

XV - USE OF FORCE AND WAR

Treaties of alliance - ANZUS Treaty between Australia, New Zealand and the United States - ship visits - effect of possible withdrawal by New Zealand

On 2 May 1989 the Prime Minister, Mr Hawke, said in part in answer to a question without notice about a recent speech given at Yale University by the New Zealand Prime Minister, Mr Lange, in which he had called the ANZUS Treaty a "dead letter", as follows (HR Deb 1989, Vol 166, p 1687):

In the course of wider consultations, I understand that we were informed in advance by New Zealand that Mr Lange would be making a speech at Yale. The discussions were informal and not based on any proposed text. The possibility that Mr Lange might refer to the withdrawal from the ANZUS Council was referred to as an option rather than a firm proposal. We stressed Australia's continued support for the ANZUS Treaty; our hope for the resumption of its trilateral character and for its maintenance as the basis of the bilateral defence relationship with New Zealand; and our concern that no action be taken to complicate this. ...

... this Government sees ship visits as a natural part of our alliance relationship with the United States - an alliance which not only directly enhances Australia's security, including our conventional security, but also forms part of a Western alliance framework underpinning global security. ...

I state the view quite clearly: it is our hope that New Zealand will not withdraw from the Council. That would be a further symbolic step by New Zealand away from ANZUS, complicating our bilateral defence cooperation with New Zealand, which is currently based upon ANZUS, and making harder a restoration of trilateral cooperation should New Zealand ever change its policy on ship visits. We believe, as indeed does the United States, that there is a major benefit in defence cooperation between Australia and New Zealand. It is our wish and our intention that that should continue.

Importantly, I emphasise that as a matter of international law - it is important that this be noted - withdrawal by New Zealand from the Council would not affect the treaty arrangements between Australia and the United States. Moreover, as a matter of our foreign and defence policies, we remain totally committed to that alliance relationship.

Military threats against Australia - assessment of implications of Fiji coup - possible humanitarian intervention

On 1 March 1989 the Minister for Defence, Mr Beazley, said in the course of a ministerial statement on Defence Intelligence (HR Deb 1989, Vol 165, p 220):

I want to say something here about the claim that the Fiji coup represented some kind of intelligence failure. Of course, we did not know that there was going to be a coup, and very few others did either. Indeed, according to General Rabuka's account, he did not finally make up his mind until just beforehand. Thus, the precise prediction of such a decision is not likely to be possible and we cannot expect intelligence to do so. What good intelligence assessment does is to help to understand the circumstances that give rise to such events and

to guide our policy responses. I make the further point that, while deeply tragic, what happened in Fiji did not represent any fundamental undermining of our national security. There was no consequent military threat to Australia, or any risk of threat. The only defence response required was to position our forces so that they could assist in the evacuation of our citizens should this be necessary. I add that, contrary to some reports, the ADF carried out this task efficiently and with great professionalism.

War - Iran-Iraq war - United Nations Security Council Resolution 598 - ceasefire - settlement

On 19 July 1988 the Acting Minister for Foreign Affairs and Trade, Mr Duffy, issued a news release which read in part:

The Acting Minister for Foreign Affairs and Trade, Mr Michael Duffy, today welcomed Iran's moves towards acceptance of a United Nations formula for a settlement of the Gulf War.

The Iranian President, Mr Ali Khamenei, has sent a message to the Secretary General of the United Nations conveying Iran's acceptance of United Nations Security Council Resolution 598. This Resolution includes provision for a ceasefire and withdrawal of all forces to internationally recognised boundaries without delay.

Mr Duffy said that this was an important move which provided a constructive basis for an end of hostilities. He hoped that both sides would take the opportunity now offered to bring peace and reconstruction to the region after eight years of tragic conflict and more than a million casualties.

Mr Duffy noted the prolonged efforts in the past by the UN Secretary General to bring Iran and Iraq together to negotiate a lasting settlement.

"Australia has supported the Secretary General in this task and had made independent representations to both Iran and Iraq seeking to contain the level of violence in the war," Mr Duffy said.

"Australia has urged both Iran and Iraq to accept Resolution 598 as the proper and most workable way towards ending the conflict".

On 9 August 1988 Mr Duffy issued a further news release which read in part:

The Acting Minister for Foreign Affairs and Trade, Mr Michael Duffy, today welcomed the announcement by the UN Secretary General that a ceasefire between Iran and Iraq will commence on 20 August.

Mr Duffy paid tribute to the Secretary General's efforts to establish arrangements to end the war. Both parties were now prepared to enter into direct talks following the ceasefire.

Mr Duffy said: "Australia has played an active role in seeking to establish peace between Iran and Iraq and is greatly heartened by the announcement of a ceasefire. Australia is willing to participate in a UN ceasefire observer group which will enhance trust and confidence between the two countries. Two Australian officers are part of an advance team of observers being sent to Tehran and Baghdad in the near future."

Use of force – invasion of Afghanistan – withdrawal of Soviet troops

On 17 February 1988 the Prime Minister, Mr Hawke, said in part in answer to a question without notice about a recent statement by the Soviet leader, Mr Gorbachev, on the withdrawal of forces from Afghanistan (HR Deb 1988, Vol 159, p 113):

The Government welcomes Mr Gorbachev's statement. As is well known, the Soviet occupation of Afghanistan has been a great source of concern to the Government since we came to office in 1983. I think it is a concern which is shared across this place. Our concern has been consistently raised with Soviet representatives at all appropriate opportunities. Afghanistan was, indeed, a major issue of discussion with Soviet leaders during the visit Mr Hayden and I made to the Union of Soviet Socialist Republics last December. I then strongly expressed the view that Soviet forces should be withdrawn at the earliest opportunity so that there could be the emergence of an independent, sovereign and non-aligned Government in that country.

On 18 April 1988 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in answer to a question without notice (Sen Deb 1988, Vol 126, pp 1623–4):

I think it is appropriate for me formally to put on the record the extent to which the Australian Government does, very obviously, welcome the signing of the Geneva Accords on 14 April. The Geneva Accords will provide a framework for the withdrawal of all Soviet troops, which the Government has long recognised as the key element of any settlement in Afghanistan. It is now up to the Soviet Union to honour its commitment to withdraw its forces from Afghanistan and to put an end to its eight-year long occupation of this sovereign country.

On 16 February 1989 the Acting Minister for Foreign Affairs and Trade, Mr Duffy, issued a news release which read in part:

The Acting Minister for Foreign Affairs and Trade, Michael Duffy, today welcomed the withdrawal of the remaining Soviet forces from Afghanistan.

Mr Duffy said that the withdrawal of Soviet troops after almost a decade-long occupation of Afghanistan marked the fulfilment of the main Soviet commitment under the terms of the Geneva Accords. Soviet withdrawal had been the crucial prerequisite for any long-term settlement in Afghanistan.

"The withdrawal of Soviet forces does not in itself present a solution for Afghanistan", Mr Duffy said. "The post-withdrawal problems facing Afghanistan remain as daunting now as they did when the Geneva Accords were signed ten months ago – to put an end to the violence in the country, to establish a viable Government representing all elements of Afghan society and to begin the long process of national, economic and social reconstruction."

Mr Duffy also welcomed the cessation of the appalling aerial bombing by the Soviet air force which had cost many lives in the past few weeks. He hoped that, in line with the Geneva Accords, there would be no further attempt to

interfere in the internal affairs of Afghanistan now that the Soviet troops had left.

International humanitarian law - 1949 Geneva Conventions and 1977 Protocols

On 9 May 1989 the Prime Minister, Mr Hawke, provided the following written answer in part to a question on notice (HR Deb 1989, Vol 166, pp 2300-1):

The Government's decision to ratify the 1977 Protocols Additional to 1949 Geneva Conventions was announced jointly by the Attorney-General and the then Acting Minister for Foreign Affairs, the Honourable Gareth Evans, on 11 March 1986.

I wrote to the Premiers of all States and the Chief Minister of the Northern Territory on 3 March 1986 advising them of the Government's decision to ratify the Protocols and seeking comments on the matter.

Replies were received from Queensland and Western Australia on 7 April 1986, the Northern Territory on 10 April 1986, Tasmania and South Australia on 23 April 1986, and from Victoria on 31 July 1986. I responded to each of these replies on 7 October 1986.

Note: for details of the instruction on international humanitarian law given the Australian Defence Forces, see the written answer of 16 March 1988 of the Minister for Defence, Mr Beazley, to a question on notice: HR Deb 1988, Vol 159, pp 979-80.

International humanitarian law - Fourth Geneva Convention - application to the occupied territories of the Middle East - non-observance by Israel - deportation of Palestinians - protests by Australia

On 14 January 1988 the Minister for Foreign Affairs and Trade, Mr Hayden, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Mr Bill Hayden, has condemned the deportation of four Palestinians from the Occupied Territories following recent disturbances.

Recalling comments he had made in a statement on 5 January, Mr Hayden said that the action was in violation of Article 49 of the Fourth Geneva Convention which prohibited the deportation of civilians from territories under military occupation.

