunication Union	1 January 1984	Signed for Australia subject to ratification 5 November 1982. Instrument of ratification deposited by Australia 12 January 1984. Aust. T.S. 1984 No. 35.
19 November 1982, Nicosia	Agreement terminating the Commonwealth Telecommunications Organization Financial Agreement, 1973	1 April 1983	Signed for Australia 1 September 1983. Entered into force for Australia on 1 April 1983 in accordance with Article 4. Aust. T.S. 1983 No. 15.
19 November 1982, Nicosia	Commonwealth Telecommunications Organization Financial Agreement, 1983	1 April 1983	Signed for Australia 1 September 1983. Entered into force for Australia 1 April 1983 in accordance with Article 17(1). Aust. T.S. 1983 No. 15.
1 December 1982, London	1983 Protocols for the further Extension of the Wheat Trade Convention, 1971 and the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971	1 July 1983	Instrument of accession to the further extension of the Wheat Trade Convention, 1971 and declaration of the provisional application of the further Extension of the Food Air Convention, 1980 deposited by Australia 30 June 1983. Entered into force for Australia 1 July 1983. Aust. T.S. 1983 No. 6
3 December 1982, Paris	Protocol to Amend the Convention on Wetlands of International Importance especially as Waterfowl Habitat		Instrument of accession deposited by Australia 12 August 1983. The Protocol was not in force on 31 December 1983.
10 December 1982, Montego Bay	United National Convention on the Law of the Sea		Signed for Australia 10 December 1982. The Convention was not in force on 31 December 1985.
18 March 1983, Geneva	Final Act of the World Administrative Radio Conference for Mobile Services, 1983		Signed for Australia 18 March 1983. Instrument of approval deposited by Australia 25 March 1985. The Final Act was not in force on 31 December 1985.

Date and place of signature	Description	Entry into Force	Notes and references to printed text
29 March 1983, London	Agreement Establishing the Association of Tin Producing Countries	16 August 1983	Signed, subject to reservation, for Australia 22 November 1983. Entered into force for Australia 21 January 1984. Aust. T.S. 1984 No. 10.
28 July 1972, Vienna	Agreement between the Government of Australia and the Government of Japan, and the International Atomic Energy Agency, for the Application of Agency Safeguards in respect of the Agreement between those Governments for co-operation in the peaceful uses of atomic energy		Aust. T.S. 1972 No. 10; U.N.T.S. 874 p. 65. Terminated in accordance with Section 35, 20 August 1982.
21 September 1981, Brussels	Agreement between the Government of Australia and the European Atomic Energy Community concerning transfers of Nuclear Materials from Australia to the European Atomic Energy Community	15 January 1982	The Agreement entered into force on an exchange of Notes. Aust. T.S. 1982 No. 26
16-17 March 1982, Alexandria, Virginia-Canberra	Exchange of Letters constituting an Agreement concerning Australian participation in the Multinational Force and Observers	17 March 1982	Aust. T.S. 1982 No. 20
14 January 1983, Paris	Agreement between the Governments of Australia and the Organization for Economic Co-operation and Development on privileges and immunities for the Organization in Australia	14 February 1983	The Agreement entered into force when Notes were exchanged pursuant to Article 10 on 14 February 1983. Aust. T.S. 1983 No. 5.

15 August 1983, Canberra	Interim Agreement between the Government of Australia and the Commission for the Conservation of Antarctic Marine Living Resources concerning certain Privileges and immunities of the Commission	15 August 1983	Aust. T.S. 1983 No. 10.
26 April/1 December 1983, Rome-Canberra	Exchange of Letters constituting an Agreement to amend the Agreement concerning Australian participation in the Multinational Force and Observers	1 December 1983	Aust. T.S. 1983 No. 27

APPENDIX II

Australian legislation during the years 1981 and 1983 concerning matters of international law

Antarctic Marine Living Resources Conservation Act 1981 (No. 30 of 1981)

An Act to give effect to the Convention on the Conservation of Antarctic Marine Living Resources, done in Canberra on 1 August 1980.

