

AUSTRALIAN ACTION ON CHEMICAL WEAPONS

The Minister for Foreign Affairs, Mr Bill Hayden, MP, announced today that Australia had withdrawn its reservation to the 1925 Geneva Protocol banning chemical weapons.

Mr Hayden said that the Government's attention to CW issues intensified in 1984 when evidence of use of such weapons surfaced in the Iran/Iraq war. This use was confirmed by a UN investigation team, which included an Australian expert.

Following this deplorable development and given the Government's commitment to a comprehensive Convention banning chemical weapons, the Government initiated the processes to withdraw Australia's reservation to the 1925 Protocol.

The reservation was made in 1930 when Australia acceded to the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare.

Mr Hayden observed that Australia's reservation had left open the possibility of Australia using chemical weapons against countries which were not parties to the Protocol and of retaliating with chemical weapons in the event that such weapons were used against Australia.

Mr Hayden said that the Government rejected the assumption that Australia would be prepared, under certain circumstances, to use chemical weapons. On 16 March this year, in condemning Iraq's use of chemical weapons in the Gulf War, he had made clear that the Australian Government did not consider the use of chemical weapons justified under any circumstances.

Mr Hayden said that Australia's withdrawal of its reservation was consistent with the Government's view and with general international opinion that chemical warfare was an abhorrent activity. It also reflected the Australian Government's strong commitment to the early conclusion of a comprehensive convention which would ban the development, production, stockpiling and use of chemical weapons, outlawing them altogether, not simply their use. The negotiation of such a convention was a high priority for the Australian delegation to the Conference on Disarmament in Geneva.

My Hayden said that the 1925 Protocol, although very valuable, was a less than perfect instrument. In view of the many reservations to it, it could not be stated categorically that it prohibited all use of chemical weapons. By withdrawing its own reservation and by its active pursuit of the Convention, Australia aimed to strengthen the international norms against chemical warfare.

A copy of the 1925 Protocol and Australia's reservation to it are attached.

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**Protocol for the Prohibition of the Use in War of Asphyxiating,
Poisonous or other Gases, and of Bacteriological Methods of
Warfare**

Geneva, June 17, 1925.

PROTOCOL

The undersigned Plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

DECLARE:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of the declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear today's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratifications to each of the signatory and acceding Powers.

The instruments of ratification of the accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications

AUSTRALIA ACCEDED TO THE PROTOCOL ON 22 JANUARY 1930 -

Subject to the reservations that His Majesty is bound by the said Protocol only towards those Powers and States which have both signed and ratified the Protocol or have acceded thereto, and that His Majesty shall cease to be bound by the Protocol towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies do not respect the Protocol.