On 16 February 1988 the Acting Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in answer to a question without notice (Sen Deb 1988, Vol 125, pp 49-50):

Mr Hayden has stressed, during his current visit to the Middle East, that Israel has a responsibility under the Fourth Geneva Convention to ensure protection of the indigenous inhabitants of the Occupied Territories and that Israel's methods of dealing with Palestinian demonstrators in the West Bank and Gaza have damaged prospects of reaching an Arab-Israeli peace settlement.

On 17 March 1988 the Minister for Foreign Affairs and Trade, Mr Hayden, said in part in answer to a further question without notice about Palestinians in the occupied territories (HR Deb 1988, Vol 159, pp 1034–5):

This is a matter that the Government is concerned about and has taken the opportunity of raising with Israeli authorities on a number of occasions. About three weeks ago when I was in Israel I raised the matter in a speech at an official dinner hosted by the Foreign Affairs Minister for Israel, Mr Shamon Peres. More importantly, I handed over a letter to Prime Minister Shamir during that visit from the Prime Minister of Australia. In that letter the Prime Minister noted that the deportation of Palestinians to Lebanon was inconsistent with Israel's responsibilities under the Geneva Convention and an infringement of Lebanon's sovereignty.

On 12 April 1988 the Acting Minister for Foreign Affairs and Trade, Mr Duffy, issued a news release which read in part:

The Acting Minister for Foreign Affairs and Trade, Mr Michael Duffy, has condemned Israel's deportation of a further eight Palestinians from the Occupied Territories.

The decision was in violation of Article 49 of the Fourth Geneva Convention which prohibited the deportation of civilians from territories under military occupation. Mr Duffy said the latest deportations were made in spite of a recent United Nations Resolution condemning the practice. Australia, along with an overwhelming majority of members of the international community, had supported that Resolution.

On 19 April 1988 Senator Gareth Evans said, as Minister representing the Minister for Foreign Affairs and Trade, in part in answer to a question without notice (Sen Deb 1988, Vol 126, p 1690):

The Government has expressed its concerns on a number of occasions at the continuing abuse of Palestinian human rights by Israel. ...

In addition, Australia has made firm and critical statements at the Commission on Human Rights in Geneva and at the United Nations regarding Israel's response to unrest in the Occupied Territories. We emphasise our deep concern over Israel's deportation of Palestinians and the need for Israel to recognise the Palestinians' right to self-determination. We condemn certain Israeli practices, including the use of live ammunition against unarmed demonstrators.

On 21 April 1988 the Minister for Foreign Affairs and Trade, Mr Hayden, said in answer to a question without notice (HR Deb 1988, Vol 160, p 1967):

The Government condemns the recent decision of the Israeli Government to deport eight Palestinians from the Occupied Territories to Lebanon. The decision follows the deportation of eight other Palestinians earlier in the month. The action is in violation of article 49 of the Fourth Geneva Convention which prohibits the deportation of civilians from territories under military occupation. It is in defiance of United Nations Security Council resolutions 607 and 608 of January 1988. These resolutions called on Israel to refrain from deporting any Palestinians from the Occupied Territories. Israel's action is also a violation

of Lebanese sovereignty. The Government believes that the decision will make more difficult an already tense situation in the Occupied Territories and we feel it will inevitably lead to more violence.

On 28 November 1988 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in answer to a question without notice (Sen Deb 1988, Vol 130, pp 2970-1):

It is the case that on 3 November Australia voted in favour of a new resolution at the United Nations concerning the human rights of the population of the Israeli Occupied Territories. Australia's vote and the explanation of it, to which Senator Panizza referred, reflect a deep concern at the continued unrest in the Territories and the increasing levels of violence which have led to loss of life, injury, destruction of property and arbitrary measures on the part of the occupying power. We were joined in voting in favour by 11 members of the European Community and other western European States. We have condemned strongly certain practices used by Israel, including the use of live ammunition and, more recently, plastic bullets against Palestinian demonstrators. ...

The Government believes that, to ensure the safety and protection of the civilian population of the Occupied Territories, Israel must accept the de jure applicability of the Fourth Geneva Convention to the Territories. We support fully the call on Israel to abide by the requirements of the Convention, that is to say, to desist forthwith from policies and practices which are in violation of the provisions of the Convention and to refrain from measures which clearly are causing growing frustration and antagonism in the Territories.

Weapons – chemical weapons – use by Iraq in Iran–Iraq war – condemnation by Australia

On 25 March 1988 Senator Gareth Evans said, as Minister representing the Minister for Foreign Affairs and Trade, in part in answer to a question without notice (Sen Deb 1988, Vol 126, p 1389):

The Government condemns absolutely and in the strongest possible terms the use of chemical weapons against civilians in the town of Halabja. It is horrifying that thousands of people may have died in these attacks. The use of chemical weapons in the Gulf war was confirmed by three United Nations investigations, in 1984, 1985 and 1987, in which an Australian scientist participated. The latest reports strongly suggest that this has been the worst single incident of chemical warfare since World War I. The extent of the casualties, and the fact that they are unprotected civilians, make the accounts particularly shocking.

Australia has repeatedly condemned the use of chemical weapons and stated unequivocally that their use cannot be justified in any circumstances. We share the international community's concern that violations of the 1925 Geneva Protocol constitute a very serious erosion of international norms. The latest reports strengthen Australia's resolve to continue its efforts to achieve a comprehensive international Convention banning the development, produc-

tion, acquisition, stockpiling, transfer and use of chemical weapons. Australia has been playing a very positive and active role in the efforts to achieve a chemical weapons convention in the Conference on Disarmament in Geneva.

On 9 September 1988 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, said today that he was disturbed by persistent reports, including from refugees, that chemical weapons were being used against Kurdish tribes in Northern Iraq. Although conclusive evidence was hard to acquire because of the remoteness of the region and the nature of chemical weapons, the reports appeared to be credible and could not be ignored.

Senator Evans repeated the unequivocal condemnation of the Australian Government and people at the use, under any circumstances, of these horrifying weapons, particularly against civilian populations.

He called on the 40-member Conference on Disarmament in Geneva to redouble its efforts to conclude, as speedily as possible, a comprehensive and universal Convention banning chemical weapons for all time and in all places.

On 27 September 1988 Senator Evans said further on the subject in answer to a question without notice (Sen Deb 1988, Vol 128, p 760):

The Government believes on the evidence available to us that Iraq's August military offensive against Iraqi Kurds involved extensive use of chemical weapons. We condemn this and other violent abuses being perpetrated against the Kurds in Iraq. ...

The Australian Government is committed to the eradication of chemical weapons from the world's arsenals and we have been pursuing that objective by pressing for immediate global compliance to the June 1925 Geneva Protocol banning chemical weapons use and encouraging coordinated international export controls over precursors to chemical weapons manufacture.

Weapons – chemical weapons – tear gas distinguished from chemical weapons

On 5 October 1989 Senator Cook said, as Minister representing the Minister for Community Services and Health, in part in answer to a question without notice (Sen Deb 1989, Vol 136, pp 1759–60):

I can confirm the first part of the question. In 1969 in the United Nations General Assembly a Resolution on chemical and biological weapons was introduced, calling for accessions to the protocol. It called for "a clear affirmation" that it covered the use in war of all chemical and biological weapons including tear gas and other harassing agents. The Resolution was adopted by a vote of 80 to three. Australia, the United States and Portugal were the three that voted against it and there were 36 abstentions. It is now generally accepted internationally, however, that riot control agents are not chemical weapons. The Australian Government's view is that the widespread availability and use of these agents and their relative lack of toxicity and persistence

make it impossible to include these agents within the scope of a Convention which is to attract widespread adherence and is to be effectively verifiable.

Weapons – nuclear weapons – Protocol I (1977) to the 1949 Geneva Conventions – whether use of nuclear weapons consistent with those laws

On 21 December 1988 the Attorney-General, Mr Lionel Bowen, provided the following written answers to the respective questions on notice (Sen Deb 1988, Vol 131, p 4859):

(questions)

- (1) Does the Federal Government share the view of the governments of the United States, the United Kingdom, France and the Soviet Union that Protocol 1 Additional to the 1949 Geneva Conventions does not apply to nuclear weapons and nuclear warfare.
- (2) Does the Government intend to make a declaratory statement to that effect when ratifying the Protocols.
- (3) Is the Government aware of academic legal comment by authorities such as the Murray Distinguished Professor of the College of Law, University of Iowa, Burns H Weston, the Monash University Professor of International Law, Christopher G Weeramantry, and the Albert G Milbank Professor of International Law and Practice at Princeton University, Richard Falk, that, despite the declarations made by the countries referred to in (1), nuclear weapons are covered by international humanitarian law (and by implication the Geneva Protocols of 1977), since threats to use (deterrence) and actual use of nuclear weapons cannot discriminate between civilian and military targets nor between belligerents and neutrals; they violate the laws of humanity; they contradict the principle of proportionality; they nullify a return to peace and they destroy the ecosystem and because various resolutions of the United Nations General Assembly repeatedly state that any use of nuclear weapons would be a violation of the United Nations Charter and a crime against humanity.
- (4) Is the exclusion of nuclear weapons from the jurisdiction of the Protocols likely to reduce the public credibility of those humanitarian laws of war, given that the use of nuclear weapons in war flagrantly breaches those laws.