Asian Development Bank (Additional Subscription) Act 1983 (No. 90 of 1983)

An Act relating to the subscription by Australia for additional shares in the capital stock of the Asian Development Bank.

Asian Development Fund Act 1982 (Act No. 151 of 1982)

An Act to authorize a further contribution by Australia to the Asian Development Bank for the purposes of the Asian Development Fund.

Australian Centre for International Agricultural Research Act 1983 (Act No. 9 of 1982)

An Act to encourage research for the purpose of identifying, or finding solutions to, agricultural problems of developing countries.

Christmas Island Agreement Act 1981 (No. 107 of 1981)

An Act to give effect to an amendment to the Christmas Island Agreement 1958 between Australia and New Zealand.

Christmas Island Agreement Amendment Act 1983 (No. 30 of 1983)

An Act relating to the termination of the Christmas Island Agreement.

Civil Aviation (Carriers' Liability) Amendment Act 1982 (Act No. 71 of 1982)

An Act to amend the Civil Aviation (Carriers' Liability) Act 1959

Crimes (Currency) Act 1981 (No. 122 of 1981)

An Act to facilitate the giving effect to within Australia of the International Convention and Protocol for the Suppression of Counterfeiting Currency done in Geneva on 20 April 1929.

Environment Protection (Sea Dumping) Act 1981 (No. 101 of 1981)

An Act to give effect within Australia to the Convention on the Preservation of Marine Pollution by Dumping of Wastes and other Matter, done at London, Mexico City, Moscow and Washington on 29 December 1982, and amendments.

Fisheries Regulations (S.R. 1981, No. 388)

Regulations made under the Fisheries Act 1952 to give effect to a Subsidiary Agreement between Australia and Japan concerning Japanese Tuna Long-Line Fishing, done in Canberra on 29 October 1981.

Human Rights Commission Act 1981 (No. 24 of 1981)

An Act to ensure conformity of Commonwealth Laws and and administrative practices with the provisions of the International Covenant on Civil and Political Rights, the Declaration of the Rights of Mentally Retarded Persons, the Declaration on the Rights of Disabled Persons, and other international instruments relating to human rights and freedoms.

Income Tax (International Agreements) Acts 1981 (Nos 28 and 143 of 1981)

Acts to give effect to agreements for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, and amendments to the agreements, between Australia and Canada, Singapore, the Philippines, Malaysia, Sweden and Denmark.

Income Tax (International Agreements) Amendment act 1983 (No. 57 of 1983)

An Act to amend the Income Tax (International Agreements) Act 1953 relating to agreements with the United States of America, Singapore, Italy, Malaysia, India, Ireland, Korea, and Norway.

International Development Association (Special Contribution) Act 1983 (No. 88 of 1983)

An Act relating to the making by Australia of a special contribution to the International Development Association.

International Financial Institutions (Share Increase) Act 1982 (Act No. 7 of 1982)

An Act relating to the purchase of additional shares of the capital stock of the International Bank for Reconstruction and Development and of the International Finance Corporation.

International Fund for Agricultural Development Act 1982 (Act No. 50 of 1982)

An Act to authorize a further contribution by Australia to the International Fund for Agricultural Development.

International Monetary Fund (Quota Increase) Act 1983 (No. 89 of 1983)

An Act relating to the increase in Australia's quota in the International Monetary Fund.

International Organizations (Privileges and Immunities) Amendment Act 1982 (Act No. 4 of 1982)

An Act to amend the International Organizations (Privileges and Immunities) Act 1963 to enable overseas organizations to be declared to be organizations to which the Act applies.