(answers)

- (1) The Federal Government, in common with the governments of the United States, the United Kingdom, France and the Soviet Union, takes the view that Protocol 1 Additional to the 1949 Geneva Conventions does not apply to nuclear weapons and nuclear warfare. This is consistent with the view adopted by States who participated in the four sessions of the International Diplomatic Conference which gave rise to the Additional Protocol. It is also consistent with the position of the International Committee of the Red Cross, which introduced the draft of the present Protocol to the Diplomatic Conference.

- (2) As Australia does not possess nuclear weapons, it does not propose to make such a declaration.
- (3) Yes. Senator Vallentine is no doubt also aware that many other distinguished international lawyers do not share those views.
- (4) It is the view of this Government that the humanitarian laws of war, as developed by international customs and by treaty, are valuable adjuncts to any civilised society. The use of nuclear weapons is still governed by principles of international law although they fall outside the ambit of the 1949 Geneva Conventions and the 1977 Additional Protocols. Continued adherence to the precepts of the humanitarian laws of war has played a vital role in reducing the suffering of all participants in the many conflicts since World War II. The worth of humanitarian law has been there for all to see. Weapons – nuclear weapons – proliferation of nuclear weapons – Australian opposition

On 5 December 1989 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in answer to a question without notice (Sen Deb 1989, Vol 138, p 3878):

Australia is opposed, as the Senate well knows, to the proliferation of nuclear weapons, and we are strongly committed to the NPT. We have on a number of occasions, through direct contact, through other countries and in meetings this year as the IAEA board of governors, urged the North Koreans – the Democratic People's Republic of Korea – to conclude promptly their safeguards agreement with the IAEA, and we will continue to make every effort to convince the DPRK to do that at the earliest possible date.

We would certainly be very concerned if the Soviet Union and China – or, for that matter, any other State, whether or not a party to the NPT – were to assist North Korea or any other non-nuclear weapons State to develop nuclear weapons. I am not aware, however, of any evidence to suggest that the Soviet Union or China has assisted North Korea in this manner. If there were any suggestion, of course, that they were minded to do so, we would find opportunities to express very directly and vigorously our concern about just that.

Terrorism – Australian action to combat terrorism – bombing of Libya

On 10 May 1988 the Minister for Foreign Affairs and Trade, Mr Hayden, said in part in answer to a question without notice about the terrorist bombing of Korean Airlines flight 858 on 28 January 1988 by North Korean operatives (HR Deb 1988, Vol 161, pp 2381–2):

In so far as the issue of terrorism is concerned, Australia has been active, collaboratively, with other Governments of the world in seeking to work out ways in which they may cooperate at times of terrorist activity to work more effectively against it. Having said all that, terrorism is extremely difficult to handle because the people who are terrorists do not represent accepted standards of civilised conduct and certainly do not accept the restraints that are imposed by international law, which is a problem for Governments of countries

such as this one and the United States of America and for European and many other Governments. ...

The honourable member may recall that, on the occasion of the American reaction against Libya, Australia was one of the few countries in the world to express understanding and support for the concern of the United States.

War crimes – whether Australian servicemen in World War II may have committed war crimes – bombing of Dresden – applicability of Australia's War Crimes Act 1945

On 21 April 1988 the Minister for Justice, Senator Tate, said in part in answer to a question without notice (Sen Deb 1988, Vol 126, pp 1834–5):

In Question Time Senator Chaney asked me a question concerning the War Crimes Amendment Bill and its applicability to Australian ex-servicemen and ex-servicewomen. ...

There is no exclusion clause or any quarantining of Australian ex-servicemen or ex-servicewomen in this regard. It is important to try to think through the types of activities in which Australian ex-servicemen might be alleged to have been involved during the Second World War, which is the war under consideration. It may be useful if one considered the most frequently quoted possible instance, which is the question whether Australian servicemen who took part in the Allied area bombardment of Germany would be liable to prosecution under the Bill. I am advised that the answer is that they would not be. Australians who took part in Allied bombing raids in Germany would not be covered by the Bill, because their actions were not wanton and were justified by military necessity within the terms of article 6 (b) of the Nuremberg Charter.

On 28 April 1988 Senator Tate said further in answer to a question without notice on the subject (Sen Deb 1988, Vol 126, pp 2063–4):

It is also important to emphasise that Australian and Allied ex-servicemen are already subject to prosecution, if it were ever justified in relation to war crimes, and have been since 1945. This has been operating for 43 years. The War Crimes Act 1945 applies to all persons in Allied or Axis forces and covers the types of conduct proposed to be proscribed by customary international law since 1907. The fact is that Allied ex-servicemen have been liable, if indeed they committed a horrendous war crime of the sort we are looking at in relation to the War Crimes Bill, for many decades, and indeed as is already well known in the Parliament, no allegation has ever been made against Australian ex-servicemen or Australian forces relating to war crimes of that kind. So far as I know, the Special Investigations Unit is not investigating the conduct of any member of the Australian forces in relation to a war crime.

In regard to the example I gave, I was advised that the Nuremberg Charter indicated in its terms, particularly in article 6 (b), that there were situations where the defence could be made out that a particular operation was not undertaken wantonly and was justified by military necessity. I have not got the exact words in front of me, but I have read the Nuremberg Charter and article 6 (b). I was advised that the charter, in particular 6 (b), was understood to cover

the situation of the bombings that occurred in the European theatre of war. As to the particular instance of which senator Hamer speaks, I do not have a full brief on the application of that principle to any particular bombing raid, but I have been advised that that defence is available in relation to the bombings which occurred in the Second World War.

... the War Crimes Act does apply to Australian forces and that they have been subject to it since 1945.

On 10 May 1988 Senator Tate said further in answer to a question without notice on the subject (Sen Deb 1988, Vol 127, p 2222):

During Question Time today Senator Hamer revived his questions of previous weeks which implied that Australian bomber crews involved in the fire bombing of Dresden, as he put it, were engaged in activity which might be characterised as a war crime. I said that I had received advice that that was not a correct characterisation of that tragic part of the operations involved in the Second World War.

When he further asked me about any advice I had received to that effect I pointed to my memory of a particular case which my advisers had drawn to my attention. That case, I am now able to say, was *In re Ohlendorf and Others*, known colloquially as the Einstazgruppen trial, before the United States Military Tribunal at Nuremberg, dated 10 April 1948.

Note: Senator Tate then read out a portion of the judgment from that case: see *ibid.*, p 2223.

PAUL GUGGENHEIM PRIZE 1993

The Board of the Paul Guggenheim Foundation has decided to award the next Paul Guggenheim Prize of Swiss francs 12,000. - in 1993.

The Paul Guggenheim Prize is periodically awarded to a monograph of major importance in the field of public international law. The monograph must be of the highest quality and be the work of a person at the beginning of his/her career. Works submitted may be in the form of published books or of manuscripts intended for publication: they may be written in English, French, German, Italian or Spanish. Works which have already received a prize of a similar nature will not be considered.

Applications accompanied by a *curriculum vitae*, a list of publications and five copies of the work submitted *must be received, no later than 31 January 1993*, by: The Paul Guggenheim Foundation, The Graduate Institute of International Studies, 132 rue de Lausanne, 1211 Geneve 21 (Switzerland). Applicants are required to specify whether the work has already been awarded a prize. The Rules pertaining to the Prize may be obtained at the same address.

Treaties signed, ratified or acceded to by Australia

Bilateral Treaties

Date and place of signature	Description	Entry into force	Notes and references to printed Text
22 May 1889 Buenos Aires	<u>ARGENTINA</u> Treaty (between Great Britain and Argentina) for the Mutual Extradition of Fugitive Criminals	9 February 1894	Instruments of ratification exchanged 15 December 1893. Applied to Australia, including Norfolk Island. UKTS 1894 No. 2 (C. 7260); Hertslet 19 p. 94; SP 81 p. 1305. By an exchange of Notes of 10 June and 18 August 1971 (not printed), Australia and Argentina confirmed that the Treaty remained in force between them. Terminated 15 February 1990 by Treaty of 6 October 1988 (below).
8 July 1986 Vienna	<u>AUSTRIA</u> Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	1 September 1988	The Agreement entered into force following an exchange of Notes on 15 June 1988 pursuant to Article 27. Aust T.S. 1988 No. 21.
4 July 1988 Canberra	<u>CANADA</u> Reciprocal Agreement on Social Security	1 September 1989	The Agreement entered into force on the date specified in an exchange of Notes of 14 and 21 August 1989, pursuant to Article 22.1. ATS 1989 No. 22; Act 1988 No.133.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
19 June 1989 Ottawa	Treaty on Mutual Assistance in Criminal Matters	14 March 1990	The Treaty entered into force one month following an exchange of Notes of 31 January and 14 February 1990 pursuant to Article XX.1. ATS 1990 No. 11; Rules 1990 No. 22.
5 July 1988 Canberra	Agreement relating to Air Services	5 July 1988	The Agreement entered into force on signature pursuant to Article XXIII. Aust. T.S. 1988 No. 12.
11 October 1990 Ottawa	Protocol amending the Reciprocal Agreement on Social Security of 4 July 1988		The Protocol will enter into force on the date specified in an exchange of Notes with retrospective effect from the date on which Head Agreement entered into force (1 September 1989) pursuant to Article 6.
20 October 1986 Canberra	<u>CHINA</u> Agreement for the Protection of Migratory Birds and their Environment	1 September 1988	The Agreement entered into force following an exchange of Notes on 26 December 1986 and 1 September 1988 pursuant to Article VI(1). Aust T.S. 1988 No. 22.
11 July 1988 Beijing	Agreement on the Reciprocal Encouragement and Protection of Investments	11 July 1988	The Agreement entered into force on signature pursuant to Article XIV. Aust. T.S. 1988 No. 14.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
17 November 1988 Canberra	Agreement on the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	28 December 1990	The Agreement entered into force when Notes were exchanged 28 February 1989 and 28 December 1990 pursuant to Article 27. Also applies to Norfolk, Christmas and Cocos Islands, Ashmore and Cartier Islands, Heard and McDonald Islands and the Coral Sea Islands. ATS 1990 No. 45; Act 1990 No. 121.
17 November 1988 Canberra	Agreement on Fisheries	1 March 1989	The Agreement will enter into force 1 March 1989 pursuant to Article XV. Aust. T.S. 1988 No. 39.
13 October 1988 Quito	<u>ECUADOR</u> Treaty on Extradition	1 August 1990	The Treaty entered into force 30 days after an exchange on Notes of 6 April and 2 July 1990 pursuant to Article 18.1. Terminated Treaty of 20 September 1880, as supplemented (above). ATS 1990 No. 19; Rules 1990 No. 133.
18 February 1988 Cairo	<u>EGYPT</u> Trade Agreement	2 September 1988	The Agreement entered into force when Notes were exchanged on 2 September 1988 pursuant to Article IX. Aust. T.S. 1988 No. 25.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
18 February 1988 Cairo	Agreement concerning Co-operation in the Peaceful Uses of Nuclear Energy and the Transfer of Nuclear Materials between Australia and the Arab Republic of Egypt, and Agreed Minutes	2 June 1989	The Agreement entered into force on the date specified in an exchange of Notes of 2 June 1989, pursuant to Article XV. ATS 1989 No. 14.
31 August 1988 Canberra	Treaty on Extradition	23 November 1989	The Treaty entered into force 30 days after an exchange of Notes of 27 July and 24 Oct 1989, pursuant to Article 18.1. Terminated, as between Australia and France, Treaty of 14 Aug 1876, as amended by subsequent Agreements (above). ATS 1989 No. 27.
24 October 1988 Sydney	Scientific and Technological Agreement	27 April 1989	The Agreement entered into force when Notes were exchanged 30 March and 27 April 1989, pursuant to Article 5. ATS 1989 No. 10.
19 June 1989 Paris	Protocol amending the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income of 13 April 1976	19 July 1990	The Protocol will enter into force on the exchange of Notes pursuant to Article 11.
19 June 1988 Paris	Protocol amending the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income of 13 April 1976	19 July 1990	The Protocol entered into force when Notes were exchanged 23 February and 19 July 1990 pursuant to Article 11. ATS 1990 No. 26; Act 1989 No. 165.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
27 April 1987 Berlin	<p><u>GERMAN DEMOCRATIC REPUBLIC</u> Agreement (between the United Kingdom and the German Democratic Republic) concerning the Treatment of War Graves of Members of the Armed Forces of the United Kingdom of Great Britain and Northern Ireland in the German Democratic Republic</p>	27 April 1987	Instruments of accession deposited for Australia at London and Berlin 11 October 1989. Entry into force for Australia 11 October 1989 pursuant to Article 6(2). ATS 1989 No. 25.
14 April 1987 Bonn	<p><u>GERMANY, FEDERAL REPUBLIC OF</u> Treaty concerning Extradition</p>	1 August 1990	The Treaty entered into force on the thirtieth day after instruments of ratification were exchanged at Canberra 2 July 1990 pursuant to Article 28(3). ATS 1990 No. 21; Rules 1990 No. 134.
7 March 1988 Canberra	<p><u>HUNGARY</u> Agreement on Consular Relations</p>		The Agreement will enter into force 30 days after an exchange of Notes pursuant to Article 52.
7 March 1988 Canberra	Exchange of Notes constituting an Agreement on Dual Nationality in connection with the Agreement on Consular Relations		The Agreement will enter into force on the same date as the Agreement on Consular Relations.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
31 March 1873 Copenhagen	<u>ICELAND</u> Treaty for the Mutual Surrender of Fugitive Criminals		Applies to Australia (including the Territories of Papua and Norfolk Island). Extended to the Mandated (now Trust) Territory of New Guinea pursuant to the exchange of Notes of 25 November 1937, below. Hertslet 14 p. 258; S.P. 63 p. 5. <u>See also</u> Convention of 25 October 1938, below. Terminated 23 November 1988, as between Australia and Iceland, in accordance with Article XIV of the Treaty, following notice of termination given by Iceland on 22 May 1988. The Treaty will enter into force 30 days following an exchange of Notes pursuant to Article 32.
11 December 1989 Timor Sea	<u>INDONESIA</u> Treaty on the zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia (Timor Gap Treaty)		
30 October 1989 Baghdad	<u>IRAQ</u> Agreement concerning the Mosul War Cemetery	30 October 1989	Concluded between Australia, the United Kingdom, Canada, New Zealand and India, and Iraq. Accepted by signature for Australia 30 October 1989.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
2 September 1985 Dublin	<u>IRELAND</u> Treaty on Extradition	29 March 1989	The Agreement entered into force on signature pursuant to Article 4. ATS 1989 No. 30. See also Agreement of 15 March 1935, as amended 18 February 1954. The Treaty entered into force 30 days following an exchange of Notes on 27 February 1989, pursuant to Article XVI.1. ATS 1989 No. 9; Rules 1989 No. 40.
22 February 1988 Jerusalem	<u>ISRAEL</u> Agreement on Trade and Economic Relations and Technical Co-operation	16 June 1989	The Agreement entered into force when Notes were exchanged 14 and 16 June 1989, pursuant to Article 8. ATS 1989 No. 15.
5 October 1972 Hobart	<u>ITALY</u> Exchange of Notes establishing an Agreement relating to Portability of Pensions	2 November 1972	Text not printed. Terminated 1 September 1988 pursuant to Article 23(2) of the Agreement of 23 April 1986 (see below).
9 January 1986 Rome	Reciprocal Agreement in the matter of Health Assistance	1 September 1988	Instruments of ratification exchanged on 25 August 1988. The Agreement entered into force pursuant to Article 8. Aust. T.S. 1988 No. 24.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
23 April 1986 Rome	Agreement providing for Reciprocity in matters relating to Social Security	1 September 1988	Instruments of ratification exchanged on 16 August 1988. The Agreement entered into force pursuant to Article 23 (1). Aust. T.S. 1988 No. 23 Terminates the Agreement of 5 October 1972 (above).
28 October 1988 Melbourne	Treaty on Mutual Assistance in Criminal Matters		The Treaty will enter into force on the first day of the month following the period of 3 months after an exchange of Notes pursuant to Article 20.1.
28 November 1973 Canberra	Extradition Treaty	9 May 1976	The Treaty entered into force 30 days following the exchange of instruments of ratification at Rome 9 April 1976 pursuant to Article 26. ATS 1976 No. 12; Rules 1988 No. 291; UNTS 1020 p. 71. Terminated 1 August 1990 by Treaty of 26 August 1985 (below).
27 October 1988 Canberra	<u>JAPAN</u> Subsidiary Agreement concerning Japanese Tuna Long-Line Fishing	1 November 1988	The Agreement entered into force on 1 November 1988 in accordance with the provisions of Article IX. Aust. T.S. 1988 No. 31.
15 June 1989 Canberra	Exchange of Notes constituting an Agreement to amend the Schedule to the Agreement for Air services of 19 January 1956	15 June 1989	The Agreement entered into force on the date of the Note in reply. ATS 1989 No. 17.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
15 December 1989 Canberra	Subsidiary Agreement (to the Agreement of 17 October 1979) concerning Japanese Tuna Long-Line Fishing	15 December 1989	The Subsidiary Agreement entered into force on signature pursuant to Article IX. ATS 1989 No. 33. Due to expire 31 October 1990.
14 February 1988 Amman	<u>JORDAN</u> Trade Agreement	14 February 1988	The Agreement entered into force on signature pursuant to Article 6. Aust. T.S. 1988 No. 4.
23 April 1987 Luxembourg	Treaty on Extradition	12 August 1988	The Treaty entered into force following an exchange of Notes on 13 July 1988 pursuant to Article 16.1. Aust. T.S. 1988 No. 16. Terminates Convention of 24 November 1880, as amended, and Supplementary Convention of 23 January 1937 (above).
24 October 1988 Luxembourg	Treaty on Mutual Assistance in Criminal Matters		The Treaty will enter into force 30 days after an exchange of Notes pursuant to Article 20.1.
6 July 1988 Melbourne	<u>MALTA</u> Agreement on Health Services	6 July 1988	The Agreement entered into force on signature pursuant to Article 6. Aust. T.S. 1988 No. 13.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
19 October 1988 Monaco	<u>MONACO</u> Treaty on Extradition	1 August 1990	The Treaty entered into force 30 days after an exchange of Notes of 14 February and 2 July 1990 pursuant to Article 17.1. Superseded Treaty of 17 December 1891, as extended (above). ATS 1990 No. 22; Rules 1990 No. 137.
5 September 1985 The Hague	<u>NETHERLANDS</u> Treaty on Extradition		The Treaty entered into force following an exchange of Notes on 18 December 1987 pursuant to Article 17.1. Aust. T.S. 1988 No. 3. Terminates the Treaty of 26 September 1898 (above).
26 October 1988 Canberra	Treaty on Mutual Assistance in Criminal Matters	1 February 1988	The Treaty will enter force on the first day of the second month after an exchange of Notes pursuant to Article 22.1.
18 August 1988 Canberra	<u>NEW ZEALAND</u> Protocol on Harmonisation of Quarantine Procedures to the Australia New Zealand Closer Economic Relations - Trade Agreement of 28 March 1983	18 August 1988	The Protocol entered into force on signature pursuant to Article 10. Aust. T.S. 1988 No. 17.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
18 August 1988 Canberra	Protocol to the Australia New Zealand Closer Economic Relations – Trade Agreement of 28 March 1983 on Acceleration of Free Trade in Goods	18 August 1988	The Protocol entered into force on signature pursuant to Article 7. Aust. T.S. 1988 No. 18.
18 August 1988 Canberra	Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations – Trade Agreement of 28 March 1983	1 January 1989	The Protocol entered into force on 1 January 1989 pursuant to Article 23. Aust T.S. 1988 No. 20.
5 October 1986 Melbourne	Agreement providing for Reciprocity in Matters relating to Social Security	1 October 1987	The Agreement entered into force on the date specified in Notes exchanged 29 September 1987 pursuant to Article 24. Terminated Agreement of 15 April 1949. ATS 1987 No. 18; Act 1987 No. 77; Rules 1986 No. 293; NZTS 1987 No. 6. Terminated by Agreement of 31 October 1988 (below).
31 October 1988 Canberra	Agreement providing for Reciprocity in Matters relating to Social Security	1 April 1989	The Agreement entered into force on the date specified in Notes exchanged 31 March 1989 pursuant to Article 21.1. Terminated Agreement of 5 October 1986 (above). ATS 1989 No. 8; Act 1988 No. 135