International Organizations (Privileges and Immunities) Act 1963 — Regulations

Regulations to confer upon international organizations certain privileges and immunities under the Act

- Antarctic Marine Living Resources Preparatory Meeting (Privileges and Immunities) Regulations (S.R. 1981, No. 261).
- Asian and Pacific Development Centre (Privileges and Immunities) Regulations (S.R. 1983 No. 132).
- Asia-Pacific Telecommunity (Privileges and Immunities) Regulations (S.R. 1981, No. 6).
- Asian Development Bank (Privileges and Immunities) Regulations (Amendment) (S.R. 1983 No. 133).
- Association of Iron Ore Exporting Countries (Privileges and Immunities) Regulations (S.R. 1982, No. 150).
- Commission for the Conservation of Antarctic Marine Living Resources (First Meeting) Privileges and Immunities Regulations (S.R. 1982, No. 111).
- Commission for the Conservation of Antarctic Marine Living Resources (Privileges and Immunities) Regulations (S.R. 1983 No. 22).
- Commission for the Conservation of Antarctic Marine Living Resources (Privileges and Immunities) Regulations (Amendment) (S.R. 1983 No. 145).
- Commonwealth Secretariat (Privileges and Immunities) Regulations (S.R. 1982, No. 136).
- International Lead and Zinc Study Group (Privileges and Immunities) Regulations (S.T. 982, No. 151).
- International Maritime Satellite Organization (Privileges and Immunities) Regulations (S.R. 1982, No. 210).
- International Organizations (Declaration) Regulations (S.R. 1981, No. 325).
- International Organizations (Declaration) Regulations (S.R. 1982, No. 154).
- International Sugar Organization (Privileges and Immunities) Regulations (S.R. 1982, No. 153).
- International Tin Council (Privileges and Immunities) Regulations (S.R. 1982, No. 144).
- International Wheat Council (Privileges and Immunities) Regulations (S.R. 1982, No. 152).
- Organization for Economic Co-operation and Development (Privileges and Immunities) Regulations (S.R. 1983 No. 7).
- Preparatory Meeting to the Twelfth Antarctic Treaty Consultative Meeting (Privileges and Immunities) Regulations (S.R. 1983 No. 32).
- Twelfth Antarctic Treaty Consultative Meeting (Privileges and Immunities) Regulations (S.R. 1983 No. 151.

Minerals (Submerged Lands) Act 1981 (No. 81 of 1981)

An Act relating to the recovery of minerals, other than petroleum, from the continental shelf of Australia and of certain territories of the Commonwealth.

Navigation (Protection of the Sea) Amendment 1983 (No. 40 of 1983)

An Act of to give effect within Australia to the Prevention of Pollution from Ships Convention.

Off-shore Installations (Miscellaneous Amendments) Act 1982 (Act No. 51 of 1982)

An Act to apply the provisions to the Customs Act 1901, the Excise Act 1901, the Immigration (Unauthorized Arrivals) Act 1980, the Migration Act 1958, the Quarantine Act 1948, and certain other Acts to off-shore installations.

Protection of the Sea (Civil Liability) Act 1981 (No. 31 of 1981)

An Act to give effect within Australia to the International Convention on Civil Liability for Oil Pollution Damage, 1964, and the 1976 Protocol thereto.

Protection of the Sea (Discharge of Oil from Ships) Act 1981 (No. 32 of 1981)

An Act to give effect within Australia to the International Convention for the Prevention of Pollution of the Sea by Oil, 1964, as amended.

Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (No. 41 of 1983)

An Act to give effect within Australia to the International Convention for the Prevention of Pollution from Ships, 1973, and Protocol of 1978.

Protection of the Sea (Powers of Intervention) Act 1981 (No. 33 of 1981)

An Act to give effect within Australia to the International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties, 1969, and the Protocol relating to Intervention on the High Seas in cases of Pollution by Substances other than Oil, 1973.

Shipping Registration Act 1981 (Act No. 8 of 1981)

An Act providing for the registration of ships in Australia, and for related matters.