Date and place of signature	Description	Entry into force	Notes and references to printed Text
10 February 1989 Waiouru	Agreement for the Reciprocal Protection of Classified Information of Defence Interest	10 February 1989	The Agreement entered into force on signature pursuant to Article 11.1. ATS 1989 No. 3.
14 December 1989 Canberra	Agreement concerning Collaboration in the Acquisition of Surface Combatants for the Royal Australian Navy and the Royal New Zealand Navy (ANZAC Frigates Agreement)	14 December 1989	The Agreement entered into force on signature pursuant to Article 20. ATS 1989 No. 32.
6 August 1989 Canberra	<u>NIGERIA</u> Trade Agreement	6 August 1989	The Agreement entered into force on signature pursuant to Article 8. ATS 1989 No. 20.
24 May 1989 Canberra	<u>PAPUA NEW GUINEA</u> Treaty on Development Co-operation, and Exchange of Letters	1 September 1989 (Treaty) 24 May 1989 (Letters)	The Treaty entered into force when Notes were exchanged 1 September 1989 pursuant to Article 11.1. The letters entered into force on signature. ATS 1989 No. 24.
24 May 1989 Canberra	Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income Agreement for the Promotion and Protection of Investments	29 December 1989	The Agreement entered into force when Notes were exchanged 21 and 29 December 1989 pursuant to Article 27. ATS 1989 No. 37. The Agreement will enter into force 30 days after an exchange of Notes pursuant to Article 18(1).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
7 March 1988 Manila	<u>PHILLIPINES</u> Treaty on Extradition	18 January 1991	The Treaty entered into force 30 days after an exchange of Notes of 15 November and 19 December 1990 pursuant to Article 18.1. ATS 1991 No. 5; Rules 1990 No. 470.
28 April 1988 Canberra	Treaty on Mutual Assistance in Criminal Matters		The Treaty will enter into force thirty days after an exchange of Notes pursuant to Article 22.
21 April 1987 Lisbon	Treaty on Extradition	29 August 1988	The Treaty entered into force after Notes were exchanged on 29 July 1988 pursuant to Article 19.1. Aust. T.S. 1988 No. 28. Terminates the Convention of 17 October 1892 and the Supplementary Convention of 20 January 1932 (above).
4 July 1989 Lisbon	Treaty on Mutual Assistance in Criminal Matters		The Treaty will enter into force 30 days following an exchange of Notes pursuant to Article 20.1.
10 February 1988 Singapore 16 October 1989 Canberra	<u>SINGAPORE</u> Exchange of Notes constituting a Status of Forces Agreement Protocol amending the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income of 11 Feb 1969	10 February 1988	Aust. T.S. 1988 No. 6. The Protocol will enter into force when Notes are exchanged pursuant to Article 17.1.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
16 October 1989 Canberra	Exchange of Notes constituting an Agreement to further extend the operation of Article 18(3) of the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income of 11 Feb. 1969	16 October 1989	The Agreement entered into force on the date of the Note in reply. ATS 1989 No. 26.
15 December 1989 Singapore	Exchange of Notes constituting an Agreement concerning Cooperation in the Physical Protection of Nuclear Material	15 December 1989	The Agreement entered into force on the date of the Note in reply. ATS 1989 No. 34.
16 October 1989 Canberra	Protocol amending the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income of 11 Feb. 1969	5 January 1990	The Protocol entered into force when Notes were exchanged 5 Jan. 1990 pursuant to Article 17.1. ATS 1990 No. 3; Act 1989 No. 165.
13 September 1988 Honiara	<u>SOLOMON ISLANDS</u> Agreement establishing Certain Sea and Seabed Boundaries	14 April 1989	The Agreement entered into force following an exchange of Notes of 6 Oct 1988 and 14 Apr 1989 pursuant to Article 4 ATS 1989 No 12.
22 April 1987 Madrid	<u>SPAIN</u> Treaty on Extradition	5 May 1988	The Treaty entered into force following an exchange of Notes on 5 April 1988 pursuant to Article XVI.1. Aust. T.S. 1988 No. 9. Terminates the Treaty of 4 June 1878 (above).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
3 July 1989 Madrid	Treaty on Mutual Assistance in Criminal Matters	31 January 1991	The Treaty entered into force on the last day of the month following an exchange of Notes of 27 November and 20 December 1990 pursuant to article 22.1. ATS 1991 No. 6; Rules 1990 No. 441.
18 December 1989 Canberra	<u>SRI LANKA</u> Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income		The Agreement will enter into force when Notes are exchanged pursuant to Article 27.
14 February 1989 Canberra	<u>SWEDEN</u> Agreement on Medical Treatment for Temporary Visitors	1 May 1989	The Agreement entered into force on the first day of the month following an exchange of Notes of 28 February 1989, pursuant to Article 6.1. ATS 1989 No. 5.
11 May 1989 Canberra	Protocol further amending the Treaty concerning Extradition of 20 March 1973	10 June 1989	The Protocol entered into force 30 days following signature pursuant to Article 3.1. ATS 1989 No. 13.
28 January 1986 Berne	<u>SWITZERLAND</u> Agreement concerning the peaceful Uses of Nuclear Energy	27 July 1988	The Agreement entered into force following an exchange of Notes on 27 July 1988 pursuant to Article XVII. Aust. T.S. 1988 No. 15.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
29 July 1988 Sydney	Treaty on Extradition	1 January 1991	The Treaty entered into force 180 days after an exchange of Notes of 16 May and 5 July 1990 pursuant to Article 19(1). Terminated Treaty of 26 November 1880, as supplemented (above). ATS 1991 No. 2; Rules 1990 No. 135.
2 February 1989 Bangkok	<u>THAILAND</u> Agreement on Development Co-operation	2 February 1989	The Agreement entered into force on signature pursuant to Article XVIII(1). ATS 1989 No. 4.
31 August 1989 Canberra	Protocol concerning the Financing of a Railway Project in Thailand	31 August 1989	The Protocol entered into force on signature pursuant to Article 5. ATS 1989 No. 23.
	Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income	27 December 1989	The Agreement entered into force when Notes were exchanged 19 and 27 December 1989, pursuant to Article 28.1. ATS 1989 No. 36.
21 November 1988 Ankara	<u>TURKEY</u> Agreement on Trade, Economic and Technical Co-operation	11 April 1989	The Agreement entered into force when Notes were exchanged 3 and 11 April 1989, pursuant to Article XI. ATS 1989 No. 11.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
4 November 1972 Canberra	Exchange of Letters constituting an Agreement relating to Portability of Pensions	4 November 1972	The Agreement entered into force on the date of the Letter in reply. Not printed. Terminated by Australia 29 June 1990 with effect from 30 June 1991.
<u>UNION OF SOVIET SOCIALIST REPUBLICS</u>			
5-12 July 1989 Moscow	Exchange of Letters constituting an Accord relating to Co-operation in Civil Aviation	12 July 1989	The Accord entered into force on the date of the Letter in reply. ATS 1989 No. 19.
21 December 1989 - 7 February 1990 Moscow	Exchange of Notes constituting an Agreement amending Article IV.3 of the Agreement on Co-operation in Agriculture of 20 November 1986	7 February 1990	The Agreement entered into force on the date of the Note in reply. ATS 1990 No. 46.
<u>UNITED KINGDOM</u>			
3 August 1988 Canberra	Treaty concerning the Investigation of Drug Trafficking and Confiscation of the Proceeds of Drug Trafficking	12 September 1990	The Treaty entered into force 30 days after Notes were exchanged 12 July and 13 August 1990 pursuant to Article 16.1. ATS 1990 No. 33; Rules 1990 No. 254; Cm 503. Aust. T.S. 1988 No. 19.
4-23 August 1988 Canberra	Exchange of Notes constituting an Agreement to amend the Agreement on Air Services between and through their respective Territories of 7 February 1958	23 August 1988	

Date and place of signature	Description	Entry into force	Notes and references to printed Text
12 August 1957 Washington	<u>UNITED STATES OF AMERICA</u> Exchange of Notes constituting an Agreement amending the Air Transport Agreement of 3 December 1946	12 August 1957	The Agreement entered into force on the date of the Note in reply. ATS 1957 No. 14; UNTS 290 p. 280; TIAS 3880. Superseded by Agreement of 23 March 1989 (below).
21 July 1981 Canberra	Exchange of Notes constituting an Agreement to amend the Agreement concerning Space Vehicle Tracking and Communication Facilities of 29 May 1980	21 July 1981	The Agreement entered into force on the date of the Note in reply. ATS 1981 No. 17; TIAS 10198. Superseded by Agreement of 17 January 1990 (below)
2 April 1987 Port Moresby	Exchange of Notes constituting an Agreement on Access to the Australian Fishing Zone	2 April 1987	Aust. T.S. 1988 No. 44.
27 September 1988 Washington	Exchange of Letters constituting an Agreement concerning Meat Exports by Australia to the United States of America	27 September 1988	Aust. T. S. 1988 No. 40.
16 November 1988 Canberra	Exchange of Notes constituting an Agreement amending the Agreement on the Establishment of a Joint Space Research Facility of 9 December 1966, as amended	16 November 1988	The title of the Agreement of 9 Dec 1966 is amended under the exchange of Notes to read: " <u>Agreement between the Government of Australia and the Government of the United States of America relating to the Establishment of a Joint Defence Facility at Pine Gap.</u> " Aust. T.S. 1988 No. 36.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
16 November 1988 Canberra	Exchange of Notes constituting an Agreement amending the Agreement on the Establishment of a Joint Defence Communications Station of 10 November 1969	16 November 1988	The title of the Agreement of 10 November 1969 is amended under the exchange of Notes to read: <u>"Agreement between the Government of Australia and the Government of the United States of America relating to the Establishment of a Joint Defence Facility at Nurrungar."</u> Aust. T.S. 1988 No. 37.
25 November – 5 December 1988 Canberra	Exchange of Notes constituting an Agreement to amend the Agreement for the Financing of Certain Educational and Cultural Exchange Programmes of 28 August 1964	5 December 1988	Aust. T.S. 1988 No. 38.
23 March 1989 Washington	Exchange of Notes constituting an Agreement amending the Air Transport Agreement of 3 December 1946, as amended	23 March 1989 (except Annex B: 20 August 1988)	The Agreement entered into force on signature except for Annex B which entered into effect retrospectively to 20 August 1988. Superseded Agreement of 12 August 1957 (above). ATS 1989 No. 6.
23 March 1989 Washington	Exchange of Notes constituting an Agreement concerning (Airline) Capacity	23 March 1989 (with retrospective effect from 20 August 1988)	The Agreement entered into force on signature with retrospective effect to 20 August 1988. ATS 1989 No. 7.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
4 November 1989 Sydney	Agreement concerning Cooperation in Defence Logistic Support	4 November 1989	The Agreement entered into force on signature pursuant to Article XX.1. ATS 1989 No. 28. Due to expire 3 November 1999.
6 November 1989 Canberra	Agreement concerning Defence Communications Service	6 November 1989	The Agreement entered into force on signature pursuant to Article IX.1. ATS 1989 No. 29. Due to expire 5 November 1994.
13 December 1989 Washington	Exchange of Notes constituting an Agreement concerning Australian Ores containing Uranium or Thorium (Monazite and Xenotime)	13 December 1989	The Agreement, which entered into force on the date of the Note in reply, elaborated upon the Agreement and Agreed Minute of 5 July 1979. ATS 1989 No. 31.
7 October 1988 Montevideo	<u>URUGUAY</u> Treaty on Extradition		The Treaty will enter into force 30 days after an exchange of Notes pursuant to Article XIX.1.
11 October 1988 Caracas	<u>VENEZUELA</u> Treaty on Extradition		The Treaty will enter into force 30 days after an exchange of Notes pursuant to Article XXIV.1.
26 November 1974 Canberra	<u>VIETNAM</u> Trade Agreement	26 November 1974	The Agreement entered into force on signature pursuant to Article X. ATS 1974 No. 29; UNTS 975 p. 87. Terminated 14 June 1990 by Agreement of that date (below).

Multilateral Treaties

Date and place of signature	Description	Entry into force	Notes and references to printed Text
21 June 1935 Geneva	ILO Convention (No. 45) concerning the Employment of Women on Underground Work in Mines of all Kinds	30 May 1937	Instrument of ratification deposited by Australia 7 October 1953. Entry into force for Australia 7 October 1954. Aust. T.S. 1954 No. 11; U.N.T.S. 40 p. 63; S.P. 154 p. 351; Cmd. 5033. U.N.T.S. 885 p. 252. Instrument of denunciation deposited by Australia 20 May 1988, with effect from 20 May 1989, pursuant to Article 7.
15 December 1950 Brussels	Convention on Nomenclature for the Classification of Goods in Customs Tariffs	11 September 1959	Instrument of accession deposited by Australia 18 April 1973. Entry into force for Australia 18 July 1973. Aust. T.S. 1973 No. 18; U.K.T.S. 29 of 1960; Cmd. 1970. <u>See also</u> Protocol of 1 July 1955 (below). On 22 September 1987 Australia gave notice of its intention to withdraw from the Convention with effect from 22 September 1988. See Convention of 14 June 1983 and Protocol of 24 June 1986 (below).

Date and place of signature	Description	Entry into force	Notes and references to printed Text
1 July 1955 Brussels	Protocol of Amendment to the Convention on Nomenclature for the Classification of Goods in Customs Tariffs of 15 December 1950	11 September 1959	Instrument of accession deposited by Australia 18 April 1973. Entry into force for Australia 18 July 1973. Aust. T.S. 1973 No. 18; U.K.T.S. No. 29 of 1960; Cmd. 1970; U.N.T.S. 347 p. 142.
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, with reservation to Article 1(1)(c) of Convention. Instrument of ratification deposited for Australia 30 July 1980. The Convention and Protocol entered into force for Australia 30 January 1981. ATS 1981 No. 2; Act 1979 No. 98; UKTS 1968 No. 52 (Cmd. 3678); Cmd. 353. See also Protocol of amendment of 21 December 1979 (below). The Convention, as amended, was denounced by Australia 30 May 1990 with effect from 30 May 1991.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
8 February 1965 Geneva	Protocol amending the GATT of 30 October 1947 to introduce a Part IV on Trade and Development	27 June 1966	Accepted for Australia 19 May 1965, subject to a reservation regarding Article XXXVII. UNTS 572 p. 320; ILM 4 p. 122. Instrument deposited 13 October 1989 withdrawing Australia's reservation made on acceptance.
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; U.K.T.S. 106 of 1975; Cmd. 6183. <u>See also</u> Protocol of 19 November 1976 (below). Instrument of denunciation of Convention, pursuant to Article XVI, deposited by Australia 20 June 1988, and will take effect from the date on which the Protocol of 25 May 1984 (see below) enters into force.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
27 September 1970 Mexico City	Statutes of the World Tourism Organisation (WTO)	2 January 1975	Instrument of adoption deposited for Australia 18 September 1979. Entry into force for Australia 18 September 1979. ATS 1979 No. 15; UNTS 985 p. 339; SD 17 p. 1; TIAS 8307. See also Amendments of 25 September 1979 and 25 September 1981. Instrument of withdrawal deposited for Australia 26 July 1989 with effect from 26 July 1990.
17 November 1970 Paris	Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	24 April 1972	Adopted by UNESCO General Conference on 14 November 1970 by which date it is sometimes cited. Instrument of acceptance, subject to a reservation to Article 10 regarding maintenance of registers by antique dealers, deposited for Australia 30 October 1989. Entry into force for Australia 30 January 1990. ATS 1990 No. 2; UNTS 823 p. 231; ILM 10 p. 289; CTS 1978 No. 33.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
19 November 1976 London	Protocol to the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969	8 April 1981	Instrument of accession deposited by Australia 7 November 1983. Entry into force for Australia 5 February 1984. Aust. T.S. 1984 No. 3. U.K.T.S. No. 26 of 1981; Cmd. 8238. Instrument of denunciation of Protocol, pursuant to Article VI, was deposited by Australia on 20 June 1988 and will take effect from the date on which the Protocol of 25 May 1984 (see below) enters into force.
17 February 1978 London	Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships of 2 November 1973, as amended (MARPOL Protocol)	2 October 1983 (Annex I: 2 October 1983, Annex II: 6 April 1987, Annex V: 31 December 1988)	Signed for Australia 30 May 1979. Instrument of ratification, including Annexes I and II, deposited for Australia 14 October 1987. Entry into force for Australia 14 January 1988. Instrument of accession to Annex V (Regulations for the Prevention of Pollution by Garbage from Ships) deposited for Australia 14 August 1990. Entry into force for Australia 14 November 1990. ATS 1988 No. 29 and 1990 No. 34 (Annex V); Acts 1983 No. 41, 1985 No. 65 and 1986 No. 167; SD 26 p. 20; Cmd. 5748; ILM 17 p. 546.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
23 October 1978 Paris	International Convention for the Protection of New Varieties of Plants of 2 December 1961 (UPOV), as amended 10 November 1972 and 23 October 1978	8 November 1981	<p>The International Convention for the Prevention of Pollution from Ships of 2 November 1973 did not enter into force. Pursuant to Article 1(b) of the Protocol of 1978, the Protocol incorporated the terms of the Convention, including Protocols I and II, subject to modifications and additions made by the Protocol. Amendments to Annex I of 7 September 1984 and to Annex II and Protocol I of 5 December 1985 entered into force 7 January 1986 and 6 April 1987 respectively. Amendments to Annex I of December 1987 entered into force 1 April 1989.</p> <p>Instrument of accession deposited for Australia 1 February 1989. Entry into force for Australia 1 March 1989. ATS 1989 No. 2; Act 1987 No. 2; NZTS 1980 No. 15; UKTS 1969 No. 74 (Cmd. 4081), 1980 No. 79 (Cmd. 8036) and 1984 No. 11 (Cmd. 9152); Cmd. 7571; UNTS 815 p. 89; TIAS 10199.</p>

Date and place of signature	Description	Entry into force	Notes and references to printed Text
11 April 1980 Vienna	United Nations Convention on Contracts for the International Sale of Goods	1 January 1988	Instrument of accession deposited by Australia 17 March 1988. Entry into force for Australia 1 April 1989. Aust. T.S. 1988 No. 32.
25 September 1981 Rome	Amendment to Article 37 of the Statutes of the World Tourism Organisation		Instrument of approval deposited by Australia 12 August 1988. The Amendment is not yet in force.
18 November 1983 Geneva	International Agreement on Tropical Timber (ITTA)	1 April 1985 (provisionally)	Instrument of accession deposited by Australia 16 February 1988. Entered into force for Australia provisionally 16 February 1988. Aust. T.S. 1988 No. 7.
9 February 1984 Rome	Amendment to Article I(a) of the Plant Protection Agreement for the Asia and Pacific Region of 27 February 1956, as amended		Adopted by FAO Council in November 1983 by which date it is sometimes cited. Instrument of acceptance deposited for Australia 24 October 1989. Cmd. 9656. The Amendment is not yet in force.
25 May 1984 London	Protocol of 1984 to amend the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969		Instrument of accession deposited by Australia 22 June 1988. The Protocol has not yet entered into force.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
27 July 1984 Hamburg	Acts of the Universal Postal Union (XIX Congress): Constitution of the Universal Postal Union as amended 1969, 1974 and 1984, and Final Protocol; General Regulations of the Universal Postal Union; Universal Postal Convention and Final Protocol; Detailed Regulations of the Universal Postal Convention; Postal Parcels Agreement and Final Protocol; Detailed Regulations of the Postal Parcels Agreement	1 January 1986	Signed for Australia 27 July 1984. Instrument of ratification deposited 9 February 1988. Entry into force for Australia 9 February 1988. Aust. T. S. 1988 No. 5.
10 December 1984 New York	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	26 June 1987	Signed for Australia 10 December 1985. Instrument of ratification deposited for Australia 8 August 1989. Entry into force for Australia 7 September 1989. ATS 1989 No. 21; Act 1988 No. 148; SD 32 p. 11; Cmd. 9593.
27 June 1985 Geneva	ILO Convention (No. 160) concerning Labour Statistics	9 April 1988	Instrument of ratification deposited by Australia 15 May 1987. The Convention entered into force for Australia 15 May 1988. Aust T.S. 1988 No. 10.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
14 March 1986 London	International Wheat Agreement, 1986 A. Wheat Trade Convention, 1986	1 July 1986	Instrument of accession deposited by Australia 27 June 1986.
13 March 1986 London	B. Food Aid Convention, 1986	1 July 1986	Instrument of accession deposited by Australia 29 June 1988. Entry into force for Australia 29 June 1988. Aust. T.S. 1988 No. 33.
24 November 1986 Noumea	Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (SPREP)	22 August 1990	Signed for Australia 24 November 1987. Instrument of ratification deposited for Australia 19 July 1989. ATS 1990 No. 31; SD 34 p. 144; ILM 26 p. 38.
25 November 1986 Noumea	Protocol for the Prevention of Pollution of the South Pacific Region by Dumping	22 August 1990	Signed for Australia, subject to ratification, 24 November 1987. SD 34 p. 176; ILM 26 p. 38.
25 November 1986 Noumea	Protocol concerning Co-operation in Combating Pollution Emer- gencies in the South Pacific Region	22 August 1990	Signed for Australia 24 November 1987. Instrument of ratification deposited for Australia 19 July 1989. ATS 1990 No. 32; SD 34 p. 196; ILM 26 p. 38.
2 February 1987 Vienna	Regional Co-operative Agreement for Research Development and Training related to Nuclear Science and Technology (under the auspices of IAEA)	11 June 1987	Instrument of acceptance deposited by Australia 11 June 1987. Entry into force for Australia 11 June 1988. Aust. T. S. 1988 No. 11.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
2 April 1987 Port Moresby	Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America	15 June 1988	Signed for Australia 2 April 1987. Instrument of ratification deposited for Australia 18 May 1987. Aust. T.S. 1988 No. 42.
20 May 1987 Geneva	Amendments to the Constitution of the Intergovernmental Committee for European Migration of 19 October 1953	14 November 1989	Under the amendments the Committee was reconstituted as the International organisation for Migration. Instrument of acceptance deposited for Australia 24 May 1988. ATS 1989 No. 35.
11 September 1987 London	International Sugar Agreement, 1987	24 March 1988 (provisionally)	Instrument of accession deposited by Australia 24 March 1988. The Agreement entered into force for Australia provisionally on 24 March 1988. Aust. T.S. 1988 No. 8.
16 September 1987 Montreal	Montreal Protocol on Substances that Deplete the Ozone Layer	1 January 1989	Signed for Australia 8 June 1988. Instrument of ratification deposited 19 May 1989. Entry into force for Australia 17 August 1989 pursuant to Article 16.3. ATS 1989 No. 18; Act 1989 No. 7; NZTS 1988 No. 28; Cm 283.
5 October 1987 Geneva	Second Geneva (1987) Protocol to the General Agreement on Tariffs and Trade	1 January 1988	Instrument of acceptance deposited by Australia 17 December 1987. Australia's schedule of tariff concessions annexed to the GATT on that date. Aust T.S. 1988 No. 2.

Date and place of signature	Description	Entry into force	Notes and references to printed Text
6 October 1988 Geneva	Final Acts of the Second Session of the World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit (under the auspices of ITU)		The Acts incorporate amendments to the Radio Regulations. Signed for Australia, subject to ratification, 6 October 1988. The Regulations are not yet in force.
9 December 1988	Final Acts of the World Administrative Telephone and Telegraph Conference (under the auspices of ITU)		The Acts contain the Telecommunications Regulations, replacing, on entry into force, the Telephone and Telegraph Regulations of 1973. Signed for Australia, subject to ratification, 9 December 1988. The Regulations are not yet in force.
20 December 1988 Vienna	United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances		Signed for Australia, subject to ratification, 14 February 1989. SD 36 p. 184. The Convention is not yet in force.
30 June 1989 Nice	Final Acts of the Plenipotentiary Conference of the International Telecommunications Union		The Acts contain the Constitution and Convention of the ITU and an Optional Protocol on the Compulsory Settlement of Disputes. Signed for Australia, subject to ratification, 30 June 1989. The Acts are not yet in force.
14 December 1989 Washington	Final Acts of the XXth Congress of the Universal Postal Union		Signed for Australia, subject to ratification, 14 December 1989. The Acts are not yet in force.

International Organisations

Date and place of signature	Description	Entry into force	Notes and references to printed Text
11 November 1987 Geneva	Agreement between the Government of Australia and the World Intellectual Property Organisation in relation to the functioning of the Patents Office of the Governing of Australia as an International Searching and International Preliminary Examining Authority under the Patents Cooperation Treaty	1 January 1988	The Agreement entered into force on 1 January 1988 pursuant to Article 9. Aust. T.S. 1988 No. 34.
19 January 1989 London	Amendments to the Convention on the International Maritime Satellite Organisation (INMARSAT), and the Operating Agreement, of 3 September 1976		Instrument of acceptance deposited for Australia 21 March 1990. SD 37 p. 1. The Amendments are not yet in force.
22 January 1990 Brussels	Exchange of Letters constituting an Agreement to amend the Agreement with the European Economic Community on Trade in Mutton, Lamb and Goat meat of 14 November 1980	1 January 1989	The Agreement entered into force retrospectively from the date specified in Clause 4. ATS 1990 No. 6. The amendments are due to expire 31 December 1992.

APPENDIX II

Legislation concerning matters of international law passed by the Australian Parliament during 1988 and 1989

Consular Privileges and Immunities Act 1972 –

Consular Privileges and Immunities Regulations (Statutory Rules 1989 No. 286)

Regulations to grant exemptions from sales tax in relation to consular posts of the United States of America

Crimes (Hostages) Act 1989 (No. 26 of 1989)

An Act to give effect to the International Convention Against the Taking of Hostages, 1979

Diplomatic and Consular Privileges Amendment Act 1988 (No. 15 of 1988)

An Act to amend the **Diplomatic Privileges and Immunities Act 1967** and the **Consular Privileges and Immunities Act 1972** to enable exemptions from sales tax to be granted to prescribed overseas diplomatic missions and consular posts

Diplomatic Privileges and Immunities Act 1967 –

Diplomatic Privileges and Immunities Regulations (Statutory Rules 1989 No. 287)

Regulations to confer exemptions from sales tax on the European Communities and the United States of America

Foreign Corporations (Application of Laws) Act 1989 (No. 183 of 1989)

An Act relating to the law to be applied in determining certain questions relating to foreign corporations

Foreign States Immunities Act 1985 –

Foreign States Immunities Regulations (Amendment) (Statutory Rules 1988 No. 36)

Regulations specifying which Australian taxations laws foreign States enjoy no exemption from in Australia

Income Tax (International Agreements) Amendment Act (No. 2) 1989 (No. 165 of 1989)

An Act to give effect to agreements signed in 1989 for the avoidance of double taxation with France, Papua New Guinea, Singapore, and Thailand

International Bank for Reconstruction and Development (Share Increase) Act 1988 (No. 23 of 1988)

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

Limitation of Liability for Maritime Claims Act 1989 (No. 151 of 1989)

An Act to give effect to the Convention on the Limitation of Liability for Maritime Claims, 1976

Ozone Protection Act 1989 (No. 7 of 1989)

An Act to provide for measures to protect ozone in the atmosphere, and to give effect to the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987

Social Security and Veterans' Affairs Legislation Amendment Act 1988 (No. 135 of 1988)

An Act to amend the law relating to social security to give effect, among other things, to the Reciprocal Agreement on Social Security between Australia and New Zealand, 1988

Social Security and Veterans' Affairs Legislation Amendment Act 1990 (No. 56 of 1990)

An Act to amend the law relating to social security to give effect, among other things, to the Reciprocal Agreement on Social Security between Australia and Spain, 1990

Social Security Legislation Amendment Act 1988 (No. 133 of 1988)

An Act to amend the law relating to social security to give effect, among other things, to the Reciprocal Agreement on Social Security between Australia and Canada, 1988

South Pacific Nuclear Free Zone Treaty Act 1986 -

South Pacific Nuclear Free Zone Treaty Regulations (Statutory Rules 1988 No. 353)

Regulations to confer certain privileges and immunities on Treaty inspectors, as required by the 1985 Treaty

Transport Legislation Amendment Act 1989 (No. 6 of 1989)

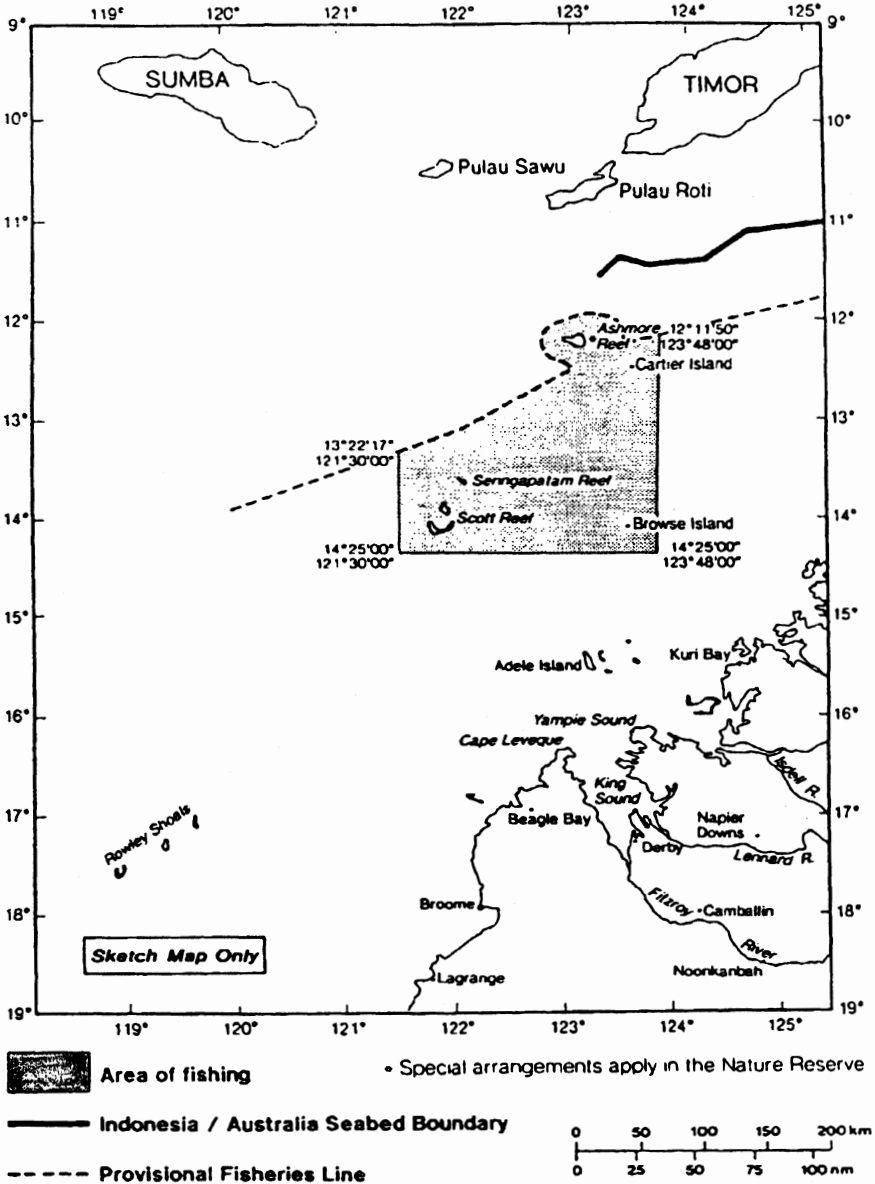
An Act to amend, among other things, the **Protection of the Sea (Prevention of Pollution from Ships) Act 1983** to give effect to Annexes III and V of the International Convention for the Protection of Pollution from Ships, 1973-78

War Crimes Amendment Act 1989 (No. 3 of 1989)

An Act to amend the **War Crimes Act 1945**

APPENDIX III

Map 1 : Area of the Fishing Zone and Continental Shelf, discussed in the Practical Guidelines for Implementing the Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Australia, 7 November 1974



Map 2 : Zone of Co-operation between Timor and Northern Australia

